

memorandum

DATE MAR 02 1987
REPLY TO
ATTN OF: RW-223

SUBJECT March 10-12, 1987, Meeting of the OGR Institutional/Socioeconomic Coordination Group

TO Distribution

Attached is the reference package for the March 10-12, 1987, meeting of the OGR Institutional/Socioeconomic Coordination Group (ISCG) in Albuquerque, New Mexico.

The reference package is arranged in six sections (detailed contents can be found at the beginning of each section).

Behind the cover page is the agenda for the meeting.

Tab A contains the draft minutes and action items from the Las Vegas ISCG meeting and related materials.

Tab B contains materials related to Plenary Session agenda items.

Tab C contains materials related to the Socioeconomics Committee's agenda items.

Tab D contains materials related to the Financial Assistance Committee's agenda items.

Tab E contains materials related to the Outreach Committee's agenda items.

The March meeting will be held at the Sheraton Old Town, 800 Rio Grande Boulevard, NW, in Albuquerque. The hotel's telephone number is (800) 237-2133 or (505) 843-6300. If you have questions about this meeting, please call Carol Peabody at (202) 586-1330 or FTS 896-1330.

On Friday, March 13, ISCG meeting attendees are invited to tour Sandia National Laboratories to learn about Sandia's research activities with special attention to the area of waste management. Tour members will be picked up at the Sheraton Old Town at 8:30 a.m. and will return at 12:30 p.m.

WM DOCKET CONTROL CENTER

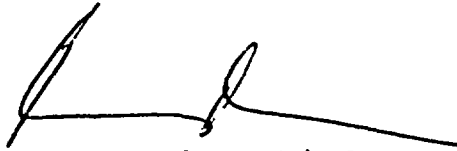
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If you would like to go on this tour, please call Carol Peabody or Judy Leahy by March 6 so that we can give Sandia an estimate of the number of persons interested. Looking forward to seeing you in Albuquerque.

A handwritten signature in black ink, appearing to read 'B. Gale', with a long horizontal line extending to the right.

Barry G. Gale, Chief
Economic and Intergovernmental
Analysis Branch
Office of Civilian Radioactive
Waste Management

Attachment

ISCG Distribution List

K. Adams, DOE-PO/BWIP
K. Alexander, Touche Ross
J. Allen, Battelle
M. Anderson, DOE-HQ/OGR
J. Anttonen, DOE-RL
H. Aronson, Yakima
K. Bailey, Touche Ross
B. Barner, DOE-PO/NNWSI
L. Barrett, DOE-HQ/OSTS
A. Barros, Nez Perce
M. Baughman, Lincoln Co., NV
D. Bayer, NV
M. Bender, DOE-CH/OSTS
A. Benson, DOC-HQ/OGR
D. Betchel, Clark Co., NV
C. Binzer, SAIC
M. Blazek, OR-DOE
H. Bollinger, LA
J. Bradbury, SAIC
S. Bradhurst, Nye Co., NV
K. Branch, DOE-BWIP/PNL
L. Bray, WA
J. Bresee, DOE-HQ/JGR
M. Brown, Rockwell
W. Burke, CTJIR
L. Calkins, CTUIR
J. Carlson, DOE-Dallas
J. Cavanaugh, DOE-HQ/MA
R. Christy, SAIC
C. Cluett, Battelle
J. Comins-Rick, DOE-RL
D. Connor, NCSL
B. Darrough, DOE-PO/SRPO
M. Davison, DOE-HQ/GC
S. Denny, DOE-HQ/OSTS
L. Desell, DOE-HQ/OSTS
R. DeVille, LA
L. Dick, CTUIR
W. Dixon, DOE-PO/NNWSI
B. Easterling, DOE-HQ/OPO
J. Emel, CENTED
R. Forsythe, MS
B. Foster, NCSL
S. Frank, DOE-HQ/EH
B. Freudenburg, SSRA
J. Friloux, LA
S. Frishman, TX
B. Gale, DOE-HQ/OGR
R. Gale, DOE-HQ/ OPO
D. Gassman, DOE-PO/OCC-NV
J. Gervers, Latir
Gillam, DOE-HQ/ORM
K. Goodmiller, GAO
K. Gover, Nez Perce
S. Gray, Battelle/ONWI
J. Green, MS
T. Greider, SAIC
R. Halfmoon, Nez Perce
J. Harris, Clark Co., NV
K. Henderson, DOE-HQ/OGR
M. Henry, Nez Perce
D. Hester, CTUIR
R. Hilley, DOE-HQ/JGR
R. Hines, Battelle/ONWI
S. Hogan, Battelle/OCRD
J. Holm, DOE-PO/CH-TMD
J. Holmes, LA
D. Hoyle, AIF
T. Husseman, WA
T. Isaacs, DOE-HQ/OGR
J. Jarrett, TX
R. Jim, Yakima
C. Johnson, NV
S. Kale, DOE-HQ/OGR
C. Kay, DOE-HQ
F. Khattat, BIA
R. Kimble, SAIC
G. King, DOE-HQ
K. Klein, DOE-HQ/OSTS
B. Klett, CH 2M Hill
J. Knight, DOE-HQ/JGR
S. Kraft, EEI
M. Kurgan, DOE-HQ/OSTS
H. Latham, Battelle/ONWI
J. Leahy, DOE-HQ/JGR
R. Lesko, Touche Ross
D. Lettig, Yakima
~~B. Lilley, NRC~~
G. Louder, Battelle/ONWI
R. Loux, Jr., NWPO
E. Lundgaard, DOE-NNWSI
J. Mabray, LA
L. Marks, DOE-HQ/OSTS
D. Matthews, Touche Ross
L. McClain, DOE-PO/SRPO
C. McDavid, WESTON
A. McDonough, DOE-HQ/JGR
K. McGinnis, Rockwell
B. McKinnon, SAIC
J. Mecca, DOE-PO/BWIP
W. Metz, Argonne
C. Morrison, DOE-PO/OCM
R. Mussler, DOE-HQ/JGC
J. Neff, DOE-SRPO
R. Neilson, NV
B. Oliver, UT
T. Page, DOE-PNL/BWIP
R. Palm, Clark Co.
G. Parker, DOE-HQ/JGR
J. Parker, WA
E. Patawa, CTUIR
C. Peabody, DOE-HQ/OGR
H. Penney, Nez Perce
A. Peters, Yakima
R. Philpott, DOE-HQ/OSTS
G. Pitchford, Argonne
M. Powell, DOE-PO/BWIP
M. Power, WA
W. Probst, DOE-HQ/JGR
D. Quaempts, CTUIR
J. Reed, ACIR
B. Reilly, SAIC
J. Herman Reuben, Nez Perce
W. Rogers, CERT
S. Rousso, DOE-HQ/JRA
D. Ruge, DOE-HQ/OGC
C. Runyon, NCSL
J. Saltzman, DOE-HQ/OPO
M. Sampson, Yakima
R. Schassburger, DOE-PO/CH
J. Shaheen, DOE-HQ/OPO
G. Shaw, WESTON
J. Siegel, AIF
D. Silver, WA
D. Silverman, Newman &
Holtzinger
A. Slickpoo, Nez Perce
G. Snider, SAIC
F. Spivy, DOE-HQ/JRA
P. Spurgin, UT
R. Stein, DOE-HQ/JGR
D. Stevens, David W.
Stevens, Inc.
L. Stevenson, WESTON
D. Stewart-Smith, OR-DOE
N. Still, NRC
J. Strolin, NWPJ
H. Swainston, NV
T. Sykes, WA
M. Talbot, DOE-PO/BWIP-COM
D. Taylor, WA
T. Taylor, OH-DOE
V. Trebules, DOE-HQ
S. Tucker, WA
D. Vietn, DOE-HQ/NNWSI
S. Volek, SAIC

ISCG Distribution List

G. Walker, Battelle/OCRD
C. West, NV-DOE
J. White, AZ
M. Whitman, CO
M. Wilder, WA
R. Winter, Argonne
J. Michael Wisniewski, DOE-HQ/CP
B. Yallop, Yakima
J. Zimmerman, DOE-HQ/ORM

OGR

**Institutional/Socioeconomic
Coordination Group Meeting**

Reference Package

Albuquerque, New Mexico

March 10-12, 1987

OGR INSTITUTIONAL/SOCIOECONOMIC COORDINATION GROUP MEETING

REFERENCE PACKAGE

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o	Agenda	i
o	Draft Minutes from the Las Vegas ISCG Meeting, including Action Items	TAB A
o	Financial Assistance Committee Materials	TAB B
o	Socioeconomics Committee Materials	TAB C
o	Outreach Committee Materials	TAB D
o	Plenary Session Materials	TAB E

AGENDA

OGR INSTITUTIONAL/SOCIOECONOMIC COORDINATION GROUP

ALBUQUERQUE, NEW MEXICO

MARCH 10-12, 1987

OGR Institutional/Socioeconomic Coordination Group
Albuquerque, New Mexico

AGENDA

Tuesday, March 10, 1987

8:00 AM Prior to the ISCG Meeting, separate Executive Sessions are scheduled for States and Indian Tribes and for DOE and its support contractors.

PLENARY SESSION

<u>TIME</u>	<u>ITEM</u>	<u>PURPOSE</u>	<u>REFERENCE</u>
1:00 PM	o Introductions		
	o Review Las Vegas ISCG Draft Minutes	Agreement	Draft Minutes from Las Vegas ISCG
	o Review of Albuquerque agenda	Agreement	Albuquerque agenda
	o Review of Las Vegas ISCG Plenary Session Action Items	Status report	Las Vegas ISCG Action Items
	o Select date and time for next meeting	Agreement	
1:45	OCRWM policy update	Provide information and discuss	Handout - Draft Mission Plan Amendment
2:15	DOE Coordinating Groups	Discuss DOE implementation of new policy to open technical coordination groups to affected parties. Review present organization of Environmental Coordinating Group.	January 15, 1987 letter from Stephen Kale to States and Indian Tribes, plus handouts

Tuesday, March 10, 1987

PLENARY SESSION (continued)

<u>TIME</u>	<u>ITEM</u>	<u>PURPOSE</u>	<u>REFERENCE</u>
3:00 PM	NRC negotiated rulemaking on LSS, per commitment #6 from the Spokane Quarterly Meeting	Discussion	<ul style="list-style-type: none">o Handout - Spokane Quarterly Meeting commitmentso Dec. 18, 1986 Federal Register Notice
3:15	B R E A K		
3:30	Quality assurance issues (SCP) per commitment #11 from Spokane Quarterly Meeting	Discussion	Handout - Spokane Quarterly Meeting commitments
3:45	Transportation		
	<ul style="list-style-type: none">o Overview of current transportation activitieso Plans for future Transportation Coordinating Group (TCG) meetings	<ul style="list-style-type: none">Status reportProvide information and discuss	<ul style="list-style-type: none">List of topicsProposed TCG meeting agenda
4:30	MRS litigation update	Status report	
5:00	A D J O U R N		

Wednesday, March 11, 1987

PLENARY SESSION (continued)

<u>TIME</u>	<u>ITEM</u>	<u>PURPOSE</u>	<u>REFERENCE</u>
8:00 AM	Consultation and Cooperation		
	o Values Project Northwest	BWIP presentation	Summary of Project
8:30	o C&C update	Status report	
	- Reports to Congress		o Handout of DOE Reports to Congress, and States' and affected Indian Tribes' comments
	- Status of negotiations		o Chronology of letters between DOE and States and affected Indian Tribes on C&C Reports
	o Intergovernmental Resource Center	Provide information and discuss	Discussion paper
9:30	WIPP	State legislative perspective on WIPP experience	New Mexico Radioactive Waste Consultation Act
10:30	B R E A K		
10:45	PO reports	Provide information and discuss	
11:30	Review Plenary Session Action Items	Agreement	
11:45	L U N C H		

Wednesday, March 11, 1987

SOCIOECONOMICS COMMITTEE

<u>TIME</u>	<u>ITEM</u>	<u>PURPOSE</u>	<u>REFERENCE</u>
1:15 PM	Review of Las Vegas ISCG Socioeconomic Action Items	Status report	Las Vegas ISCG Action Items
1:45	Socioeconomic Management Plan	HQ presentation on a master S/E planning document and Management Plan for producing that document	Description of overall document
2:00	M&M meetings with States and affected Indian Tribes	PO presentations	
2:45	Indian Tribal socioeconomic issues	HQ presentation of Indian Tribal socioeconomic issues, including discussion of impact assistance, and applicability of Section 117(c) to Indian Tribes	DOE letters addressing these Indian Tribal socioeconomic issues
3:15	B R E A K		
3:30	Sources of funding during site characterization	HQ presentation on technical assistance during site characterization (Las Vegas Action Items #4 and #6)	
4:15	Payments-Equal-To-Taxes (PETT)	HQ presentation of PETT issues, including definition of "site" and "payment" vs. "grant" determination	Handout
5:15	PETT	HQ presentation on proposed intergovernmental agreement through which Pett may be administered	Description of proposed PETT intergovernmental agreement

Wednesday, March 11, 1987

SOCIOECONOMICS COMMITTEE

<u>TIME</u>	<u>ITEM</u>	<u>PURPOSE</u>	<u>REFERENCE</u>
5:45 PM	Review Socioeconomics Agreement Action Items		
6:00	A D J O U R N		

Thursday, March 12, 1987

FINANCIAL ASSISTANCE COMMITTEE

8:00 AM	Grants and the Budget schedule	Discussion of 3-year budget projections by States and affected Indian Tribes; impact on DOE budget of changing those projections; DOE expectations of grant applications from States and affected Indian Tribes	Handout
8:45	Grant implementation issues, per commit- ment #10 from Spokane Quarterly Meeting	Discussion of grant award process	Handout - Spokane Quarterly Meeting commitments
9:15	Near-term funding issues, per commit- ment #15 from Spokane Quarterly Meeting	Status update	Handout - Spokane Quarterly Meeting commitments
9:30	Draft OCRWM Financial Assistance and Payments-Equal-to- Taxes rulemaking	Provide information and discuss	Fact sheet on OCRWM Financial Assistance Guide- lines/Proposed Rulemaking

Thursday, March 12, 1987

FINANCIAL ASSISTANCE COMMITTEE (continued)

<u>TIME</u>	<u>ITEM</u>	<u>PURPOSE</u>	<u>REFERENCE</u>
10:00 AM	Draft OCRWM Financial Assistance and Payments-Equal-to Taxes Guidelines	Discuss	<ul style="list-style-type: none">o Feb. 9, 1987 memorandum from R. Galeo Draft OCRWM Financial Assistance and Payments- Equal-to- Taxes Guidelineso Draft comment response document
10:30	B R E A K		
10:45	Grant condition for Licensing Support System	Status update	Draft memorandum from S. Kale to POs delineating grant condition
11:00	State and Indian Tribal reports	Presentations by States and affected Indian Tribes describing their activities funded under NWPA	
11:45	Review Financial Assistance Action Items	Agreement	
12:00	L U N C H		

OUTREACH COMMITTEE

1:15 PM	Review of Las Vegas Outreach Committee Action Items	Status report	Las Vegas Action Items
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Thursday, March 12, 1987

OUTREACH COMMITTEE (continued)

<u>TIME</u>	<u>ITEM</u>	<u>PURPOSE</u>	<u>REFERENCE</u>
1:30 PM	Information Services Update	Provide information and discuss	
2:00	Facility-Specific Outreach and Participation Plans	Status report	Status summary of Participation Plans
	o HQ Review Criteria	Provide update on status of development of the Review Criteria	o PO and State comments on HQ Review Criteria
			o Feb. 12, 1987 memorandum from S. Kale responding to PO comments
	o PO reports	Provide information on the status of Plans	
2:30	Site Characterization Plans (SCP) public interaction		
	o HQ plans	Provide information and discuss DOE plans for public interaction	o DOE/HQ Draft SCP Outreach Plan summary
	o PO plans	associated with the release of the SCPs	
	o Format of SCP reference documents, per commitment #12 from the Spokane Quarterly Meeting	Provide information	Handout - Spokane Quarterly Meeting commitments
3:30	B R E A K		

Thursday, March 12, 1987

OUTREACH COMMITTEE (continued)

<u>TIME</u>	<u>ITEM</u>	<u>PURPOSE</u>	<u>REFERENCE</u>
3:45 PM	Quarterly Meeting of States and affected Indian Tribes in Spokane, Washington		
	o State and affected Indian Tribal views of effectiveness of meeting as public forum	Obtain comments	o Original and revised agendas for Spokane Quarterly Meeting
	o Polling of States and affected Indian Tribes on location of next Quarterly Meeting, per commitment #17 from Spokane Quarterly Meeting	Status report	o Feb. 24, 1987 letter from J. Leahy to States and affected Indian Tribes
4:15	Review Outreach Action Items	Agreement	
4:30	A D J O U R N		
4:45 PM	Following the ISCG Meeting, separate Executive Sessions are scheduled for States and Indian Tribes and for DOE and its support contractors.		

DRAFT MINUTES FROM THE DECEMBER 9-11, 1986 ISCG MEETING

IN LAS VEGAS, NEVADA

- o List of Participants
- o Action Items
- o Proceedings
- o Consolidated List of Denver ISCG Action Items
- o ISCG Roster
- o Glossary

OGR INSTITUTIONAL/SOCIOECONOMIC COORDINATION GROUP MEETING
December 9-11, 1986
Las Vegas, Nevada

Participants

DOE-HQ: Mia Anderson, Allen Benson, Jim Bresee, Melinda Davison, Linda Desell, Ben Easterling, Steve Frank, Barry Gale, Ginger King, Judy Leahy, Ann McDonough, Robert Mussler, Sam Rousso, Vic Trebules, Mike Wisniewski, Jim Zimmerman

Argonne: Bill Metz

Touche Ross: Mike Alexander, Kevin Bailey, Robert Lesko

Weston: Ellen Livingston, Catherine McDavid, Earl McLaren, Diane Meier, Steve Smith, Lisa Stevenson, Christine Van Lenten

DOE-BWIP: Joanne Comins-Rick, Max Powell

Rockwell: Madeleine Brown, Karen McGinnis

Battelle-NARC: Chris Cluett

DOE-CPO: Gary Pitchford

Battelle-OCRD: Suzanne Hogan, Gail Walker

DOE-CH/OSTS: Maurice Bender

DOE-NNWSI: Eric Lundgaard

SAIC: Chris Binzer, Judith Bradbury, Richard Christy, Thomas Greider, Robert Kimble, Barbara McKinnon, Bea Reilly, Gary Snider, Sue Volek

DOE-PO/OCC-NV: Dave Gassman

DOE-SRPO: Linda McClain

Battelle-ONWI: Robert Hines, Helen Latham, George Louder

Louisiana: Hall Bohlinger, Rennie Deville

Mississippi: Ron Forsythe

Nevada: Don Bayer, Carl Johnson, Bob Loux, Russell Neilson, Joe Strolin,
Harry Swainson

Clark County Planning: Jeff Harris, Bob Palm

Allen/Bradhurst: Steve Bradhurst

Intertech Consultant, Inc.: Mike Baughman

LATIR: John Gervers

Texas: Steve Frishman

Utah: Bim Oliver, Patrick Spurgin

Washington: Jerry Parker, Max Power, Dan Silver, Tom Sykes, Marta Wilder

LATIR: John Gervers

Nez Perce Indian Tribe: Albert Barros, Allen Slickpoo

CTUIR: Bill Burke, Larry Calkins, Daniel Hester, David Quaempts

Yakima Indian Nation: Denise Lettig, Alfreda Peters

CERT: Wyatt Rogers

Others: Jacques Emel (Clark University, CENTED), Bill Klett (Ch2M Hill),
Steve Kraft (EEI), David Stevens (DWS Co.), Mary Whitman (S.M.
Stoller Corp.)

ACTION ITEMS

OGR Institutional/Socioeconomic
 Coordination Group
 December 9-11, 1986
 Las Vegas, Nevada

<u>Item</u>	<u>Assigned To</u>	<u>Due</u> *
1. The next ISCG meeting, hosted by SRPO, will be held in Albuquerque. Tentative dates are March 10-12, 1987.	HQ and SRPO	
2. ISCG participants will suggest to Barry Gale and Ben Easterling topics for potential discussion with WIPP representatives at the next ISCG meeting.	ISCG participants	1/9/87
Barry Gale and Ben Easterling will discuss those items with WIPP and structure an agenda item for the Albuquerque meeting.	Barry Gale and Ben Easterling	Prior to March 1987 ISCG meeting

SOCIOECONOMIC COMMITTEE

- | | | |
|--|---------------|--|
| 3. Barry Gale will clarify what permissions DOE is seeking from the NRC to use radioactive materials during site characterization, as indicated in the Project Decision Schedule. | Barry Gale | |
| 4. DOE will prepare a written explanation for the funding of MRS and the second repository programs through discretionary authority and explain the rationale for not using discretionary powers to fund impact assistance during site characterization. | Ann McDonough | |

* Due date is by the next ISCG meeting, unless otherwise specified.

<u>Item</u>	<u>Assigned To</u>	<u>Due</u> *
10. DOE will provide States and Indian Tribes with a written explanation of the determination of "payment" v. "grant" equal-to-taxes, in further response to Denver action item #17.	Ann McDonough	
11. DOE will send copies of all SMMPs and EMMPs to all affected parties.	Ann McDonough	
12. DOE will provide the States and Indian Tribes with the actual boundaries of the proposed sites, when available.	Ann McDonough	When available
OUTREACH AND PARTICIPATION COMMITTEE		
13. POs and affected parties will send comments to Carol Peabody or Judy Leahy on the FSOPP Review Criteria.	POs and affected parties	1/09/87
PLENARY SESSION		
14. HQ will prepare a draft ISCG agenda for the March ISCG Meeting and send it to the ISCG membership for review. Affected parties will provide comments to the appropriate POs. HQ and POs will then discuss the agenda in a conference call.	HQ, affected parties, and POs.	Prior to March 1987 ISCG meeting

PROCEEDINGS
Institutional/Socioeconomic Coordination Group Meeting
December 9-11, 1986, Las Vegas, Nevada

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PROCEEDINGS
Institutional/Socioeconomic Coordination Group Meeting
December 9-11, 1986, Las Vegas, Nevada

INTRODUCTION

Barry Gale, DOE HQ, Chair of the ISCG, welcomed the attendees to the meeting and apologized for the fact that some persons on the ISCG roster had not received the reference packages that had been sent to them. He said that future reference packages will be shipped via an express delivery service.

Gale introduced Jim Bresee, who was recently appointed Director, Repository Coordination Division, reporting to Stephen Kale, Associate Director of the Office of Geologic Repositories.

Gale then turned the meeting over to the facilitator.

The ISCG agreed that its next meeting would be tentatively scheduled for March 10-12, in Albuquerque, New Mexico.

See Action Item #1

The ISCG also agreed to re-order the agenda for the Las Vegas meeting, so that Ben Easterling, DOE HQ, could present at the start of the meeting the OCRWM policy update that had been scheduled for the Plenary Session at the end of the meeting.

OCRWM POLICY UPDATE

Mission Plan Revisions

Ben Easterling, DOE HQ, reported on the status of revisions to OCRWM's Mission Plan. He said that revisions were begun after DOE's May 28, 1986 announcements and that DOE expects to issue a revised Mission Plan for public comment in February, at which time an informational copy will be submitted to Congress.

Significant revisions, Easterling said, will include a new section on program strategy that reflects program changes since the first Mission Plan; a detailed discussion of the second repository postponement and the status of the second repository program; changes regarding first repository pre- and post-closure safety concerns, environmental concerns, and feasibility and cost considerations; the monitored retrievable storage (MRS) facility; container design; and an updated and expanded section on Consultation and Cooperation (C&C) agreements.

Easterling stressed that the revised Mission Plan will describe significant program changes. It will not serve as a progress report and will not contain page-by-page changes.

Meeting to Discuss Consultation and Cooperation, Held in New Orleans

Easterling next reported on a November 20, 1986 meeting held in New Orleans between DOE and affected parties to discuss and better define the consultation and cooperation process (C&C). Easterling explained that the meeting was prompted in part by a draft GAO report which DOE anticipates will recommend that DOE better define the C&C process. He said DOE viewed revision of the Mission Plan as an occasion for beginning to do this. Easterling said, however, that there was a general consensus that DOE should examine whether the Mission Plan is the appropriate vehicle for strengthening C&C, given the short time available for Mission Plan revisions and the substantive nature of C&C issues.

In this regard, the New Orleans meeting produced a number of suggestions for actions DOE can take to strengthen the C&C process, independent of the Mission Plan revision process. DOE will try to develop an informal action plan, under OGR's lead, to document and implement these suggestions. Easterling noted that DOE would have to follow up with Washington State and Nevada, who had not been able to attend the New Orleans meeting. A transcript of the New Orleans meeting will be sent to affected parties, he said. DOE's goal is to move toward formal C&C agreements, Easterling stated, but DOE is asking what it can do in the interim to improve how it does business with affected parties. OGR and the Office of Policy and Outreach (OPO) are setting forth principles for consultation and cooperation, Easterling explained, and would welcome suggestions. The bottom line, he repeated, is signed C&C agreements. He quoted a State representative who said in New Orleans that the issue of accountability is important and that C&C would provide accountability. However, Easterling added, DOE may be able to accomplish this through its operating practices in the meantime.

Records-Keeping System

Over the new few months, Easterling said, DOE will be developing a records-keeping system for the life of the program. He said that developing this system raises critical questions about how to design an integrated management system that is a stepping stone to a licensing support system and that is compatible with the Nuclear Regulatory Commission's (NRC) dual record-keeping system. He said that the project has not yet drawn the involvement of the States and Indian Tribes that he'd like to see. Easterling said he would like to broaden discussions and determine the interests of the States and Indian Tribes in this system.

Financial Assistance Guidelines

As recommended by States and Indian Tribes, financial assistance guidelines are being consolidated into one document, Easterling reported. That document will reflect the States' and Indian Tribes' written comments and their oral comments at the September, 1986 ISCG meeting. Following the September ISCG meeting, HQ, POs, and contractors met to revise and consolidate the guidelines; the final document is now under early review in DOE and will soon be out for formal review by the States and Indian Tribes, Easterling said.

Report to Congress: "Greater Than Class C Waste"

Congress has enacted legislation making DOE responsible for disposing of "orphan" waste that does not fit the classic definitions of high or low level, Easterling reported. However, until the Environmental Protection Agency (EPA) establishes national criteria for these Higher than Class C wastes and the Nuclear Regulatory Commission (NRC) develops national standards for handling such waste, DOE plans to store this waste on an interim basis. DOE's General Counsel holds that DOE has the authority to store such waste temporarily if necessary, prior to ultimately disposing of it. The Low-Level Radioactive Waste Policy Amendments Act of 1985 requires DOE to report back to Congress in one year on implementation of the amendments. Easterling said that DOE's report may recommend interim storage until national criteria and standards are established, that public comment would be sought on the report, and that the report could generate further Congressional direction, although this is not expected.

Task Force on Mixed Waste

Easterling said that a DOE-EPA Task Force is assessing whether DOE procedures for disposing of mixed waste under the Atomic Energy Act are comparable, as good as, or better than, EPA standards under the Resource Conservation Recovery Act (RCRA). EPA will be briefed by DOE, visit DOE sites, and then determine whether DOE practices are comparable and sufficient to satisfy the requirements of RCRA. Vic Trebules of DOE HQ is OCRWM's lead on the Task Force.

Review of DOE External Interactions

In order to meet program requirements and to serve the public's need for information, HQ is working with the Office of the Secretary, CP, and POs to assess what kinds of public interactions are required, what priorities should be assigned, and what resources should be allocated, Easterling reported.

Impact Assistance to Affected Tribes

Easterling termed the issue of impact assistance to Indian Tribes a significant policy matter with far-reaching implications for the program. He said that it is now under consideration by BWIP and the affected Tribes and could next be considered by HQ in consultation with the BWIP program and legal staff.

Congressional Outlook

Easterling predicted that the new Congress would initially be preoccupied with reorganizing itself. He said that licensing reform would probably be routinely resubmitted, but might be dead on arrival unless the Administration aggressively pushed it; that Price-Anderson legislation would move of its own momentum; that DOE would put forward OCRWM's budget and Mission Plan together and that they would probably draw a lot of attention; and that DOE would submit its MRS report to Congress as soon as possible.

Easterling added that committees with jurisdiction over OCRWM's program would see the following changes: J. Bennett Johnston would become Chairman of the Senate Energy and Natural Resources Committee, with Wendell Ford replacing

Pete Dominici on the Energy Research and Development Subcommittee; Quentin Burdick would become Chairman of the Senate Environment and Public Works Committee; and Phil Sharp would replace Edward Markey as Chairman of a new Energy and Commerce subcommittee with jurisdiction over NWPA programs.

A State representative asked about DOE's plans for submitting its MRS proposal to Congress. Easterling replied that DOE plans to submit the proposal as soon as the appeals process has been exhausted. Another HQ representative said that on December 5th, the State filed for a rehearing, a stay, and an extraordinary writ of injunction; and that on December 16th, the Sixth Circuit Court of Appeals would rule on the State's motion for a rehearing.

The State representative asked how DOE plans to handle the MRS in its budget submission. Easterling said that the budget request would move forward on the assumption that DOE will have MRS activities, but that timing on the court case will determine this.

A State representative asked if in submitting the Mission Plan amendments and budget at the same time, DOE intends to follow the review process specified in the NWPA. Easterling said DOE will follow the requirements in the Act for the original Mission Plan in handling amendments and would provide for a formal public review and comment period.

Another HQ representative said DOE might need 60 to 90 days from receipt of comments to prepare a comment response document and a revised Plan. He noted that the first Mission Plan had taken a year to prepare because DOE had decided to delay it, because of resource constraints, in favor of proceeding with Environmental Assessments. Easterling said the Mission Plan Revision could be expected to issue around June of 1987.

A State representative asked if DOE's submission to Congress would include any proposed amendments to the NWPA, or just revisions to the Mission Plan. Easterling said that currently DOE was not considering any amendments. Someone from floor stated that the question really is whether DOE would propose to amend the Act, recommend other legislation, or do nothing. He said that there could be reference to other legislative activity through the budget process. Easterling stated that he was aware of no activity in DOE to amend the NWPA or related legislation.

A State representative said that modifications to the C&C portions of the Mission Plan were based in part on GAO recommendations. He asked if GAO might revise its recommendations on the basis of its attendance at the New Orleans meeting. Easterling said that when DOE first began to hear informally of GAO's recommendation for improving the C&C process, he personally thought it was a good one. He said that DOE's support doesn't hinge on whether GAO recommends improvements or not; DOE thinks improving the C&C process is a good idea regardless of whether GAO recommends it. The question, he said, is whether the Mission Plan is the proper vehicle for improving C&C, whether the Mission Plan should be the exclusive vehicle or should be used in conjunction with action plans for improving C&C, and whether the Mission Plan can be revised in a timely way. Easterling suggested everyone review the transcripts from the New Orleans meeting and talk again on the proper way to proceed.

The State representative asked whether DOE was committed to providing a definition of C&C in the Mission Plan revisions. Easterling said that philosophically he is committed, if DOE can actually move the C&C process forward in the timeframe allowed by the Mission Plan.

Another HQ representative said that at the New Orleans meeting, there seemed to be some feeling on the part of the States and Indian Tribes that the Mission Plan's treatment of C&C was not that bad. Rather, they felt that implementation was the problem. He said that he had been interested in a State representative's suggestion at that meeting that DOE consider using rulemaking, negotiated rulemaking, or the development of operational rules to set forth what DOE thinks C&C means. The HQ representative said that such rulemakings could serve a disciplinary exercise that would require DOE to define C&C carefully and in the context of State and Indian Tribal perceptions, and that this exercise might be an important task in lieu of Mission Plan revisions. He observed that whether operational rules would be binding under the Administrative Procedures Act would be another issue, and he suggested that DOE might reference such activity in the revised Mission Plan, for later amendment to the Mission Plan.

A State representative noted that the States' and Indian Tribes' concern was whether a negotiated rulemaking would be appropriate and successful. He said he was not sure that the States and Indian Tribes thought that a rulemaking would necessarily promote accountability.

Easterling noted that rulemaking could promote accountability. He said the Department would rather take the time to do a good job on C&C. He said that DOE will review the transcript of the New Orleans meeting in relation to revisions it is considering for the Mission Plan. He said that the Mission Plan is a vehicle that is moving and that it might be better to get something good done through it, now.

The State representative said that States and Indian Tribes had seen time constraints as a problem. He said that the transcript of the New Orleans meeting was important and that it had been promised within ten days of the meeting but still had not been delivered. He observed that the affected parties were all rushed to New Orleans to discuss Mission Plan revisions, but that the delay in delivery of the transcript was impairing their ability to take advantage of an opportunity to revise the Mission Plan. He asked why DOE had asked for a ten-day delivery rather than a 24 hour delivery of the transcript.

Easterling said that the physical transcript was less important than the content of the meeting and was not a prerequisite to revising the Mission Plan. He said that following the New Orleans meeting, there had been lengthy discussions at HQ about it and that the transcript would confirm and validate what DOE carried home from New Orleans. He said that Stephen Kale, DOE HQ, was anxious to read the transcript and to get back to affected parties after he had done so. States and affected Indian Tribes were told that copies would be mailed to them within 24 hours of receipt by DOE.

FINANCIAL ASSISTANCE COMMITTEE

REVIEW OF DENVER ISCG FINANCIAL ASSISTANCE ACTION ITEMS

The ISCG reviewed the financial assistance Action Items for the Denver meeting and recorded their status:

<u>ITEM</u>	<u>ASSIGNED TO</u>	<u>STATUS</u>
4. The next ISCG meeting will be held in Las Vegas, December 9-11, with a possible site tour scheduled for Friday, December 12.	HQ and NNWSI	Completed.
5. Set up a meeting among Pat Spurgin, Allen Benson, and Roger Gale, to discuss Utah's comments on the OCRWM Financial Assistance Policy Guidelines.	B. Gale	Pat Spurgin was invited; those involved then decided a meeting was no longer necessary.
6. Transmit to Roger Gale the specific comments on the OCRWM-wide Financial Assistance Guidelines, and ask Roger to contact affected parties re: the disposition of those comments.	B. Gale	Partially completed.

Comments were transmitted to Roger Gale. A consolidated set of Guidelines is now under review. A final draft will be transmitted to affected parties for their review.

ITEM	ASSIGNED TO	STATUS
7. Review the revisions suggested on the Grant Review Procedures and factor them in when the Procedures are revised.	A. Benson	Completed.
8. DOE will add a section to the OGR Financial Assistance Guidelines dealing with ways in which funding can be made available for impact mitigation during the site characterization phase.	A. Benson	See below.
9. Consult with the General Counsel to provide a legal assessment of DOE's ability to make mitigation payments during site characterization and compare this with DOE's ability to make mitigation or compensation payments for MRS facilities.	B. Gale	See below.
10. Clarify whether impact assistance payments can be made for long-term impacts to sites following site characterization.	B. Gale	See below.

OCRWM consulted with the DOE General Counsel regarding Action Items numbers 8, 9, and 10 above. The General Counsel finds no authority in the Act to provide impact assistance during site characterization. However, Section 116 and 118 provide for an approximately two-year phase-out of long-term impact assistance. (This issue, including a memorandum from Stephen Kale, DOE HQ, "Sources of Funding during Site Characterization," that identifies various areas in which DOE can provide assistance, was an agenda item for discussion during the Socioeconomics Committee of the Las Vegas ISCG meeting.)

<u>ITEM</u>	<u>ASSIGNED TO</u>	<u>STATUS</u>
11. Complete the policy memorandum re: Provision of data to the LSS. Send it to the POs and affected parties within 30 days.	A. Benson	Completed, but not within 30 days. Memorandum included in Las Vegas reference package.

LICENSING SUPPORT SYSTEM

Allen Benson, DOE HQ, discussed the special grant condition for the Licensing Support System (LSS). He explained that the purpose of this condition is to ensure that data and reports generated through grants will be included in the LSS, within a specified time, in digital format and on hard copy, if available; and that detailed milestones and progress reports are also provided. He explained that Arthur Young and Associates are now trying to meet with affected parties to determine what affected parties' LSS requirements are.

A State representative said that the special grant condition appeared to be a new way of modifying financial assistance guidance and that it suggests that States and Indian Tribes are contractors to DOE. While at the Denver ISCG meeting, States and Indian Tribes had acknowledged their responsibility to provide data because they are grantees, he continued, they do not agree that they are obliged to perform like contractors, with funding dependent upon the attainment of milestones. In addition, they can't control when they receive the funding. He said he challenges DOE to meet its milestones and that then affected parties will meet theirs, too.

Someone from the floor asked the State representative if he intends to share the data he develops. The State representative replied that they are currently preparing for the licensing process and don't yet know when data will have to be available; there is a general requirement to make data available, but not yet a specific requirement to enter data into the LSS, or a determination of the legal status of affected parties' data in the licensing process. He said they are cooperating with the NRC, that the NRC has not yet defined "early resolution of licensing issues," and that ultimately an NRC rulemaking will define requirements.

Benson noted that Stephen Kale's memorandum on the special grant condition does provide some flexibility for affected parties and he asked if the State representative intended to comment on the memo. The State representative said that he will provide written comments.

Another HQ representative said that concerning financial assistance guidelines, DOE has a grant, not a contractual, relationship with affected parties. He explained that DOE is not requiring affected parties to produce studies and reports, but rather is saying that if they do produce them, DOE wants copies. He said that HQ would review the Kale memorandum to be certain it clearly implies a grant relationship.

Another HQ representative remarked that the purpose of the requirement is to ensure that the LSS works. The State representative replied that they would decide when their data should be included. Another State representative said that the Kale memorandum is extraneous.

A State representative asked what the relationship is between the Kale memo and the financial assistance guidelines. Benson said that the memo is intended to address immediate issues, while the guidelines would not be final until the Spring or Summer of 1987. A State representative asked what the relationship is between NRC's and DOE's LSS activities and how DOE will resolve issues prior to NRC rulemaking. Benson said NRC and DOE will try to agree on a mutual reporting format and that DOE is trying to alert all parties to the LSS. He stressed that data doesn't have to be submitted now and that the Kale memorandum is intended to be flexible. A State representative asked whether DOE would seek comment on the Kale memorandum. Benson said that comments would be accepted until early January.

DRAFT "OCRWM FINANCIAL ASSISTANCE AND PAYMENTS-EQUAL-TO-TAXES (PETT) GUIDELINES" AND SUMMARY OF COMMENTS

Allen Benson, DOE HQ, explained that the OCRWM and OGR financial assistance guidelines, as well as guidelines pertaining to PETT, had been consolidated into a unified set that was now under review. He said that a final draft was expected shortly and would be transmitted to States and Indian Tribes for comment. He then summarized comments DOE received on its draft "OCRWM Financial Guidelines" and said affected parties will receive a comment response document.

REVIEW OF DENVER ISCG PLENARY SESSION ACTION ITEM #19

The ISCG turned to a review of Action Item # 19 from the Denver ISCG Plenary Session, which had been assigned to Easterling.

<u>ITEM</u>	<u>ASSIGNED TO</u>	<u>STATUS</u>
19. Raise at HQ the question of whether it would be beneficial to establish more formal relationships between OCRWM and WIPP.	B. Easterling	Completed.

Easterling reported that he had found a lack of enthusiasm on the part of the Waste Isolation Pilot Project (WIPP) for a closer relationship with OCRWM. He noted that while there are historic differences between the defense and civilian waste programs, the public does not differentiate between them institutionally. Easterling said that Defense Programs (DP) staff have offered to meet with the ISCG from time to time concerning topical issues and he asked the ISCG to let HQ know what the ISCG would like DP to discuss and that HQ would raise it with DP.

A State representative remarked that anything in this regard would be better than nothing. He said he wondered about cooperative activities between SRPO and WIPP and why DP would cooperate with SRPO but not with OCRWM. Easterling observed that it might be a matter of asking whether the door were half open or half shut and he suggested that the ISCG take DP up on its offer, give them a list of topics, and invite them to come and talk on a specific day. He speculated that formalizing relationships might cause DP staff to worry about what that might mean and how far it might go. He suggested that if the ISCG opens a relationship with DP informally, it might be able to build on it. He noted that historically DP has not had to operate in a fishbowl and that DP might find the ISCG an educational experience.

A State representative said that the context of his suggestion that WIPP and OCRWM establish a more formal relationship was that deadlines for DP shipments of transuranic wastes are approaching and DP is making decisions in transportation that have significance for OCRWM's transportation program. He said he had asked for some sort of formalized arrangement so that affected parties could be constructively involved in solving transportation problems once, not twice, for both programs. DP's 1,200 shipments per year to WIPP will be clearly visible to the public, he added, and the public will not differentiate between them and other DOE shipments. DP and OCRWM have the same problems, he suggested, but DP is facing them now, while OCRWM is deferring them for ten years; DP is making commitments, while OCRWM is concerned about setting precedents. But while OCRWM's concern is understandable, he continued, OCRWM should not stonewall affected parties on these issues. Whether DP wants to establish a formal relationship or not, he continued, the ISCG could be the best forum, the most knowledgeable people in the country, to address these problems. Such a relationship could legitimize activities many ISCG members are already involved in, anyway, he noted.

Easterling suggested that affected parties present this view to OCRWM and to DP at the same time. He said DP had been more receptive than he'd expected and he urged the ISCG to consider DP's offer and to engage DP in a direct interchange.

An Indian Tribal representative agreed that the ISCG would be a useful forum and suggested it could serve to enlighten DP about Indian Tribal concerns. He said that DP seemed to assume that notification to States would serve as notification to Indian Tribes. Another issue for a discussion with DP, he added, might be high-level waste at Hanford.

Someone from the floor said that DOE had published a Notice of Inquiry in the December 2, 1986 Federal Register on the issue of transporting defense waste that said that OCRWM will accept title to defense waste at the point at which the waste is located, as with commercial spent fuel, that therefore shipments of defense waste become OCRWM shipments. He said that the public does not differentiate among DP and OCRWM and utilities. He cited the Ninth Circuit Court's Inland Waterways case concerning shipments of spent fuel from Taiwan as relevant.

A HQ representative asked if the ISCG would provide time on its agenda for DP. Easterling again asked the ISCG to let HQ know what topics it would like discussed and he said HQ would get back to the ISCG on this matter.

A State representative suggested that another reason for formalizing a relationship between OCRWM and WIPP is that there is an example of at least one such effort: the Southern States Energy Board received funding from OCRWM with cost-sharing by DP. He said he assumed the relationship was beneficial and was a productive precedent. He said that public perception is a reality to be dealt with and that the public perceives the Forrestal Building as the head of all this activity.

Someone from the floor asked if the ISCG's discussion with DP would be limited to transportation issues. A HQ representative replied that it might be useful to discuss such topics as Monitoring and Mitigation Plans, to learn what systems WIPP has developed for monitoring impacts. Easterling added that his discussions with WIPP had gone beyond transportation.

The ISCG then agreed to suggest topics for discussion with WIPP.

See Action Item #2

NUCLEAR WASTE FUND; DOE PAYMENT POLICIES AND PROCEDURES

Jim Zimmerman, DOE HQ, presented a status report on the Nuclear Waste Fund. He explained that the Fund is managed so that funds are tracked and investments made on a daily basis and that if the Fund were to receive a credit rating, it would be Triple A. Zimmerman said that financial assistance payment policies are governed by U.S. Treasury regulations and circulars, OMB circulars, DOE Orders, and DOE financial assistance regulations. He explained that DOE's payment methods are intended to minimize the time that elapses, so that grantees are reimbursed as soon as possible, whenever a payment is due, and that these methods include advance payment methods (letters of credit and advance Treasury checks) and Treasury checks.

Zimmerman presented viewgraphs of Nuclear Waste Fund Financial Statements and explained that in 1985, the Fund had made a transition from a net debt position to a net investor position. He noted that only one other federal program had received an independent financial audit by a public accounting firm and that for the third straight year, the waste program would receive an unqualified financial opinion. Zimmerman said that to date the Fund had earned \$140 million on its investments.

Someone from the floor said it is spurious to call the Fund Triple A-rated, since it has a guaranteed income and can only invest in federal instruments. Zimmerman replied that there is no way to compare the Nuclear Waste Fund with any other program and he stated that the Fund's financial management policies and proceedings are second to none in the Department.

The person from the floor asked if a substantial amount of money had been available but not expended, and noted that a financial statement does not constitute a budget. Zimmerman concurred that a balance sheet and an income statement do not constitute a budget. The person from the floor asked if there had been a \$280 million carryover at the end of FY '86. Zimmerman said that \$280 million had been uncosted and unobligated and therefore was not reflected in the financial statements. The person from the floor said that the Nuclear Waste Fund had received this amount from the utilities, but that

Congress had not authorized its expenditure; since the Fund's assets consist of utilities' obligations to pay, this raises the question of how much money DOE has the authority to spend. He said that at the start of FY'86, the \$280 million was in the budget and that DOE planned to spend it; since it wasn't spent, it became deferred revenue. He repeated that Congress gives DOE permission to spend, but that DOE obtains its funds from utilities and that these received but unspent funds should be acknowledged. Zimmerman reiterated that the \$280 million is not reflected in financial statements and noted that every year, OCRWM provides a report to Congress that includes audit statements.

AUDIT REQUIREMENTS FOR GRANTS

Allen Benson, DOE HQ, explained that this agenda item was intended for informational purposes and that grants are self-auditing.

Jim Zimmerman, DOE HQ, said that the memo (included in the ISCG reference package) from R.A. Milner, Director of DOE's Financial Management and Analytical Services Division, on audit requirements addresses the question of how audit questions are to be resolved. He explained that HQ relies on the Project Offices, along with the Inspector General's field offices, to resolve such questions. Audit findings--financial, or project-related--that are not resolved within six months may find their way into the DOE audit finding tracking system, Zimmerman said. Another HQ representative stressed that DOE needs to know it is living up to its fiduciary responsibilities; since grants are essentially self-auditing under DOE's financial rules, DOE emphasizes the front end of the funding process.

Zimmerman noted that the memo says that each year a public accounting firm presents DOE with an audit plan for the year and that affected parties may be audited within the next several years by DOE's public accounting firm. A State representative asked why affected parties were being given this information. Zimmerman explained that it was intended to alert them that they may be subject to outside audits.

SOCIOECONOMICS COMMITTEE

REVIEW OF DENVER SOCIOECONOMICS ACTION ITEMS

<u>ITEM</u>	<u>ASSIGNED TO</u>	<u>STATUS</u>
12. Provide the minutes of the last two Environmental Coordinating Group meetings to States, Indian Tribes, and POs.	A. McDonough	Completed.
13. Provide copies of the final SSMP guidance and schedule to affected parties.	A. McDonough	Completed. Agenda item for Las Vegas meeting.
14. Continuation of St. Louis Action item #2 -- Develop a policy position with regard to the eligibility of Payments-Equal-To-Taxes (PETT) for jurisdictions that are away from the repository, but where site characterization development activities are conducted.	A. McDonough POs	Agenda item for Las Vegas meeting.
15. Continuation of St. Louis Action Item #13 -- Determine whether there is a written policy with respect to using radioactive materials (up to 10 tons) or tracer materials during site characterization.	A. McDonough	Completed.
Contact the States and Indian Tribes with this information within ten days.	HQ Desk Officers	Not completed.

Ann McDonough, DOE HQ, reported that no written policy was found. She explained that DOE's intention is to use radioactive tracers and the instrumentation commonly used in the mining industry and that it does not intend to introduce any spent fuel or high-fuel radioactive waste to the site during site characterization.

A State representative said that DOE is requesting permission from NRC to use radioactive materials and he asked what DOE plans to do with them. He said that for such standard exploratory techniques as the use of licensed well-logging equipment, DOE would not have to ask NRC's permission. McDonough suggested that she could have someone from DOE HQ contact the State representative, or that he could contact the NRC on this matter. The State representative remarked that the issue is institutional and is addressed in the Project Decision Schedule; and that the language "do not intend" at this time to use spent fuel is not reassuring.

A HQ representative suggested that the Action Item be rephrased to determine the kinds of permissions being sought. The State representative stated that affected parties would have to deal with this at least in conjunction with the NRC.

16. Continuation of St. Louis Action A. McDonough Completed.
Item #11 - Revise the policy
paper on sources of funding to
indicate that financial assistance
during site characterization may be
provided in a variety of ways,
some of which are not tied to a
signed C&C Agreement.

McDonough distributed a memorandum dated November 24, 1986, from Stephen Kale to the POs on this subject and explained DOE's policy. McDonough said that DOE does not expect significant adverse socioeconomic impacts during site characterization and that it is required by the Act to conduct site characterization activities in a manner that minimizes any significant adverse environmental impacts. Therefore, she said, mitigation will take the form of changes in the way site characterization activities are conducted; for example, DOE might provide buses to transport workers from their homes to the site, or might modify work schedules to lessen impacts.

With respect to financial assistance, McDonough explained that the NWPA does not authorize DOE to provide funds to affected parties for impact mitigation assistance during site characterization, but does authorize funding during that period under the following authorities: grants, which are limited by Sections 116(c)(1) and 118(b)(1) and (2); PETT; and funds for activities identified in written C&C agreements, pursuant to Section 117(c). While PETT is not intended for impact mitigation, taxing jurisdictions could use it for such, she noted. Lacking authority to directly provide funding for impact mitigation assistance during site characterization, DOE could propose adding to its budget request to Congress a line item for such funding.

A State representative observed that the Act did not authorize funding for the second Repository Program and he asked if DOE had used a line item to fund it. McDonough said that the DOE General Counsel had concurred on the November 24 Kale memorandum and that for funding for impact mitigation during site characterization, DOE would have to go through a budget request. Another HQ representative said that DOE's view of its discretionary funding authority has changed because of other legislation since enacted. The State representative remarked that the NWPA itself had not changed. The HQ representative said that once DOE has a grant authority, it triggers other authorities under other laws, and that since some of these authorities have changed, DOE cannot provide grant in this instance.

Another HQ representative noted that the NWPA is explicit about impact payments, particularly with respect to timing, and he acknowledged that DOE agrees that lack of explicit provisions for payment during site characterization is a major omission. Another HQ representative explained that Section 116(c)(1)(A) gives DOE authority to make grant before sites are identified and does so in minimal language, while Section 116(c)(1)(B) explicitly defines the purposes for which grant may be made after sites are

identified. He observed that it is easier to determine Congress' intent under part (B) than (A) of this Section. He said that DOE had used Section 116(c)(1)(A) of the NWPA to make Second Repository Program grants. Another State representative said that while the act may be deficient, this didn't appear to limit funding for the MRS and the Second Repository Program. An Action Item was adopted to clarify this point.

See Action Item # 4

Someone from the floor stated that there is a misunderstanding inherent in the question about funding and that it is further confused by the terminology being used. He said that DOE had not said that it would not fund mitigation during site characterization, but that it would not fund it under a grants provision. DOE could, he continued, fund mitigation in other ways, such as through a contract or C&C provisions. He suggested that a State could use a grant to identify an impact and then seek a contract to mitigate that impact, even without a C&C agreement. McDonough confirmed that a grant could be used to develop a request for impact assistance. The person from the floor explained that his question arose because he was concerned that the wording of Action Item #4 might imply that DOE would not fund mitigation at all. McDonough replied that while DOE could not fund mitigation directly, it did have other ways of doing so.

Another HQ representative explained that in the past, where explicit authorities did not exist, DOE had used discretionary powers, such as those under Section 302 of the Act, to provide grants for the Second Repository program and for a grant proposal for the MRS. He said that the issue raised by Action Item #4 is why DOE can't use these same discretionary authorities to provide financial assistance during site characterization. He repeated that while DOE lacks authority to make grants for this purpose, it does have other ways, such as provision of technical assistance or a direct contract for such purposes as repairing a road. He said that Ben Rusche, OCRWM Director, had said in a meeting and in a letter to the Vega Independent School District that DOE was committed to taking care of impacts and would use every means available to do so. The HQ representative said that DOE's overall policy is clear and that it is trying now to work out details where funding authorities are not clear.

The person from the floor said that utilities have sent letters fully supporting funding for an MRS and for impact assistance. He observed that it is difficult to make rules in this area and suggested that DOE examine local circumstances and work out problems.

A HQ representative clarified that there is no linkage between the discretionary authority for funding for the Second Repository Program and for the MRS. He noted that the MRS proposal that DOE intends to submit to Congress will require some legislative action to provide different funding authorities. A State representative said that DOE had granted \$1.6 million to Tennessee to study the effects of an MRS on that State and that that grant had been made without explicit authority in the Act.

An Indian Tribal representative asked if Indian Tribal off-site concerns would be handled under Section 117(c)(5). (That section mentions Indian Tribes, but when it discusses specific procedures, the reference to Indian Tribes fall out.) McDonough replied that the whole issue is under development at BWIP.

The Indian Tribal representative said that the impact mitigation issue they are trying to resolve is not tied to this and that DOE HQ has said it will read into the Act "Indian Tribes" where Congress omitted it. Another HQ representative said that DOE has discussed this in C&C negotiations with the Confederated Tribes of the Umatilla Indian Reservation and that if off-site Indian Tribal concerns can be established, DOE will read all eleven elements in Section 117(c) as applying to Indian Tribes as well as to States. The Indian Tribal representative asked if Stephen Kale's November 24, 1986 memo on Sources of Funding during Site Characterization could be changed to refer to Indian Tribes, as well. A PO representative noted that the Kale memo addresses Sections 117(c) and (c)(5). McDonough said DOE HQ is trying to clarify Section 117(c). The ISCG adopted an Action Item on this point.

See Action Item #5

A State representative asked for clarification of the distinction between a grant and a contract with respect to, for example, a road. A HQ representative said that another distinction between the two is that for a grant, certain criteria must be met, but DOE does not have to get back any major consideration. With a contract, DOE must get something of value back. A State representative asked if this meant that if a school district needs a new building, the district could contract with DOE for the building. McDonough suggested that DOE could contract for a temporary classroom and teachers. The State representative asked why it would have to be temporary. Another HQ representative explained that this would be temporary because the children would need a school right away. The State representative asked if the district could contract to build a building and asked if a school was equivalent to a road. An Action Item was adopted to address this question.

See Action Item #6

McDonough noted that as site characterization will be a temporary phase, the need for classrooms might be temporary. The State representative noted that a road is not temporary. McDonough replied that she sees a difference between a temporary classroom and a school. Another HQ representative said that DOE's intention is to address impacts in consultation with States and Indian Tribes and he pointed out that DOE cannot build a temporary road. He advised that you must first identify impacts, then identify options for addressing them, then, in consultation, choose from among them. He suggested that there is not a fundamental difference between a road and a school.

The State representative asserted that the bounds of DOE's ability to agree to any particular mitigation strategy are unclear. He said that affected parties don't want to talk forever with POs about this because POs don't know what policies are and meanwhile the problem will go unmitigated. He suggested that the level of discretion DOE could exercise seemed enormous. A HQ representative said that DOE is looking at the need for measures, not bounds; the issue is how appropriate any particular option is in terms of specific needs. Another HQ representative said that a school could be equivalent to a road but that it must be looked at in the context of need. There aren't prohibitions. McDonough added that the important point is that DOE will help affected parties. The State representative termed this instructive and said that he and his PO would report in several months on how well this was working.

A person from the floor said that PETT is an element, too--for example, with respect to schools, "taxes" will be paid--but that rules for PETT cannot be clearly defined at this time. A State representative said that affected parties don't view GETT (sic) as mitigation funds and that they can be used for anything. He asked if DOE has included any funds for GETT payments in its three-year projected budget. McDonough replied that DOE has. Another HQ representative said that budget information for out-years is constrained, but that DOE has budgeted approximately \$2 million for each affected State for PETT in PO budgets for FY' 87.

McDonough repeated that DOE intends to avoid impacts and that if there are impacts it will mean that DOE has failed. She stressed that DOE is aware of the importance of planning. Another HQ representative said that there is an entire monitoring and mitigation process intended to deal with the kind of contingencies that may occur in site characterization and that this early warning system will enable DOE to modify site characterization activities--for example, by changing the number of workers coming into an area, so that schools are not overburdened. He reminded affected parties that POs would be consulting with them.

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| 17. Consults with the General Counsel and provide a justification of the determination for "payment" rather than "grant" equal-to-taxes and within 30 days provide to States and Indian Tribes the 9/15/86 version of the draft PETT Guidelines. Include the programmatic reasons that DOE preferred a payment rather than a grant. | A. McDonough | Completed. Agenda item for Las Vegas meeting. |
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SOCIOECONOMIC MONITORING AND MITIGATION PLANS (SMMPs)

Ann McDonough, DOE HQ, explained that SMMPs are intended to document compliance with Section 113(a) of the NWPA, by monitoring site characterization activities and by identifying procedures for minimizing impacts; that they are not on the program's critical path; and that they are scheduled to be issued at about the same time as the site characterization plans. She stressed that they are not independent assessments, are not "mini-EAs," and only address significant impacts. She noted that studies by affected parties can be funded under the grants program authorized by the NWPA. McDonough also stressed that the SMMPs are not speculative: impacts must be clearly defined and identified through monitoring; they will not be determined by examining every social problem to see if it is related to what DOE is doing.

Someone from the floor asked if DOE would do baselining in communities in order to develop its community profiles. McDonough said that those statistics are generally available--for example, on divorce and crime rates. She said that DOE not now have plans to collect them. The person from the floor asked if those statistics would be included in a community profile. McDonough said that the link between site characterization and an increase in divorce would

be too attenuated for such statistics to be of use. A State representative objected that the SMMP effort seems an exercise in futility. He charged HQ and POs with a sloppy job of baselining, saying that in Nevada, DOE had selected two factors that are easy to monitor, as a gesture toward the State's concerns. He complained that he saw no program for monitoring indicators of change and asked how DOE could know if an impact is significant if it has no baseline to monitor against. McDonough replied that the EAs constitute the baseline. The State representative replied that the EAs are not a baseline, as none of the EAs use primary data, some are old, and some are sloppy. McDonough asked the State representative why he would assume that site characterization might have a significant adverse impact on divorce and crime and asked if he would study this. The State representative repeated that DOE does not have baseline data on such factors as divorce and alcoholism. McDonough responded that even if such data changed, the question would remain, what does this tell us? The State representative replied that it is then necessary to proceed to find out.

Another State representative said that Texas and Nevada may both experience direct impacts on their agricultural markets. He said these impacts had not been mentioned at all in the Washington State EA and received only one line in the Texas EA. He said that public perceptions--whether founded or unfounded--would have an overwhelming impact in the site characterization phase. McDonough replied that DOE is relying on the "PANE" decision, which excludes attitudes and perceptions that are too far removed from a possible cause. A State representative said that DOE's approach appears to be designed to minimize the identification of impacts and he asked that DOE take a broader view, a more objective, scientific approach, to find out what is happening. He cautioned that States and Indian Tribes are taking a different approach that would later clash with DOE's. He suggested that to broaden its approach, DOE needs a policy decision to broaden the scope of the SMMPs.

The State representative said that baselines are the same for the EIS and the SMMP. Another State representative said that in the EAs, DOE has determined that there will be no significant impacts and has therefore designed the SMMPs to find no significant impacts; DOE has made a decision and then designed a program to confirm that decision. He termed this totally unacceptable. McDonough explained that DOE can't change the EA baseline and asked where one should stop and how one should limit the scope of the SMMPs.

A HQ representative observed that DOE is at the start of the monitoring and mitigation process and that it understands affected parties' concerns. He repeated that DOE does not expect significant adverse socioeconomic impacts and explicitly stated this in the EAs. He termed the SMMPs a point of departure for designing a monitoring system that would track carefully any impacts that might occur. He acknowledged that affected parties were raising important issues and he said that DOE is mindful of them and that they have been discussed at HQ and between HQ and POs. He said that DOE is setting up a 90-day or longer process of interaction to try to improve the documents.

A State representative said that the EAs are in litigation and are a shaky foundation to proceed on. He repeated that public perceptions are a major concern, that the Governor of Tennessee had argued that public perception was the basis of his veto of the MRS proposal, and that to disregard economic effects based on perceptions would be a major blunder. Another State

representative said that since the monitoring and mitigation process began, DOE has had opportunities to consider factors identified by States and Indian Tribes, but has not used these factors. He complained that affected parties had not been given early drafts of the SMMPs in August, as they had been promised, and that DOE had cancelled a September meeting with Nevada. A HQ representative said that because the whole field is controversial, HQ wanted to feel comfortable that the monitoring and mitigation plans were consistent across sites and included a minimum core of factors to be monitored. He said HQ viewed them as a starting point for a discussion and wanted, as a program, to feel comfortable with them. He said that from this point on, DOE would be eager to solicit participation in developing iterations of documents. He said that POs would be discussing schedules later in the meeting and that the ISCG would be talking about exactly how States and Indian Tribes will participate. He promised that there would be heavy involvement by affected parties in the process.

A State representative said he appreciated DOE's comments, but wondered if this would not be a waste of affected parties' time, since the rules for monitoring have already been established. He said that although the SMMP states that it was compiled with preliminary interactions with the State, no factors identified by Nevada had been included. He wondered if the State would invite the PO to attend its meetings, since they are more productive, and he called for a more open process. An Indian Tribal representative recalled Ben Rusche's remarks in Atlanta, Georgia in November of 1985 and observed that his comments there about cooperation may have been in vain. McDonough explained that DOE wanted to get current policy out in the form of the SMMPs and the DOE is still working on the issue of how to address socio-cultural factors. She said DOE is being open on this issue and that while she was presenting current policy, DOE's work on it is ongoing. McDonough presented an overview of the contents of the SMMPs. She urged affected parties to interact with DOE on the plans and invited them to determine with POs how they would work together. A State representative said he was pleased that DOE has finally recognized the link between MMPs and the Site Characterization Plan (SCP); but that he did not see that this linkage was being implemented. He said that, so far, affected parties don't know anything about SCP activities and have received MMPs in a vacuum. McDonough explained that DOE wanted to get the SMMPs out in August as had been promised, but was unable to do so until December. A State representative said that it is very difficult to plan for impact assessment until a description of the project is available. He said that his State's contractors are asking for more information on site characterization activities and that any available information would be useful. A HQ representative said he saw no inconsistency in developing systems for monitoring which are independent of actual data.

A State representative said that HQ guidance mentions a list of activities to be conducted prior to the release of SCPs and he asked what these are for. McDonough replied that during the period prior to issuance of MMPs, each PO must be aware of any site characterization activities and must ensure that they comply with Section 113(a), which is now in effect. She said POs could use an environmental checklist for this purpose. A PO representative reported that his PO had sent a letter to the Governor of Washington detailing all activities currently underway and anticipated through the end of the site characterization phase, with copies to all affected parties.

PO Presentations on SMMPs

Eric Lundgaard, NNWSI, reported on his PO's approach to developing an SMMP. He said that the PO has set up a process for review by and interactions with the State and that the SMMP is intended to document compliance with Section 113(a). Lundgaard said he hoped his PO could keep open its lines of communication with the State and that he was concerned that the State representative had called into question the utility of meeting. Lundgaard said his PO expects to meet with the State in January to discuss MMPs and the issue of impact thresholds. He noted that to meet the requirements of the Privacy Act, the worker survey proposed for the SMMP would identify individuals only to the level of zipcodes.

A state representative repeated that it is difficult for affected parties to feel enthusiastic about engaging in a protracted process on a document that is as narrowly constrained as the SMMP. He termed this the biggest bone of contention between affected parties and DOE. Another State representative called for a single focus on public perceptions and the economic consequences of the stigma effect for business investment and recruitment in an area. An Action Item resulted from this discussion.

See Action Item # 7

A State representative asked whether the PO is using the EA as a baseline for workers. Lundgaard said that his PO already has information on the workforce at the Nevada Test Site and would account for people who move into the area during site characterization.

Karen McGinnis, Rockwell, representing BWIP, reviewed the content of BWIP's SMMP, and the history of interactions between BWIP and affected parties. Standard components BWIP will monitor are the economy, demography, services and facilities (including housing), fiscal factors, and social factors, with a special focus on Indian Tribes. A State representative observed that BWIP's approach seemed inconsistent with discussions earlier in the ISCG meeting. He asked why BWIP is monitoring impacts that are not related to significant impacts and why its SMMP is apparently inconsistent with HQ guidance. McGinnis replied that BWIP had received substantial input from its affected parties and that they are unique. She said that BWIP will deal with issues other than those related to significant impacts if they arise.

A HQ representative said that SMMPs address areas that DOE has determined may experience significant adverse impacts; some uncertainty in the assumptions made in the assumptions made in the EAs means that DOE might include some factors that weren't considered significant in the EAs. She stressed that monitoring will progress through stages: for example, a critical factor would be the timing of workers entering and leaving an area; if they all entered a single area, DOE might phase-in monitoring of housing. She cited DOE's receipt of a letter from the Vega Independent School District as an instance of its becoming aware that an uncertainty exists. A State representative said that the information in the Vega letter had been provided by the State for the draft EA but had been ignored by DOE.

A HQ representative said that in a worst case scenario, while DOE had assumed that most workers would settle in Amarillo, all might settle in Vega, creating

a major problem. He stressed that DOE cannot read the future exactly and needs to look carefully. He said this position is not inconsistent with the assumptions made in the EA about Amarillo, but that uncertainty might result in a worst case scenario in which all workers settled in Vega.

An Indian Tribal representative said that BWIP's SMMP assumes that all workers will live in Tri-Cities and he asked why BWIP would therefore be gathering data on Indian Tribal economies. McGinnis acknowledge some uncertainty on this point and said that data on Indian Tribal employment had been included to address comments by affected parties. Another Indian Tribal representative said that BWIP had identified four special study areas and had stated that the baseline for monitoring was the EA. He asked how this relates to the SMMP. He noted that the EA used 1980 census data, which for Indian Tribes is scant, and he asked what BWIP's baseline is. He asked if BWIP would be superimposing its monitoring on a non-existent baseline. A HQ representative said DOE will develop community profiles in conjunction with SMMPs and is looking outside SMMPs, which have a very specific purpose. The Indian Tribal representative asked what other tools are available and said EIS scoping could not be one of them. The HQ representative said that other DOE studies will be available and that SMMPs are part of a total socioeconomic program. The Indian Tribal representative said that their concern is that other studies are unfocused and he asked why DOE does not fold all studies into SMMPs for a comprehensive, coordinated approach to monitoring. McGinnis explained that BWIP is developing a Socioeconomic Program Plan to provide a comprehensive approach and that part of the Environmental Monitoring Plan will address document coordination.

A State representative remarked that MMPs are DOE's way of responding to one section of the Act and are not a sufficient response to affected parties. He asked why DOE does not develop one coordinated volume of socioeconomic studies, one chapter of which could address compliance with Section 113(a). An Action Item was adopted on this point.

See Action Item # 8.

A State representative asked to what extent Oregon would be involved in the development of BWIP's SMMP. The HQ representative said that Congress had directed DOE to give Oregon funding to participate in the program and that Oregon had asked for a half-million dollars. He said that Oregon, BWIP, and Washington State will have to determine where these funds could be most effectively applied. A BWIP representative stated that BWIP's FY '87 scope of work does not include interactions with Oregon. He suggested that BWIP might want to talk with Oregon about this and that the State might receive \$2.5 million over a period of five years.

A State representative asked DOE to elaborate on the subject of its overall socioeconomic plan and asked if this plan meets the parameters for a comprehensive document. McGinnis stated that all parties perceive the need for an overall plan, but the BWIP does not know when it will be able to prepare one. A representative from another PO noted that program plans under development will serve as umbrella documents that may take care of the issue addressed by the Action Item # 8. She suggested that there is confusion between documents and that activities during site characterization should not be confused with preparation of an EIS and repository development.

An Indian Tribal representative pointed out that the definition of significant impacts hinges on thresholds. He said that he still did not understand DOE's definition and how it will really work and he urged that the issue be revisited by way of a parameter-by-parameter review of such thresholds. A HQ representative said that DOE will develop thresholds in consultation with affected parties, but acknowledged that it is a site-specific judgment call. The Indian Tribal representative said that he could recall no discussions between DOE and the States and Indian Tribes on this issue in development of draft SMMPs. He noted that an influx of several hundred workers would have different impacts in different places and that what is most important is the size of the baseline population. He reiterated that potential significance cannot be determined without first looking at threshold definitions.

A HQ representative reminded the ISCG that SMMPs are not required by the NWPA, but are intended to serve as planning tools to help DOE meet its responsibilities. Whether everyone agrees about SMMPs is less important, he suggested, that whether DOE is satisfied that they help it meet these responsibilities. He agreed with the State representative's point that there is a larger picture here, but said that DOE wants to get the MMPs in place.

A State representative asked if DOE was implying that Indian Tribal land is ceded for Hanford. McGinnis answered no, that the land had been ceded long ago. Someone from the floor said that the Integrated Environmental Program Plan (IEPP) will look at all requirements of repository development through licensing, and that to support EIS development and the licensing application, a great deal of information will be collected during site characterization. She stressed that DOE will look at all field activities and that socioeconomics are not included in the IEPP at this time. Several PO representatives said they do plan to include socioeconomics in their IEPPs. A HQ representative said that DOE must do more work on this subject to sort out activities between site characterization and repository development.

Someone from the floor asked for clarification of the reference to a plan with a broader scope. A HQ representative said that DOE had chosen to develop SMMPs and was focusing on them now. He repeated that there are many other activities in the area of socioeconomics and that DOE must sort out details and consider suggestions for consolidating documents.

The speaker from the floor stated that without agreement on baselines, there could be no agreement on impacts, such as those of workers, and that impacts depend upon the boundaries of affected areas. A State representative said that the new section in the SMMPs on how to develop thresholds will be of considerable interest to affected parties. He noted that the guidelines suggest these thresholds will be developed by HQ and POs and he asked that affected parties be added to this list. A HQ representative agreed to do so and another HQ representative stated that this had been treated in a memo.

A State representative suggested that DOE bound the task set forth in Action Item # 8 by what it considers to be primary and secondary impacts under the National Environmental Policy Act (NEPA). He suggested that standard parameters found in NEPA's Table of Contents could serve this purpose and he noted that they go beyond those identified in DOE's SMMPs. The HQ representative said that DOE may not want to be limited by NEPA and that the NWPA highlights socioeconomic areas. The State representative suggested that DOE use standard parameters to bound the Action Item so that it won't be open-ended. He predicted that at some point DOE will disagree with affected

parties' strategies, but will be obliged to let them proceed with their studies nonetheless. The HQ representative said that such bounding would define what DOE would undertake. The State representative said that affected parties could proceed with their studies and even duplicate DOE's.

Bob Hines of Battelle, a contractor to SRPO, reviewed Chapter 4 of SRPO's SMMP, which identifies factors to be monitored. He said that in selecting factors, SPRO had set an annual population growth rate of ten percent as a criterion and had projected uncertainties with respect to schedules and private business. He said the SMMP examined existing conditions in Vega's service capacity and schools and that it will focus on conditions in Vega and its school district.

Linda McLain, SRPO, said that the PO views development of the SMMP as a very important step that must be carefully taken. She said that SRPO believes it must present its program in its fullest context and that MMPs are one part. She predicted that SRPO's move to Texas will delay its SMMPs, since SRPO believes it should not present its plans until it is on-site and can engage State and local people in development of the SMMP. A Texas representative said this is consistent with the State's view.

Someone from the floor asked if the ten percent population growth criterion were applicable as a threshold for other sites. A HQ representative said that the June 25, 1986 guidance says that thresholds are site-specific. The person from the floor said that there are inconsistencies among the three plans. He said that a Nevada local representative who has worked with the PO to try to get recognition for local impacts has not been able to get the PO to recognize ten percent as significant. A HQ representative said that after the period of interactions on SMMPs, POs will discuss them with HQ and will identify such issues. A State representative said that the ten percent figure might be too high, but that enough data are available to determine what Vega would have to do. He said that because schools and sewage treatment are now at capacity and Vega's population of 900 persons is not expected to grow for any other reason, using ten percent as a programmatic threshold would be inappropriate.

PAYMENTS EQUAL TO TAXES (PETT)

Ann McDonough, DOE HQ, explained that DOE's intent in discussing this agenda item was to present the specific topic of PETT within a larger context. She stressed that while the NWPA does not intend PETT to serve as financial assistance during site characterization, there may be other ways to meet funding needs, such as through grants provided under C&C agreements; interagency agreements reimbursable through the Nuclear Waste Fund; technical assistance, such as construction by DOE of a temporary classroom; or--as a last resort--a line item in DOE's budget request. Other sources of revenue flowing to the States, she noted, would include taxes paid by contractors to DOE.

A State representative objected to this last point, asserting that it is irrelevant, since taxes paid by contractors do not constitute assistance. Further, boom-bust investments are unpredictable, and it would be misleading to suggest that such revenues constitute assistance, unless DOE were to require each contractor to invest a certain amount in local communities. McDonough agreed that such payments do not constitute assistance and said that DOE was simply noting that they will constitute revenues.

McDonough reviewed two definitions DOE has developed for PETT: jurisdictions eligible for PETT are the States and units of general local government within which a site or a portion of a site is located, and a site is that area which the NRC will require DOE to control, if the site is selected for a repository. McDonough explained that activities subject to PETT are those carried out on the site following May 28, 1986; those carried out prior to that date will be considered to the extent that their residual value is treated as improvements to real estate for purposes of assessment valuation. McDonough reminded the ISCG that a preliminary DOE paper on definitions of "site" and "eligible jurisdictions" was in the reference package and was open for comment, and that the PETT guidelines in the reference package were still in draft form.

An Indian Tribal representative asked how the definition of "site" and "community" under PETT would apply to commuters who work at the site but live in another jurisdiction. A HQ representative said that to be eligible for PETT, the taxing jurisdiction must host the site. Thus, for example, if a worker lived in a county other than that in which the site is located, and commuted to the site, the county he lived in would not be eligible to receive PETT funds. The key is the location of the site and its jurisdictional boundaries, he explained.

A State representative asked if the DOE memo on definitions reflected approved DOE positions. McDonough said that the positions are preliminary and were prepared with the General Counsel's Office for discussion at the Las Vegas ISCG meeting. The State representative suggested that DOE adopt a broader approach to the definition of "site," including as eligible for PETT all jurisdictions affected. In Nevada, he noted, some site characterization activities will be conducted off-site; even though Clark County is not the site, it should be eligible for PETT. McDonough replied that this would not fit DOE's definition. The State representative advised that Congress had intended that State and local jurisdictions be eligible for PETT. McDonough pointed out that the statute reads, "where authorized to tax." The State representative said that Clark County may be empowered to tax. McDonough added that the statute says, "in which a site for a repository is approved." The State representative stated that a site was approved in the State of Nevada. Another HQ representative said that DOE would say that the State of Nevada and Nye County (the county in which Yucca Mountain is located) have the right to tax. The State representative said there would be no site characterization activity in Clark County were there not a site in Nye. The activity, not the location of the site, is critical, he argued; the intent of the Act is to let jurisdictions collect the equivalent of taxes.

McDonough asked the State representative how he would define "site." He replied that he would define it in terms of the location of activities that constitute site characterization. Another State representative added that those activities should be defined as anything that would not be there in the absence of site characterization.

A HQ representative said that the reference in the Act is to how States and counties tax; if "site" is defined as activities, a seismic station in California could be included, but Nevada does not tax beyond its borders. A speaker from the floor pointed out that railway utilities are assessed nationwide and then taxed per-mile within a State. An Indian Tribal representative asserted that States pursue revenues beyond their borders. The

HQ representative said that DOE will examine this point and that if tax revenues do flow from outside a State, DOE would have to determine whether this is applicable to PETT. A State representative suggested an analogy: if the repository were a private corporation with offices in Las Vegas, all aspects of its operations would be taxable. Someone from the floor noted that most if not all of the land will be leased during site characterization. A HQ representative stated that PETT applies only to land owned by DOE: if DOE leases, the landowner pays the taxes due. However, total payments would probably be the same whether the land were taken by DOE or leased, he suggested. A State representative noted that DOE equipment would also be taxed.

A PO representative cited special provisions in Nevada tax law that require private contractors to pay to counties a "possessory use" tax on real and personal property owned by the Federal government but used by contractors in carrying out their contractual responsibilities. She explained that these taxes are in addition to taxes paid on property owned by the contractors and in addition to sales taxes paid by contractors on purchases made as agents of the Federal government. In the last fiscal year, she noted, DOE contractors paid approximately \$900,000 in possessory use taxes to Clark and Nye Counties together, while one DOE contractor had paid approximately \$3 million in such taxes.

The State representative said the State knows it already taxes contractors; it is concerned now with DOE and it wants to settle PETT issues now. Another State representative suggested that DOE consider an alternate definition of "site," in keeping with the spirit of the Act that everyone be made whole. The ISCG adopted an Action Item for this purpose.

See Action Item # 9

Referring back to the preliminary DOE paper on definitions, the State representative said that the discussion of Section 116(c) (3) of the Act with respect to the controlled area was unnecessarily vague. He said it fails to distinguish the boundaries of the controlled area during site characterization from the boundaries for licensing purposes. Site characterization can't be confined to nine square miles, he argued. He cited the NRC's requirements for a controlled area and said that DOE's definition should make clear what the controlled area is now, as opposed to what it could be. If DOE finds it necessary to go beyond the nine-mile area during site characterization, he added, it will need to issue a new Environmental Assessment.

In response to Denver Action Item # 17, McDonough explained DOE's rationale for selecting "payment" rather than "grant." A State representative said that affected parties had asked for a written policy. A HQ representative explained that DOE had selected "payment" because "grant" does not comport with the concept of making parties whole; grants require a test of germaneness, while Congress intended that revenue continue to flow. Another State representative asked that DOE include its rationale in its written policy. Provided there are no strings attached to the payments and no limits on DOE's liability, he continued, affected parties do not care what the payments are called. The HQ representative said that payments are

administratively easier and meet Congress' intent to replace lost revenues. The State representative said that what is easier for DOE is not necessarily easier for affected parties. The ISCG adopted another Action Item on this subject.

See Action Item # 10

McDonough said that DOE would clarify that taxes paid by contractors are not a form of "funding" and that PETT payments would not cover site activities carried out prior to May 28, 1986.

Affected Parties' Proposed Concepts of PETT

Joe Strolin, representing the State of Nevada and speaking for the States, said that individually and collectively the States had given the matter of PETT a great deal of thought. PETT is largely driven by State law, he said, and the States consider DOE's work on PETT guidelines to be somewhat extraneous. States will calculate what they believe DOE owes on the basis of State law and will present DOE with an application for that amount and an account of how it was computed. If DOE feels it needs internal guidelines to handle PETT, that is fine with affected parties, but once payments leave DOE's hands, the States have authority and any provisions in DOE's guidelines that go beyond the point where payments leave DOE's hands are inappropriate. Strolin noted that for taxation of real and personal property, the party being taxed renders an account of the property to the taxing authority, which then assigns a valuation; if the party doing the rendering is not satisfied with the valuation assigned, an appeals process can be used. DOE should confine itself to working out internally how it will render real and personal property; if DOE disagrees with the State's valuation, Strolin suggested, DOE could file an appeal with the State. He said that this is the practice used by the private sector. States would determine the amount of PETT payments and if DOE disagrees, DOE can take the States to Court, he added.

A HQ representative asked if applying this policy would mean that that portion of the DOE Operations Office (in Clark County) dedicated to the Nye County site would not be subject to taxation. Strolin replied that more work is needed for Clark County to determine how to handle this and that any Federal equipment in the Project Office might be subject to taxation.

A speaker from the floor observed that the States' position sounded generally reasonable and fairly describes what DOE hopes will be the policy. He pointed out, however, a possible problem: since under State tax law, DOE is not really subject to taxation, the manner in which DOE keeps its books and the manner in which those books are presented may affect the way States compute the amount owed. The burden of the guidelines falls on DOE, he said, to respond to individual jurisdictions.

A HQ representative said that DOE had limited copies of the Nevada SMMPs. He asked that persons wanting copies request them from Barbara McKinnon, through the NNWSI PO. A state representative asked if affected parties could obtain copies of all MMPs--EMMPs as well as SMMPs. The ISCG adopted an Action Item to oblige this request.

See Action Item # 11

Another State representative asked about the schedules for EIS scoping. The HQ representative said those schedules are being reevaluated.

Strolin asked when DOE would clearly demarcate the site in Nevada. He said the State had heard estimates of its area ranging from 5,000 to 50,000 acres. The HQ representative said that the EAs demarcate sites. Strolin said the EAs only indicate the extent of acreage. The ISCG adopted an Action Item to address this matter.

See Action Item # 12

Strolin asked if there would be a time limit on applying for PETT funds. Nevada had not completed its application for FY '87 and it might overlap with its application for FY '88, he observed. A HQ representative said he did not believe there would be a time limit, as Nuclear Waste Fund monies are "no-year" monies.

Strolin suggested that SCPs could identify the boundaries for each site. Another State representative stated that the best way to define the boundaries is by using a map based on a geological survey. The EAs are the only final documents that speak to what a site is, he continued. He questioned how DOE could propose activities for a site without knowing its limits, how it could justify spending funds on those activities without knowing where those activities will take place, and what basis DOE would have for spending money on an activity in a location not defined as part of a site. An Indian Tribal representative seconded the request for a map showing site boundaries. A PO representative responded that maps are included in the EAs. The HQ representative said that while DOE will mostly know where it will be conducting activities, it might not be necessary to know specifically the entire boundary before undertaking an activity. The HQ representative observed that because the SCPs are not yet completed, the specifics are not yet known. The State representative repeated that Chapter 4 of the EAs does not define the boundaries of sites and he asked what final document, with legal standing, will define the boundaries within which DOE will work. The HQ representative asserted that it is the kind of activity conducted, not the location of the activity, that is key.

OUTREACH AND PARTICIPATION COMMITTEE

REVIEW OF DENVER ISCG OUTREACH ACTION ITEMS

<u>ITEM</u>	<u>ASSIGNED TO</u>	<u>STATUS</u>
1. States and Indian Tribes will work with the POs to provide comments on criteria for the FSOPPs, including the checklists. They and the POs will provide comments to Carol Peabody at HQ.	States and Indian Tribes, POs	Agenda item for Las Vegas Meeting

HQ reported that Carol Peabody had not received many comments.

2. Suggest to Jim Knight that the date of publication of the EIS Notice of Intent guide the rest of the schedule for the development of the EIS, and that following the Notice of Intent, the public be provided at least 90 days to prepare for the scoping hearings. B. Gale Completed.

Jim Knight said he will give serious consideration to this suggestion.

3. Send copies of the Information Services Directory to the ISCG Roster. G. King Completed.

NEAR-TERM, OCRWM-WIDE OUTREACH ACTIVITIES

Ginger King, DOE-HQ, reported on OCRWM's near-term outreach activities. She said that the Agency is developing near-term, external interactions plans. OCRWM has made budget allocations for FY '87 based on the continuing resolution passed by Congress in its last session and is conducting program reviews and identifying activities at the three sites and in the area of storage and transportation for 6 to 9 months of FY '87. The agency is also preparing for the FY '88 budget hearings. King said that plans for FY'88 activities will be provided to States and Indian Tribes through the POs when the FY '88 budget request is submitted to Congress.

GAO has issued its report on OCRWM for the fourth quarter of FY '86, King continued. OCRWM is updating its Information Services Directory to include new Congressional committees and it expects to issue a publications catalogue in March 1987. The catalogue will list selected Federal technical and program documents issued by DOE, DOT, NRC, and GAO, as well as Federal Register Notices. Entries will be listed by subject and abstracts will be provided. The catalogue, which will be updated annually, will be put on-line in Infolink, OCRWM's electronic information base, in May 1987. New public information products include a brochure on international cooperative agreements and a general, public information video, "Managing the Nation's Nuclear Waste."

OCRWM is now completing its first Program Quarterly Update, a 20 minute video on the third quarter of FY '86. Intended for internal use as an orientation and information tool, it could also be made available to States, Indian Tribes, and Congressional staff, King noted. The video will be accompanied by hard copy. OCRWM is considering developing a video question and answer orientation and training program which would be intended for internal use, but could be shared. King said DOE would like to use the ISCG as a forum for screening this material.

Topics addressed by Backgrounders and fact sheets currently under development include: transportation routing, transportation casks, water as a factor in repository siting and design, the role of Federal agencies in OCRWM's program, cooperative planning in OCRWM's transportation program, and an executive summary of the Transportation Institutional Plan.

The Agency's Public Information Products Plan (PIPP) for FYs '86-87 included a list of existing documents and identified those needing updating and those that should be withdrawn. It also called for a plan to evaluate public information products. A draft evaluation plan will be ready for internal review early in 1987, King said, and will be included in the reference package for the March 1987 ISCG meeting, for review and comment by affected parties. OCRWM plans to complete its evaluation of existing publications and those under development, and to develop a PIPP for FYs '88-89, by August of 1987.

King said that OCRWM is considering expanding Infolink to include more materials useful to States, Indian Tribes, and the general public and she invited the ISCG to suggest how the service could be made more useful. The schedule for exhibits for calendar year 1987 should be approved within several weeks, she said, and will be put on Infolink.

A State representative, citing a half-page article on the Bicentennial of the US Constitution that appeared in a recent issue of OCRWM's "Bulletin," asked what policies govern the inclusion of material in the "Bulletin." Are such articles included because OCRWM doesn't have enough news to fill the publication, he asked, and is this acceptable to ratepayers? King replied that generally only program-related material is included, but that sometimes Departmental requirements are imposed, as in this instance.

NNWSI invited ISCG members to visit the offices of its contractor, SAIC, after the December 10 session, to view a demonstration of an electronic system for storing and retrieving news articles on the repository program.

DRAFT HQ REVIEW CRITERIA ON FACILITY-SPECIFIC OUTREACH AND PARTICIPATION PLANS (FSOPPs)

Judy Leahy, DOE HQ, presented an overview of HQ criteria for reviewing FSOPPs. FSOPPs, she explained, meet requirements set forth in the Mission Plan, in OCRWM Guidelines for Interactions with Communities and Local Governments, and OGR Guidelines for Intergovernmental and Public Participation Activities. They will serve as umbrella plans for site-specific institutional activities and are to address both ongoing and milestone-related institutional activities. HQ review criteria are intended to ensure consistency with DOE policy and equity among the three sites. Leahy noted that the draft HQ Review Criteria were included in the Las Vegas reference package and she stated that DOE would welcome written comments on them.

A PO representative observed that a good public information plan provides a solid framework for activities, but that sometimes it is necessary to respond rapidly to circumstances. DOE's criteria should recognize this necessity, he suggested, and rather than being limiting, should provide a foundation.

Leahy suggested that the ISCG proceed with a page-by-page review of the criteria. However, a PO representative said her PO would prefer to submit written comments. The ISCG agreed and adopted an Action Item.

See Action Item #13

PROJECT OFFICE STATUS REPORT ON FSOPPs

Linda McClain, SRPO, explained that SRPO is still preparing to engage with the State of Texas in the planning process. SRPO's draft "SRP Public Participation Planning Process document" has been reviewed by HQ and is currently being revised to incorporate HQ's comments. It is scheduled to be issued in January. A working draft of the Planning Process document has been shared with the State. The latest version resulted from initial meetings between PO technical staff and its support contractor and reflects HQ comments and the DOE May 28, 1986 announcements. The next step will be to develop ways of involving and informing the public in specific program areas, she said, and when the PO moves into Texas, it will re-engage with the local population, inviting them to review the plan and to identify their own requirements for information and participation. The process will take approximately a year, she predicted, and the resulting plan will blend local, State, and DOE HQ requirements. Max Powell, BWIP, reported that BWIP has developed a plan, but not in the context of FSOPP criteria. After BWIP reviews and comments on HQ criteria, it will revise its plan to reflect HQ guidelines, consulting with local parties, he said.

Sue Volek, SAIC, representing NNWSI, reviewed the process by which NNWSI has developed its FSOPP. Starting with Mission Plan requirements, NNWSI drew on its 4 years of experience with State and local governments in Nevada, she explained, to estimate future requirements for public information and participation. In March of 1986, it notified Nevada's State and Local Government Planning Group that the FSOPP planning process was beginning and it met several times with the State's Public Affairs Manager to discuss FSOPP concepts. NNWSI presented an early draft to the Planning Group in September and reached tentative agreement on a review and comment procedure. This group's review of the plan was very useful, Volek reported, and the HQ review criteria were also useful, raising some points for discussion with affected parties. NNWSI is waiting to see what final criteria emerge. From its interactions with the Planning Group, NNWSI concluded that its plans should clearly define what the public will participate in; specify how it will do business with the State, local governments, and the public; address continuing activities that apply to routine interactions as well as to major milestones; avoid being bureaucratic; and avoid making promises it cannot keep—a major point of concern.

NNWSI has structured its plan to set forth a philosophical basis and framework for public participation; to address the concept of participation Nevada, in which local governments are quite active; and to outline outreach activities. An Appendix includes schedules and other details subject to change. This structure will permit NNWSI to revise the Appendix as needed, Volek explained, without having to revise the body of the plan. A representative from another State remarked that she liked the concept of using the Appendix to update the plan.

NNWSI has more work to do on its plan, Volek concluded, in assessing what activities will be meaningful and what it is realistic to undertake. She stressed again that NNWSI does not want to raise expectations it cannot meet. Currently, the plan is on hold, pending final HQ review criteria.

A HQ representative said that HQ wants to codify how the Agency interacts, since there has not been a well-defined system for determining who receives information or for governing interactions with the public. He stressed the importance of FSOPPs and noted that while they receive only a brief mention in the Mission Plan, they are amplified by DOE's Guidelines. FSOPPs are the beginning of a larger process of codifying how DOE should relate with affected parties and the public, he added; the November 20 meeting in New Orleans addressed the subject of developing operational principles for the program and FSSOPs begin that process from the bottom up.

AFFECTED PARTIES' OUTREACH ACTIVITIES AND PRODUCTS

A HQ representative complimented affected parties on the high quality of the products they produce. He observed that those products invariably present a balanced view of the program and he stated that they serve as a model for DOE's efforts. He said that DOE appreciates affected parties' deep interest in producing public information products and the quality of those products.

Marta Wilder, representing the Washington State Office of Nuclear Waste Management, described her State's outreach program. An Advisory Council on local government, which advises the State's Nuclear Waste Board, has been heavily involved in helping the state plan its public involvement activities, she said. Since DOE's May 28, 1986 announcements, the State has held several public meetings. In July, meetings to educate the public on defense waste were held at Hanford. In September, the State sponsored a panel of scientists from around the country who convened to hear testimony about local health concerns at Hanford. Two press conferences were held on this subject. In a six-county survey undertaken by the State, half the person surveyed reported concerns about the health effects of Hanford. The State also sponsored a round of public meetings on Referendum 40, which called for the State to continue to challenge the selection of Hanford as a site. The Referendum carried 82 percent of the vote.

Wilder said that her office continues to produce printed materials and is developing a Public Involvement Plan, on which it will invite public comment. In draft form, the plan would provide for public service announcement to get the issue of nuclear waste before the public and to invite comment; a video on issues that are key to the State; video news releases that could accompany press releases; slides depicting how spent fuel is packaged; a toll-free hotline; expansion and computerization of a mailing list, which now includes 12,000 names; and cooperation with other State agencies and with affected Indian Tribes.

A major project underway is development of a program on nuclear waste for schools. Two contractors are working with the State's Superintendent of Public Instruction on this project. The first step is a survey to identify what materials and programs already exist. Content for lesson plans will then be developed, along with a teacher training program. Wilder estimated that the project will take 6 to 12 months to plan and a year to test. What makes this project special, she stressed, is that to truly educate students, it is necessary to get them to participate.

A BWIP representative asked what the purpose of the hotline would be. Wilder replied that it would be similar to the State Attorney General's "Consumer Line," which invites callers to select taped messages on a variety of issues. Another BWIP representative said that BWIP has met with the three affected Indian Tribes to show them what public information materials BWIP has available. He said that BWIP would like to work with the Indian Tribes and the States of Washington and Oregon on an aggressive public information program. He complimented the State of Washington for its efforts, terming its information factual and suggesting that all parties could learn from it. He said he had suggested to the Indian Tribes that they call Wilder for help with their public information programs.

Wilder added that her office had gotten a good deal of use out of a nine-panel, velcro foam board display that can be transported in two suitcases and is easy to set up. She recommended that other parties consider using such displays. Wilder concluded by suggesting that public information staff get together in the course of the day.

Max Power, representing the Washington State legislature, noted that his State is unusual in that the legislature receives a separate grant from DOE. A portion of that grant is invested in information products from a narrowly targeted audience: State legislators are active in their communities, spending more than half their time back home, and are therefore key links with a broader public, Power observed. His office tries to support and empower them, he explained, so they can explain issues to their constituents. Power said that while BWIP may worry about duplication of effort between his office and Wilder's, which represents the executive branch, he thinks they complement each other. The members of Wilder's Advisory Council use his materials to brief themselves, while he uses some of Wilder's materials for displays.

Power predicted that as more legislators become more interested in nuclear waste issues his office will have to spend more time in one-on-one briefings, rather than relying on provision of printed materials. His office's printed materials, he said, must be designed for busy people with little time to read. They include a brief by-monthly newsletter reporting on development in the courts, in Congress, and elsewhere; fact sheets; and a briefing paper on the NWPA. His office assembled a panel of experts to brief legislators and will issue the proceedings soon.

The BWIP representative said that Power's group has produced outstanding work.

Bill Burke, of the CTUIR, introduced David Quaempts, Public Information Officer of the Umatilla Nuclear Waste Study Program, who described CTUIR's public information program. This program has a staff of two, Quaempts reported, and is waiting to learn if it will receive funding for a secretary. Its first newsletter was criticized for its small print and difficult terminology, he said; the second newsletter, issued in November of 1986, used larger type and simpler language and was sent to 448 people and distributed in Tribal offices, libraries, schools, and a donut shop. Quaempts spoke at a local high school on nuclear waste issues. He also designed a questionnaire that asks such question as, "Do you know where Hanford is?" Of 209 distributed, 11 percent were returned. Results reflected a great deal of ignorance about the Hanford site; some respondents didn't know where it is and

some didn't realize there have been shipments of waste to it, Quaempts reported. Survey results will help with design of fact sheets. His office is developing a brochure. At a public meeting, it presented a slide show, "Hanford Primer," which will also be shown at staff meetings on the reservation. His office also presented a program update to the general council of meeting of the Tribal government and has arranged for a tour of the Hanford site in February. Quaempts said he makes a special point of documenting CTUIR waste program activities through photographs. Albert Barros, member of the Tribal Executive committee of the Nez Perce and Vice-Chair of its Nuclear Waste Subcommittee, spoke of the need to keep the nine members of the Subcommittee informed on waste issues. He observed that turnover among the members, who hold three-year term, makes this task more difficult. Barros introduced Allen Slickpoo, a Subcommittee member, who outlined his Tribe's public information program. Its goal, he stated, is to keep the public aware and informed about nuclear waste issues. It does this in a variety of ways: it distributes a newsletter; maintains a scrapbook of news releases; sponsors public meetings on the reservation (at which Slickpoo can provide information in the Tribal language); maintains a reference library, for which a reading room is planned; exchanges information with other affected parties; and maintains a videotape file of interviews conducted and meetings held. Additionally, an editorial board within the Nuclear Waste Subcommittee reviews news releases to identify misinformation. Barros observed that many Tribal members are not aware of what is going on with respect to nuclear waste issues and that the public information program is needed.

A BWIP representative said he agreed with Slickpoo's statement that exchanging information with other affected parties is useful and he suggested that public information staff get together to talk face to face.

Alfreda Peters, librarian of the Yakima Indian Nation Nuclear Waste Program, presented an overview of its public information program. It sponsors workshops on nuclear waste issues; sends speakers to schools and churches; arranges tours to Hanford; publishes a newsletter; co-sponsored the panel on Hanford Health Effects; publishes fact sheets, including a history of the Hanford area and the Yakima Indian Nation's role in it; and produces some video materials. A special focus is one-on-one contact with students and elder, which is unique because the Yakima language plays an important role in these interactions. Peters said that when her program works with non-Indian groups, Yakima staff make a point of explaining the unique standing of affected Indian Tribes in the Nuclear Waste Policy Act.

A HQ representative asked if affected Indian Tribes had considered producing general brochures on Indian Tribal issues, as opposed to site-specific issues. A representative of the Nez Perce said that this had not happened yet, but it was possible in the future. A representative of the CTUIR said that they may share concerns with other Indian Tribes and that some fact sheets will address common concerns, such as "Why We Are An Affected Tribe" and a fact sheet on possessory and usage rights. Albert Barros of the Nez Perce said that affected Indian Tribes have a great deal of information to provide to DOE and want to help DOE understand Indian Tribal concerns. Some DOE attorneys are having trouble understanding what happened 150 years ago with respect to treaty rights that were reserved versus those that were granted, he suggested. Because the DOE and Indian Tribal points of view are quite different, it is important to establish, and work from, a common understanding.

Max Power, of Washington State, said that at the end of April 1986, the National Conference of State Legislatures' Nuclear Waste Working Group met in the State of Washington. At the Yakima Cultural Center, representatives of the three affected Indian Tribes made a joint presentation on the common themes and unique qualities of each Tribe. He said that this was a powerful experience for the legislators. Marta Wilder, of Washington State, said that her office is drafting a fact sheet on affected Indian Tribes and would appreciate Indian tribal comment on it.

Allen Slickpoo, of the Nez Perce, said that one problem his program faces is that the general public around the reservation has little interest in nuclear waste issues. He said his program has been trying to build awareness of Hanford and of the potential dangers of transportation routing in Lewiston, Idaho and surrounding towns, but that is difficult. He asked in particular for suggestions as to how to get the public to attend meetings.

Russ Neilson, representing the State of Nevada, reported that his State's public information program is just beginning. Its cornerstone is a "Media Press guide," he said, since everything the program does depends upon the media. The media are not informed on nuclear waste issues, he observed, and the "Guide" is intended to help them cover the issues. Printed in color, and easy to use, it contains fact sheets that answer basic questions, slides and photos, and a map, since many people don't know where Yucca Mountain is--or care, he added.

The State publishes a quarterly newsletter that employs graphics and color and reaches a mailing list of 6,000 persons. Neilson said that the newsletter seems to be a major focus of interest and that people who are concerned about nuclear waste issues ask to be placed on the mailing list. A State Advisory Commission on Nuclear Projects had presented a recommendation to the State legislature the previous week, Neilson reported, unanimously urging opposition to the repository. The Commission's regular meetings serve as an open forum, under the Open Meeting law of Nevada, and are the best test of meaningful public comment. Sometimes members of the public attend, sometimes they don't, he said.

While his program favors educating young people about nuclear waste issues through the schools, the schools must do the educating, he stressed; his office can provide materials, but it can't staff the classroom effort. His office also provides material to libraries and it conducts press tours of Yucca Mountain. It works with the legislative committees of both houses, which meet between legislative sessions, on a one-on-one basis, particularly with newly-elected legislators. This will be its primary activity for the coming months, as the legislature is newly-elected. Other activities will include revising fact sheets, taking a slide show on the road, and continuing the newsletter Neilson concluded.

A State representative asked Neilson the size of his annual budget. He replied that it is \$150,000. She asked how his office handles a 6,000-name mailing list. He explained that it is computerized and handled by a contractor. The mailing list continues to grow, he said, and is reaching more and more State offices.

Steve Frishman, representing the State of Texas, asserted that it is DOE's responsibility to inform the public about the overall nuclear waste program. He said that his office has been in close contact with SRPO on the subject of public information materials and that to date, there have been no major differences between them over the tone or content of these materials. His office contains no single public information source, Frishman explained, nor does it plan to institute one; rather, information emanates from topical areas of interest and activity, through established organizational structures. The State's public information philosophy is guided by a desire to place facts in the way of people's opinions, he added. The residents of Deaf Smith County are well-informed, and the information they possess supports their opinions. The State's emphasis on providing factual information serves both those who accept and those who reject a repository and serves to stabilize the issue, instead of feeding divisiveness, which local residents don't want. The nuclear waste program is one element in a set of issues before local residents, he said.

Frishman reported that the State has helped local governments formalize a committee, constituting a board of government, to oversee the repository program in Deaf Smith County. Local jurisdictions have signed a contract committing representatives to work together. Funding is now being provided to the committee and it is selecting a staff. Frishman explained that his office views this committee as the local equivalent of the State office, sensitive to local social and political concerns.

The State office serves a number of public information functions, Frishman continued. It responds to mail addressed to the governor, including in its response such material as excerpts from testimony presented by the State to Congress and summaries of the State's comment on the EAs. It engages in informal, ongoing communication with the State legislature, an activity that may become more formal as the legislature increases its activity on repository issues, Frishman predicted. The State also developed news release on topical issues and may become more active than reactive in this area; and it maintains close contact with the media, whom Frishman termed thorough, objective, and knowledgeable. He pointed out that interest in the repository program in Texas is less state-wide than it is in Nevada and Washington. Among the media there is little turnover and the State makes a special effort to keep them well-informed, Frishman added.

Surveys undertaken by a contractor through an interagency contract with the Texas Department of Agriculture examine local residents' attitudes toward site characterization, a repository, health concerns, and economic conditions, Frishman said. Employing standard polling techniques and random selection, these time-series surveys are conducted on representative groups drawn from the general public, farm owners and operators, and general business interests. The results are published, along with an explanation of the methodology employed. Survey findings enjoy a high degree of credibility, Frishman reported; a paper reporting survey findings won first prize for technical merit from a psychology convention. The parties conducting the surveys are interested in the question of how survey results can be used to determine what public policies should be.

The State produces several fact sheets on the waste program. These materials use a true/false format to engage readers' attention and are available not only in English, but in the colloquial Spanish spoken locally. The State has tried to make its printed materials responsive to the Spanish-speaking population, most of whom are migrant farmworkers, Frishman said; it has discovered, as has the Mexican government, that cartoon-like graphics can be an effective communications tool. Young people read these materials and pass the information on to older people, Frishman explained. The State also helps public interest groups acquire the technical expertise to review public information products and to use information provided by the State in their own newsletters, fact sheets, and speakers' bureaus.

Frishman concluded by saying that the State's efforts have been relatively successful and that his office is looking for ways to further enhance them; but while it is reaching ever-larger numbers of people, he added, it doesn't want to lose the personal touch in dealing with the public, and is not interested in getting into the newsletter business.

A HQ representative remarked that the State's program seemed comprehensive and well thought-out. He asked if the surveys had identified any differences in attitudes toward the program between Hispanics and non-Hispanics. Frishman replied that because of language differences, there are differences in the levels of information held by these population but that the State can't yet document whether there are significant differences in attitudes. Generally he stated, as levels of information rise, so do levels of concern over the repository program; it is unlikely that there are significant differences in attitude. While the State would like to examine this sometime, it is not a high priority now; he added.

PLENARY SESSION

REVIEW OF DENVER ISCG PLENARY SESSION ACTION ITEMS

<u>ITEM</u>	<u>ASSIGNED TO</u>	<u>STATUS</u>
18. Continuation of St. Louis Action Item # 18 - Analyze similarities and differences between WIPP and the repository program; include NNWSI's list of issues.	W. Probst	In progress.

A paper on this subject is being prepared and is related to the developing relationship between WIPP and OCRWM, as reported by Ben Easterling earlier in the Las Vegas ISCG meeting. A paper may be ready for the March, 1987 ISCG meeting.

19. Raise at HQ the question of whether it would be beneficial to establish more formal relationships between OCRWM and WIPP.	B. Easterling	Completed.
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A State representative speculated that he might have been misunderstood when this Action Item was discussed in the previous day's session. He clarified his point that if an informal meeting is the best response OCRWM can elicit from WIPP at this time, OCRWM should take it, but affected parties want more than this.

20. Include in future ISCG draft agendas a greater level of detail describing the proposed topics.	B. Gale	Completed.
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A HQ representative reported that HQ had included more detail in the draft agenda for the Las Vegas meeting, but had received no comments on the agenda; he asked if anyone had comments now. A State representative suggested that the agenda include fewer items and a more carefully considered approach to those items, so that people would come better prepared to discuss the intricacies of topics, rather than simply trade views. The HQ representative called this a good suggestion and observed that it had been made before, but said that it is difficult to anticipate what response specific agenda items would evoke. He cited the financial assistance guidelines as an example of a topic expected to elicit extensive discussion at Las Vegas; instead, it received relatively limited treatment.

The State representative suggested that all parties bear some responsibility for the agenda and acknowledged that the Las Vegas draft agenda had fallen through the cracks. He urged adoption of a well-understood procedure for communicating about the draft agenda. The HQ representative stated that HQ would prefer to include more items in the draft agenda and then to modify it

on the basis of comments. He suggested that DOE send out a draft agenda, that HQ Desk Officers call POs and affected parties for their comments, and that HQ then restructure the draft agenda on the basis of those comments. A PO representative suggested a conference call between HQ and the POs to discuss PO comments, as had been done to review draft agendas in the past. The State representative supported the idea of a conference call and said he would have no problem having his views expressed by the PO. HQ would thus receive a "package" of comments from both the State and the PO, rather than a scattershot approach. The ISCG adopted an Action Item embodying this approach.

See Action Item #14.

It was suggested that at its next meeting, the ISCG evaluate how effective this Action Item had proved to be.

CONSULTATION AND COOPERATION (C&C)

Barry Gale, DOE HQ, elaborating on Ben Easterling's presentation on the first day of the ISCG, provided further detail on the meeting held on November 20, 1987, in New Orleans between affected parties and DOE HQ and POs to explore ways of improving the consultation and cooperation process. Gale explained that the meeting convened to discuss how the Mission Plan might be revised to better address the C&C process and he said that a draft of the revised plan would be issued early in 1987.

At the New Orleans meeting, specific ideas were suggested for consideration. These included opening all DOE technical coordinating groups to affected parties; establishing technical advisory groups along the lines of the Environmental Evaluation Group at WIPP; establishing special projects, such as the Values Project Northwest, to identify specific problems and propose specific solutions; and holding personal meetings between affected parties and Stephen Kale, as was subsequently done on December 8, 1986. Other suggestions included establishing a personnel exchange program for affected parties and PO staff, and improving DOE HQ's ability to answer correspondence quickly. Gale said that HQ is already working on this latter suggestion. Creating an ombudsman to represent affected parties, with direct access to the DOE management chain and an office in the Forrestal Building in Washington, DC, was also proposed.

One suggestion discussed at length was for a rulemaking to define C&C formally. It was suggested that a rule would force DOE to determine internally what participation by affected parties should mean and also would provide accountability, should the Department fail to implement C&C appropriately. Gale said that HQ is examining the use of NRC negotiated rulemaking to resolve issues raised by the Licensing Support System and is also examining the use of formal rulemaking; he said HQ will share its findings at the next ISCG meeting.

The possibility of incremental C&C agreements was also discussed at New Orleans, but drew little enthusiasm, Gale observed, attributing this to a perception that an incremental approach sacrifices leverage. DOE remains committed to the formal C&C agreements contemplated in the Act, he said, but

is willing to sign smaller agreements. Still another suggestion made in New Orleans was that all parties develop a process for closer cooperation, so that issues could be resolved without litigation. This would keep the program within the hands of program managers on both sides, it was felt, and out of the hands of the courts.

Gale reported that Stephen Kale had found the New Orleans meeting very useful, appreciated the candor of affected parties, and had made a commitment to examine carefully the transcript of the New Orleans meeting to identify how DOE can better support the C&C process envisioned in the NWPA. Kale wants to develop new C&C initiatives and work on this is already at HQ, Gale said.

Among the specific commitments made by DOE at New Orleans, Gale reported, were the following:

1. Consideration will be given to whether a substantive revision of the C&C section of the Mission Plan is realistic, allowing for proper coordination with States and Indian Tribes, during the current revision. If not, other channels will be explored to improve the C&C process. Within DOE, OPO and OGR will address this.

2. An Action Plan will be developed to implement suggestions for C&C process improvement--independent of the Mission Plan revision. OGR has the lead on this.

3. Procedures will be developed for timely response to correspondence from States and Tribes and these procedures will be coordinated with and agreed to by States and Tribes. OPO has the lead on this.

4. Transcripts of the meeting will be provided to States and Tribes as soon as they are received by DOE. OGR is responsible for this.

Gale stated that he and Ben Easterling of DOE HQ are both committed to meeting with the States of Nevada and Washington (which had not been able to attend the New Orleans meeting) on C&C issues, at their convenience.

A State representative said that for affected parties, the overriding issue is demonstration of DOE's willingness to cooperate. There is a wide discrepancy between the amount of funding his State asked for and the amount approved, he said, and if DOE is taken to court over the grant process, it could be very destructive for C&C. The C&C process would benefit if DOE would provide the funds the State had requested, he suggested. He urged DOE to avoid the litigation problems it faced last year. A Washington State representative reported that State's Nuclear Waste Board and Advisory Council would meet the following week on C&C issues. Gale confirmed that the State had told him that it wanted the benefit of its own meeting on C&C before meeting with DOE.

An Indian Tribal representative asked what DOE envisioned as an Action Plan to improve C&C. Gale replied that such a plan would provide a longer-term perspective for working through C&C issues and would respond to several initiatives that had been proposed, such as rulemaking. For DOE to meet its responsibilities to the rights of affected parties, it must define what C&C means operationally, he stated, and it might be possible to develop an

operational definition in a rule. The Indian Tribal representative asked how long it might take DOE to do this, noting that the timing could affect C&C negotiations. Gale said that HQ was beginning to discuss this and needs to address the issue in much more detail.

A state representative said that the overriding tone of the New Orleans meeting has been that it is now DOE's move; affected parties have been stating their position for three years. If DOE's Action Plan is a response to affected parties, it should be a timely response. Affected parties are still not convinced that OCRWM senior staff understand Congressional and growing national concern about the programs. In New Orleans, HQ staff's response to affected parties assertion that it's HQ move was that they need a position they can sell to Ben Rusche, OCRWM's Director. That response is backward, the State representative argued; Rusche should be saying, "That's the problem. You should solve it." The \$79 million in funding deferred by the continuing resolution is at stake, he cautioned; if DOE does not address these problems, it will lose those funds and will find itself back in court.

A PO representative asked Gale to elaborate on the suggestion for a personnel exchange program between affected parties and POs. Gale cited the Intergovernmental Personnel Act (IPA) as a precedent but noted that adopting this proposal could be a challenge because of the contentious nature of the program. He noted that the proposal is not inconsistent with the proposal for a State and Indian Tribal ombudsman and that HQ is examining the possibility of establishing an office for an ombudsman. A State representative added that the proposal for an advocate for affected parties had just arisen in New Orleans and that what was envisioned was not so much an ombudsman as an advocate for affected parties.

A HQ representative stressed that DOE takes the C&C negotiating process with great seriousness, as it does its responsibility to follow up on the New Orleans meeting, and hopes to make rapid progress. A PO representative suggested that while formal C&C negotiations are important, the level of participation that affected parties want in the informal process of consultation and cooperation is even more important. Gale said he had assumed that the ISCG had been discussing informal cooperation and consultation and that the primary focus of the Mission Plan is on this informal process. The PO representative suggested that DOE identify the level of participation affected parties can have, and explain, where they can't participate, why they can't. DOE has not done this yet and it is what affected parties keep asking, he said. Gale remarked that this was a good point.

A State representative asked for more information about the IPA. A HQ representative explained that it was enacted in 1970 and provides a mechanism for exchanges of State and Federal employees. Costs can be borne totally by the agency sending an employee or can be split; appointments are for two years, but can be extended. IPAs are most commonly used by State university employees taking their sabbaticals in Federal agencies, but this was not the original intent of the Act, he observed.

PROJECT OFFICE REPORTS

Eric Lundgaard, NNWSI, reported that his PO had delivered its MMPs to the State of Nevada on December 1. NNWSI will meet with the State and local governments in January to discuss the MMPs, State contractor coordination of data-gathering, and site characterization activities. NNWSI Project Manager Don Veith made presentations to the State Commission on Nuclear Projects and the State Legislative Committee on High-Level Radioactive Waste in November. The status of the State's funding request was a big issue at those meetings, Lundgaard said; the State had requested \$10.2 million, of which DOE had approved \$5.6 million. The Deputy Operations Manager of DOE's Nevada Operations Office wrote to the State asking for an initial meeting to discuss C&C, Lundgaard said; the meeting was not yet scheduled. A draft of NNWSI's Public Affairs Plan will be submitted to the State and local governments later in December for comment. A final report evaluating alternative methods of conducting social impact assessments is undergoing DOE policy review and should be issued in January.

Linda McClain, SRPO, reported that her PO is working to reengage with the State of Texas and is talking with both DOE HQ and the State to refine plans for entering the State. Of Texas' \$6.7 million grant request, \$2.5 million has been approved, she said, with the balance deferred pending receipt of more information from the State. Utah and Mississippi had requested \$700,000 each, while Louisiana's request was expected in January of 1987. SRPO continues to provide information to the State of Texas, McClain said. SRPO sent a letter to Texas Governor White naming Jeff Neff, SRPO's Project Manager, as head of its C&C negotiating team. SRPO had handled some Freedom of Information Act requests and was setting up a lawsuit records management system. The PO is developing public information products, has some products under review, and is awaiting HQ approval for its exhibits for the coming year.

Max Powell, representing BWIP, reported that BWIP held C&C negotiating sessions with the Umatilla on October 1 and on November 13. Their next session is scheduled from the end of January. BWIP is awaiting a response to its C&C letters from the Yakima Indian Nation and the Nez Perce Indian Tribe, and expects to meet informally with the Nez Perce. BWIP Project Manager John Anttonen met on October 9 with the Washington State Nuclear Waste Board to discuss C&C negotiating procedures. BWIP has received no response yet to its November 19 letter to the State on C&C. BWIP's reorganization is official, Powell stated: Anttonen has been named Project Manager, Jim Mecca will handle socioeconomic and environmental affairs, Lee Olson becomes Deputy to Anttonen, and J.J. Keating is BWIP's Project Director.

The months of September, October, and November saw 65 tours, with 730 visitors, to Hanford, Powell said. On January 14-15, BWIP will hold its quarterly meeting with affected parties. Oregon will attend officially, for the first time. BWIP will be meeting with affected parties in January and February on its SMMP and FSOPP. Arthur Young and Associates will interview affected parties about LSS requirements, in December, he added.

This concluded the ISCG meeting. Barry Gale thanked ISCG members for their participation and the meeting adjourned.

CONSOLIDATED LIST OF DENVER
ISCG ACTION ITEMS
SEPTEMBER 16-19, 1986

<u>ITEM</u>	<u>ASSIGNED TO</u>	<u>DUE*</u>
<u>OUTREACH AND PARTICIPATION COMMITTEE</u>		
1. States and Indian Tribes will work with the POs to provide comments on criteria for the FSOPPs, including the checklists. They and the POs will provide comments to Carol Peabody at HQ.	States and Indian Tribes, POs	30 days
2. Suggest to Jim Knight that the date of publication of the EIS Notice of Intent guide the rest of the schedule for the development of the EIS, and that following the Notice of Intent the public be provided at least 90 days to prepare for scoping hearings.	B. Gale	10 days
3. Send copies of the Information Services Directory to the ISCG Roster.	G. King	

FINANCIAL ASSISTANCE COMMITTEE

4. The next ISCG meeting will be held in Las Vegas, December 9-11, with a possible site tour scheduled for Friday, December 12.	HQ and NNWSI	
5. Set up a meeting among Pat Spurgin, Allen Benson, and Roger Gale, to discuss Utah's comments on the OCRWM Financial Assistance Policy Guidelines.	B. Gale	
6. Transmit to Roger Gale the specific comments on the OCRWM-wide Financial Assistance Guidelines, and ask Roger to contact affected parties re: the disposition of those comments.	B. Gale	

*Due Date is by the next ISCG meeting, unless otherwise specified.

ITEM	ASSIGNED TO	DUE*
Continuation of St. Louis Action Item #2 -- Develop a draft definition of what constitutes a site pertaining to PETT for discussion purposes.	A. McDonough	
15. Continuation of St. Louis Action Item #13 -- Determine whether there is a written policy with respect to using radioactive materials (up to 10 tons) or tracer materials during site characterization.	B. Gale	
Contact the States and Indian Tribes with the information.	HQ Desk Officers	10 days
16. Continuation of St. Louis Action Item #11 -- Revise the policy paper on sources of funding to indicate that financial assistance during site characterization may be provided in a variety of ways, some of which are not tied to a signed C&C Agreement.	A. McDonough	
17. Consult with the General Counsel and provide a justification of the determination for "payment" rather than "grant" equal-to-taxes and provide to States and Indian Tribes the 9/15/86 version of the draft PETT Guidelines. Include the programmatic reasons that DOE preferred a payment rather than a grant.	A. McDonough	30 days
<u>PLENARY SESSION</u>		
18. Continuation of St. Louis Action Item #18 -- Analyze similarities and differences between WIPP and the repository program; include NNSWI's list of issues.	W. Probst	45 days
19. Raise at HQ the question of whether it would be beneficial to establish more formal relationships between OCRWM and WIPP.	B. Easterling	
20. Include in future ISCG draft agendas a greater level of detail describing the proposed topics.	B. Gale	Ongoing

ISCG ROSTER

<u>NAME/PHONE</u>	<u>ORGANIZATION/ADDRESS</u>
Jerri Adams (509)376-2956	DOE-PO/BWIP U.S. Department of Energy P.O. Box Richland, WA 99352
M. Alexander (202)599-4190	Touche Ross 1900 M Street, N.W. Washington, DC 20036
John Allen (614)424-5613	Battelle Institutional Department Office of Transportation Systems and Planning 505 King Avenue Columbus, OH 43201
Mia Anderson (202)586-5170	DOE-HQ/OGR U.S. Department of Energy (Forrestal) RW-223, room 7F-075 Washington, DC 20585
John Anttonen (509)376-2956	DOE-RL U.S. Department of Energy P.O. Box 550 Richland, WA 99352
Harold Aronson (509)865-5121	Yakima Tribal Council Yakima Indian Nation Highway 97 and Fort Road Toppenish, WA 98948
Kevin Bailey (202)955-4190	Touche Ross 1900 M Street, N.W. Washington, DC 20036
Bob Barner (702)295-1585	DOE-PO/NNWSI U.S. Department of Energy 2753 S. Highland Drive Las Vegas, NV 89114
Lake Barrett (202)586-6046	DOE-HQ/OSTS (Forrestal) RW-33, room 7F-043 Washington, DC 20585
Albert Barros (208)843-2253	Nez Perce Indian Nation P.O. Box 305 Main St. Lapwai, ID 83540
Mike Baughman (702)885-0503	Lincoln County, Nevada Intertech Consultants P.O. Box 21010 Carson City, NV 89721

Donald Bayer (702)885-5392	State of Nevada Legislative Council Legislative Building Carson City, NV 89710
Maurice Bender (312)972-3115	DOE-CH/OSTS U.S. Department of Energy 9800 S. Cass Street ARGONNE, IL 60439
Allen Benson (202)586-5330	DOE-HQ/OGR (Forrestal) RW-223, room 7F-075 Washington, DC 20585
Dennis Betchel (702)386-4181	State of Nevada Clark Co. Comprehensive Planning Clark Co. 225 Bridger Building Las Vegas, NV 89133
Chris Binzer (702)295-1737	SAIC 3040 E. Charleston Las Vegas, NV NV
Mary Lou Blazek (503)378-4131	OR - DOE 625 Marion Street, NE Capitol Mall Salem, OR 97310
Hall Bohlinger (504)925-4518	State of Louisiana Nuclear Energy Division P.O. Box 14690 Baton Route, LA 70808
Judith Bradbury (615)482-9031	SAIC 800 Oak Ridge Turnpike Oak Ridge, TN 37830
Steve Bradhurst (702)323-4141	Nye County, Nevada. Allen-Bradhurst Corp. 2140 Riviera Street Reno, NV 89505
Kristi Branch (509)376-5038	DOE-BWIP/PNL U.S. Department of Energy P.O. Box 550 Richland, WA 99352
Lane Bray (509)943-9161	City of Richland, Washington City Council P.O. Box 190 Richland, WA 99352
James Bresee (202)586-9694	DOE-HQ/OGR (Forrestal)RW-22, room 7F-075 Washington, DC 20585
Madeleine Brown (509)376-8768	Rockwell Hanford Operations 2920 George Washington Way Richland, WA 99352

William Burke (503)276-3013	CTUIR P.O. Box 638 Pendleton, OR 97801
Larry Galkins (303)276-3018	CTUIR P.O. Box 638 Pendleton, OR 97801
Curt Carlson	DOE-DALLAS U.S. Department of Energy 2626 Mockingbird Lane Dallas, TX 75235
James Cavanagh (202)586-8173	DOE-HQ/MA (Forrestal) MA-421.2, room 8H-073 Washington, DC 20585
Richard Christy (702)295-1314	SAIC The Valley Bank Ctr. 101 Convention Center Dr. Suite 407 Las Vegas, NV 89109
Chris Cluett (206)525-3130	Battelle 4000 N.E. 41st St. Seattle, WA 98105
JoAnne Comins-Rick (509)376-2956	DOE-RL Basalt Waste Isolation Project Federal Building 825 Jadwin Avenue Richland, WA 99352
Dwight Connor (303)623-7800	NCSL 1050 17th Street Suite 2100 Denver, CO 80265
Beth Darrough (614)424-5916	DOE-PO/SRPO U.S. Department of Energy 505 King Avenue Columbus, OH 43201
Melinda Davidson (202)586-6947	DOE-HQ/GC (Forrestal) GC-11, room 6A-113 Washington, DC 20585
Susan Denny (202)586-2439	DOE-HQ/OSTS (Forrestal) RW-33, room 7F-052 Washington, DC 20585
Linda Desell (202)586-9738	DOE-HQ/OSTS (Forrestal) RW-32, room 7F-043 Washington, DC 20585
Rennie DeVille (504)388-5327	Louisiana Geological Survey Louisiana State University Nuclear Waste Repository Program 2133 Silverside Drive Suite L Baton Rouge, LA 70808

Louie Dick (303)443-1683	Nuclear Waste Advisory Comm. P.O. Box 638 Pendleton, OR 97801
Wendy Dixon (702)295-1837	DOE-PO/NNWSI U.S. Department of Energy 2753 South Highland Drive Las Vegas, NV 89114
Ben Easterling (202)586-2280	DOE-HQ/OPO (Forrestal) RW-42, room 5A-051 Washington, DC 20585
Jacques Emel (617)793-7317	CENTED Clark University 950 Main Street Worcester, MA 01610
Ron Forsythe (601)961-4733	State of Mississippi Department of Energy and Transportation 300 Dickson Building 510 George Street Jackson, MS 39202
Barbara Foster (303)623-7800	NCSL 1050 17th Street Suite 2100 Denver, CO 80265
Steven Frank (202)252-4610	DOE-HQ/EH (Forrestal) EH-23, room 3G-092 Washington, DC 20585
Bill Freudenburg (608)262-1510	SSRA 5413 Mathews Road Middleton, WI 53562
James Friloux (504)342-7462	Louisiana Geological Survey Louisiana State University Nuclear Waste Repository Program 2133 Silverside Drive Suite L Baton Rouge, LA 70808
Steve Frishman (512)463-2198	State of Texas Nuclear Waste Program Office Office of the Governor P.O. Box 12428 Austin, TX 78711
Barry Gale (202)586-1116	DOE-HQ/OGR (Forrestal) RW-223, room 7F-075 Washington, DC 20585
Roger Gale (202)586-2277	DOE-HQ/OPO (Forrestal) RW-40, room 5A-051 Washington, DC 20585

Dave Gassman (702)295-1356	DOE-PO/OCC-NV U.S. Department of Energy 2753 S. Highland Drive Las Vegas, NV 89114
John Gervers (505)984-3040	Latir Energy Consultants Box 126 B, Route 7 Old Santa Fe Trail Santa Fe, NM 87505
Douglas Gillam (202)586-8945	DOE-HQ/ORM (Forrestal) RW-12, room GB-270 Washington, DC 20585
Ken Goodmiller (301)353-5721	GAO U.S. Department of Energy Room E-178 Germantown, MD 20545
Kevin Gover (208)843-2253	Nez Perce Exec. Comm. Main Street Lapwai, ID 83540
Suzanne Gray (614)424-7706	Battelle/ONWI 505 King Avenue Columbus, OH 43201
John Green, Jr. (601)961-4733	State of Mississippi Department of Energy and Transportation 300 Dickson Building 510 George Street Jackson, MS 39202
Ron Halfmoon (208)843-2253	Nez Perce Tribal Executive Committee P.O. Box 305 Main Street Lapwai, ID 83540
Jeff Harris (702)386-4181	Clark County, Nevada Clark County Planning Commission 225 Bridger Street Las Vegas, NV 89133
Kendera Henderson (202)586-1116	DOE-HQ/OGR (Forrestal) RW-223, room 7F-075 Washington, DC 20585
Michelle Henry (208)843-2253	Nez Perce Tribal Executive Committee P.O. Box 305, Main Street Lapwai, ID 83540
Dan Hester (303)443-1683	CTUIR Fredericks & Pelcyger 1881 9TH STREET, SUITE 216 Boulder, CO 80302

Roger Hilley (202)586-5292	DOE-HQ/OGR (Forrestal) RW-30, room 7F-031 Washington, DC 20585
Robert Hines (614)424-7285	Battelle/ONWI 505 King Avenue Columbus, OH 43201
Susanne Hogan (312)665-8607	Battelle/OCRD 7000 S. Adams Street Willowbrook, IL 60521
Judy Holm (312)972-2410	DOE-PO/CH-TMD 9800 South Cass Avenue Argonne, IL 60439
Joseph Holmes (504)388-5327	Louisiana Geological Survey Louisiana State University Nuclear Waste Repository Program, Suite L 2133 Silverside Drive Baton Rouge, LA 70808
Dixon Hoyle (301)654-9260	AIF 7101 WISCONSIN AVENUE BETHESDA, MD 20814
Terry Husseman (206)459-6670	Office of High Level Nuclear Waste Washington State Department of Ecology Olympia, WA 98504
Tom Isaacs (202)586-9692	DOE-HQ-OGR (Forrestal) RW-22, room 7F-059 Washington, DC 20585
James Jarrett (512)463-1812	Texas Advisory Commission on Intergovernmental Relations P.O. Box 13206 Capitol Station Austin, TX 78711
Russell Jim (509)865-5121	Yakima Tribal Council Yakima Indian Nation Highway 97 and Fort Road Toppenish, WA 98948
Carl Johnson (702)885-3744	State of Nevada Capital Complex Carson City, NV 89701
Stephen Kale (202)586-9694	DOE-HQ/OGR (Forrestal) RW-20, room 7F-059 Washington, DC 20585
Charles Kay (202)586-6850	DOE-HQ (Forrestal) RW-2, room 5A-085 Washington, DC 20585

Frank Khattat
(202)343-3959

Bureau of Indian Affairs
Main Bldg. Rm. MIB-4559
U.S. Department of the Interior
18th & C St., NW
Washington, DC 20240

Robert Kimble
(702)295-1896

SAIC
The Valley Bank Ctr.
101 Convention Ctr. Dr.
Suite 407
Las Vegas, NE 89109

Ginger King
(202)586-2835

DOE-HQ/OPO
(Forrestal) RW-43, room 5A-051
Washington, DC 20585

Keith Klein
(202)586-9433

DOE-HQ/OSTS
(Forrestal) RW-32, room 7F-031
Washington, DC 20585

B. Klett
(303)811-0900

C.H. 2M Hill
P.O. Box 22508
Denver, CO 80222

Jim Knight
(202)586-9300

DOE-HQ/OGR
(Forrestal) RW-24, room 8H-050
20585

Steve Kraft
(202)828-7581

Edison Electric Institute
1111 - 19th Street, N.W.
Washington, DC 20036

Mike Kurgan
(202)586-2840

DOE-HQ/OSTS
(Forrestal) RW-32, room 7F-043
Washington, DC 20585

Helen Latham
(614)424-4364

Battelle/ONWI
505 King Avenue
Columbus, OH 43201

Judy Leahy
(202)586-8320

DOE-HQ/OGR
(Forrestal) RW-223, room 7F-075
Washington, DC 20585

Robert Lesko
(202)955-4190

Touche Ross
1900 M Street, N.W.
Washington, DC 20036

Denise Lettig
(509)865-5121

Yakima Indian Council
Highway 97 & Fort Rd.
Toppenish, WA 98948

Bill Lilley
(301)427-4798

U.S. Nuclear Regulatory Commission
Division of Waste Management
Mail Stop 623SS
Washington, DC 20555

George Loudder
(804)353-4866

Battelle/ONWI
6666 Amarillo Blvd. W.
#18
Amarillo, TX 79105

Robert Loux, Jr. (702)885-3744	Nuclear Waste Project Office Office of the Governor Capitol Complex Carson City, NV 89710
Eric Lundgaard (702)295-2030	DOE-NNWSI 2753 S. Highland Drive Las Vegas, NV 89109
Jo Mabray (504)388-5327	Louisiana Geological Survey Louisiana State University Nuclear Waste Repository Program 2133 Silverside Drive Suite L Baton Rouge, LA 70808
Lois Marks (202)586-8365	DOE-HQ/OSTS (Forrestal) RW-33, room 7F-031 Washington, DC 20585
Douglas Matthews (202)955-4190	Touche Ross 1900 M. Street, N.W. Washington, DC 20036
Linda McClain (614)424-5916	DOE-PO/SRPO 505 King Avenue Columbus, OH 43201
Catherine McDavid (202)646-6729	Roy F. Weston, Inc. 955 L'Enfant Plaza, S.W. 8th Floor Washington, DC 20024
Ann McDonough (202)586-5975	DOE-HQ/OGP (Forrestal) RW-223, room 7F-075 Washington, DC 20585
Karen McGinnis (509)376-1685	Rockwell Hanford Operations P.O. Box 800 Richland, WA 99352
Barbara McKinnon (702)295-1896	SAIC The Valley Bank Center 101 Convention Center Drive Suite 407 Las Vegas, NV 89109
Jim Mecca (509)376-5038	DOE-PO/BWIP P.O. Box 550 Richland, WA 99352
William Metz (312)972-3271	Argonne National Lab 9700 South Cass Avenue EES-362 Argonne, IL 60439
Carol Morrison (312)972-2014	DOE-PO/OCM Chicago Operations Office 9800 South Cass Avenue Argonne, IL 60439

Robert Mussler (202)586-6947	DOE-HQ/OGC (Forrestal) GC-11, room 6A-113 Washington, DC 20585
Jeff Neff (614)424-5916	U.S. Department of Energy Salt Repository Project Office 505 King Avenue Columbus, OH 43201
Russell Neilson (702)885-3744	State of Nevada Capital Complex Carson City, NV 89701
Bim Oliver (801)538-5548	State of Utah 355 W. North Temple Salt Lake City, UT 84120
Tom Page (509)375-2936	DOE-PNL/BWIP P.O. BOX 999 Richland, WA 99352
Robert Palm (702)383-3530	Clark County Department of Comprehensive Planning 255 Bridges Avenue, 7th Floor Las Vegas, NV 89155
Gerald Parker (202)586-5679	DOE-HQ-OGR (Forrestal) RW-241, room 7F-070 Washington, DC 20585
Jerry Parker (206)459-6670	Office of High Level Nuclear Waste Washington State Department of Ecology Olympia, WA 98504
Elwood Patawa (503)276-3099	Board of Trustees CTUIR P.O. BOX 638 Pendleton, OR 97801
-Carol Peabody (202)586-1330	DOE-HQ/OGR (Forrestal) RW-223, room 7F-070 Washington, DC 20585
Henry Penney (208)843-2253	Nez Perce Exec. Comm. Main Street Lapwai, ID 83540
Alfreda Peters (509)865-5121	Yakima Tribal Council Highway 97 & Fort Rd. Toppenish, WA 98948
Robert Philpott (202)586-9620	DOE-HQ/OSTS (Forrestal) RW-33, room 7F-052 Washington, DC 20585
Gary Pitchford (312)972-2013	U.S. Department of Energy Chicago Operations Office 9800 South Cass Avenue Argonne, IL 60439

Max Powell
(509)376-5267

DOE-PO/BWIP
P.O. Box 550
Richland, WA 99352

Max Power
(206)786-7285

Washington State Institute
for Public Policy
The Evergreen State College
4111 Seminar Building TA-00
Olympia, WA 98505

Wilma Probst
(202)586-5684

DOE-HQ-OGR
(Forrestal) RW-223, room 7F-075
Washington, DC 20585

David Quaempts
(503)276-3099

CTUIR
P.O. Box 638
Pendleton, OR 97801

Jim Reed

Texas ACIR
P.O. Box 13206
Austin, TX 78711

Beatrice Reilly
(702)295-1736

SAIC
The Valley Bank Center
101 Convention Center Drive
Suite 407
Las Vegas, NV 89109

J. Herman Reuben
(208)843-2253

Nez Perce Tribal Exec. Comm.
P.O. Box 305, Main Street
Lapwai, ID 83540

Wyatt Rogers
(303)832-6600

Council of Energy Resource Tribes
1580 Logan Street
Denver, CO 80203

Sam Rousso
(202)586-9116

DOE-HQ/ORM
(Forrestal) RW-10, room GB-270
Washington, DC 20585

Daniel Ruge
(202)586-6947

DOE-HQ/OGC
(Forrestal) GC-11, room 6A-113
Washington, DC 20585

Cheryl Runyon
(303)623-7800

NCSL
1050 17th Street
Suite 2100
Denver, CO 80265

Jerome Saltzman
(202)586-2277

DOE-HQ/OPO
(Forrestal) RW-41, room 5A-051
20585

Melvin Sampson
(509)865-5121

Yakima Tribal Council
Yakima Indian Nation
P.O. Box 151
Toppenish, WA 98948

Richard Schassburger (312)972-2570	DOE-PO/CH Chicago Operations Office 9800 South Cass Avenue Argonne, IL 60439
Janie Shaheen (202)586-5624	DOE-HQ/OPO (Forrestal) Washington, DC 20585
Gardner Shaw (202)646-6670	Roy F. Weston, Inc. 955 L'Enfant Plaza, S.W. Eighth Floor Washington, DC 20024
John Siegel (301)654-9260	AIF 701 Wisconsin Avenue BETHESDA, MD 20814
Dan Silver (206)866-6000	Evergreen St. College Olympia, WA 98505
Don Silverman	Newman & Holtzinger 1615 L Street, N.W., Suite 1000 Washington, DC 20036
Allen Slickpoo (208)843-2253	Nez Perce Exec. Comm. Main Street Lapwai, ID 83540
Gary Snider (702)295-1695	SAIC 101 Convention Ctr. Dr. Las Vegas, NV 89109
Fern Spivy (202)586-4044	DOE-HQ/ORM (Forrestal) 131, room GB-270 Washington, DC 20585
Patrick Spurgin (801)538-5545	State of Utah High-Level Nuclear Waste Office 355 West North Temple Suite 330 Salt Lake City, UT 84180
Ralph Stein (202)586-5355	DOE/HQ-OGR (Forrestal) Washington, DC 20585
David Stevens (206)786-1632	David W. Stevens, Inc. 203 E. 4th Avenue Suite 422 Olympia, WA 98501
Lisa Stevenson (202)646-6636	Roy F. Weston, Inc. 955 L'Enfant Plaza, S.W. Eighth Floor Washington, DC 20024
David Stewart-Smith (503)378-3187	OR-DOE 625 Marion Street, N.E. SALEM, OR 97301

Nancy Still (202)427-4798	NRC Division of Waste Management Mail Stop 623 SS WASHINGTON, DC 20555
Joe Strolin (702)885-3744	Nuclear Waste Project Office Office of the Governor Capital Complex Carson City, NV 89710
Harry Swainston	State of Nevada Nuclear Waste Project Office 1802 N. Carson Street Carson City, NV 89710
Tom Sykes	State of Washington Institute for Public Policy Evergreen State College Olympia, WA 98505
Mike Talbot (509)376-6288	DOE-PO/BWIP-COM P.O. Box 550 Richland, WA 99352
Don Taylor (206)753-5569	Washington Dept. of Revenue Research Section Dept. Rev-AX02 Olympia, WA 98504
Ted Taylor (614)424-5916	U.S. Department of Energy 505 King Avenue Columbus, OH 43201
Vic Trebules (202)252-2280	U.S. Department of Energy 1000 Independence Ave. S.W. Forrestal Building RW-42, Room 5A-051 Washington, DC 20585
Shirley Tucker (509)627-0285	Socioeconomic Committee 4101 S. Bombing Range Rd. Richland, WA 99352
Don Vieth (702)295-3662	DOE-HQ/NNWSI Nevada Operations Office 2753 S. Highland Avenue P.O. Box 14100 Las Vegas, NV 89114
Susan Volek (702)295-0863	SAIC The Valley Bank Center 101 Convention Center Drive Suite 407 Las Vegas, NV 89109
Gail Walker (312)655-8606	Battelle/OCRD 7000 S. Adams Street Willowbrook, IL 60521

Chris West
(702)295-3521

U.S. Department of Energy
Office of Public Affairs
2753 South Highland Drive
Las Vegas, NV 89114

Jack White
(602)273-1088

Mountain West
432 N. 44th Street
Suite 400
Phoenix, AZ 85008

Mary Whitman
(303)449-7220

S. M. Stoller Corp.
1919 14th St., Suite 500
Boulder, CO 80303

Marta Wilder
(206)459-6695

Office of High Level Nuclear Waste
Washington Department of Ecology
5826 Pacific Avenue
Lacey, WA 98503

Richard Winter
(312)972-5394

Argonne National Lab
9700 South Cass Avenue
EES-362
Argonne, IL 60439

J. Michael Wisniewski
(202)586-4817

DOE-HQ/CP
(Forrestal)
CP-23, Room 8E-044
Washington, DC 20585

Bill Yallop

Yakima Indian Nation
Highway 97 & Fort Road
Toppenish, WA 98948

James Zimmerman
(202)586-8953

DOE-HQ/ORM
(Forrestal)
RW-12, Room GB-270
Washington, DC 20585

GLOSSARY

Abbreviations

Definitions

DOE-PO/BWIP	Department of Energy Project Office Basalt Waste Isolation Project
DOE-RL	Department of Energy Richland, Washington
DOE-PO/NNWSI	Department of Energy Project Office Nevada Nuclear Waste Storage Investigations
DOE-HQ/OSTS	Department of Energy Headquarters Office of Storage and Transportation Systems
DOE-CH/OSTS	Department of Energy Chicago Office of Storage and Transportation Systems
DOE-HQ/OGR	Department of Energy Headquarters Office of Geologic Repositories
SAIC	Science Application International Corporation
DOE-BWIP PNL	Department of Energy Basalt Waste Isolation Project Pacific Northwest Laboratory
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
DOE-HQ/MA	Department of Energy Headquarters Management and Administration
Battelle-HARC	Battelle Human Affairs Research Center
DOE-PO/SRPO	Department of Energy Project Office Salt Repository Project Office
DOE-HQ/GC	Department of Energy Headquarters General Counsel

* Abbreviations are listed in the order in which they appear in the ISCG Roster.

DOE-HQ/OPO	Department of Energy Headquarters Office of Policy and Outreach
SSRA	Social Science Research Associates
DOE-PO/OCC-NV	Department of Energy Project Office Office of Chief Counsel Nevada
DOE-HQ/ORM	Department of Energy Headquarters Office of Resource Management
Battelle/ONWI	Battelle Office of Nuclear Waste Isolation
DOE-PO/CH-TMD	Department of Energy Project Office Chicago Technology Management Division
CH 2M Hill	Name of consulting firm
DOE-PO/CH-OCM	Department of Energy Project Office Chicago Office of Communications
CTUIR-NWSP	Confederated Tribes of the Umatilla Indian Reservation Nuclear Waste Sigt Project
DOE-PO/BWIP-COM	Department of Energy Project Office Basalt Waste Isolation Project Office of Communications
DOE-HQ/CP	Department of Energy Headquarters Congressional, Intergovernmental, and Public Affairs

* Abbreviations are listed in the order in which they appear in the ISCG Roster.

PLENARY SESSION

- o January 15, 1987 letter from Stephen Kale to States and affected Indian Tribes
- o December 18, 1986 Federal Register Notice
- o Transportation - List of Topics
- o Proposed Transportation Coordinating Group Meeting Agenda
- o Summary of Values Project Northwest
- o Chronology of letters between DOE and States and affected Indian Tribes on C&C Reports
- o Discussion Paper on Intergovernmental Resource Center
- o New Mexico Radioactive Waste Consultation Act

JANUARY 15, 1987 LETTER
FROM STEPHEN KALE TO STATES AND INDIAN TRIBES
RE: OCRWM COORDINATING GROUPS



Department of Energy

Washington, DC 20585

JAN 15 1987

Mr. J. Herman Reuben, Chairman
Nez Perce Tribal
Executive Committee
P.O. Box 305, Main Street
Lapwai, Idaho 83540

Dear Mr. Reuben:

We have received a number of requests and suggestions concerning States and Indian Tribes attendance at the Office of Civilian Radioactive Waste Management (OCRWM) coordinating group meetings. These requests have been referred to me for reply.

The Department of Energy agrees that the States and Indian Tribes should have access to the OCRWM coordinating group activities. With regard to Office of Geologic Repositories coordinating groups in which States and Indian Tribes are not now participating, I suggest that we provide time at the next quarterly meeting (in Spokane on February 12, 1987) to discuss the scope and appropriate procedures to be followed in providing access to them. To some degree, I would expect that we would be guided by the experience already gained with State and Tribal involvement in the Institutional/Socioeconomic Coordination Group, the Environmental Coordinating Group, the Quality Assurance Coordinating Group, and the Transportation Coordinating Group. That involvement has been a positive experience, resulting in improved interaction.

I am sending similar letters to the other State and affected Indian Tribe representatives notifying them of this decision.

Sincerely,

A handwritten signature in cursive script that reads "S. H. Kale".

Stephen H. Kale
Associate Director for
Geologic Repositories
Office of Civilian Radioactive
Waste Management

DECEMBER 18, 1986

FEDERAL REGISTER NOTICE