

WM Record File 112 WM Project 1  
 Docket No. \_\_\_\_\_  
 PDR ✓  
**AUG 15 1985**

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MEMORANDUM FOR: The File  
 FROM: Catherine F. Russell, Project Manager  
 State/Tribal Participation  
 SUBJECT: MEETINGS WITH STATES/TRIBES ON NRC MILESTONES IN DOE'S  
 PROJECT DECISION SCHEDULE

Section 114(e) of the Nuclear Waste Policy Act requires the Secretary of Energy to prepare and update, in cooperation with affected Federal agencies, a Project Decision Schedule (PDS) for attaining operation of a nuclear waste repository within the time periods specified in the Act. The PDS must provide a sequence of deadlines for Federal agency actions, including an identification of the activities for which a delay in their start or completion will cause a delay in the start-up of repository operation. The NWPA also specifies that failure or expected failure on the part of any Federal agency to comply with any of the deadlines established in the PDS must be explained in a written report to the Secretary of Energy and to Congress.

On June 13, 1985, letters were sent from NRC to all the first round potential host States and affected Indian Tribes (Enclosure 1) offering to meet with them to work out appropriate lead times for NRC interactions with the States/Tribes on the major NRC milestones identified for the PDS. The purpose of the meetings was not to lock in inviolate schedule commitments from the States/Tribes or NRC, but rather to establish some general schedule allowances for interactions that are agreed are appropriate.

Meetings were held with all of the first round States and affected Indian Tribes with the exception of Louisiana, who indicated no need for such a meeting since they felt it was likely they would be "out of the running" when the final Environmental Assessments are issued in December. The meetings were held as follows:

- Utah - Pat Spurgin 7/8/85 (Sil. Sp., MD)
- \* Nevada - Bob Loux, Carl Johnson, Joe Strolin 7/10/85 (Carson City)
- \*\* Nez Perce Indian Tribe: Ron Halfmoon, Wyatt Rodgers and other Tribal members 7/11/85 (Lapwei, ID)
- \*\* Yakima Indian Nation: Jim Hovis, Russell Jim, David Stevens 7/12/85 (Yakima, WA)

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NAME	: CRussell	: DMattson	: JBunting	WM-1		:
DATE	85/08/01		8/15			:

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- \* Washington: Don Provost, Bill Brewer
- \*\* Jerry Parker 7/15/85 (Seattle, WA)
- \*\* Umatilla Indian Nation: Tribal Council
- Peter Ramatowski, Don Hester,
- Weisha Meis, Bob Siek, Wyatt Rogers 7/16/85 (Pendleton, OR)
- Mississippi: Mack Cameron, Johnny Green,
- Ron Forsythe 7/24/85 (Sil. Sp., MD)
- Texas: Steve Frishman 7/24/85 (Sil. Sp., MD)

All meetings were conducted by Joseph Bunting, Chief, Policy and Program Control Branch, Division of Waste Management, with additional presentations by myself. All background material for the meeting had been forwarded to the States/Tribes in the June 13, 1985 letter.

Mr. Bunting began the meetings with a little history regarding Commission policy on State/Tribal interactions. In the past, explained Mr. Bunting, the NRC State/Tribal program had been very "non-promotional" i.e., waiting for requests for NRC assistance rather than "promoting" our program. However, the Commission's 1985 Policy and Planning Guidance requires us to "maintain close communications with DOE, the States and affected Indian Tribes so that required activities and lead times are identified early in the planning process." The meetings with the States/Tribes on the NRC milestones identified for the PDS are a part of the interaction process we are trying to set up to follow that guidance.

The need for scheduling and planning for State and Tribal interactions in NRC activities first became apparent when NRC was reviewing the DOE Draft Environmental Assessments. Letters were received from a number of the States and Tribes requesting participation in our internal EA "Readiness Review." Since we had not planned on any State/Tribal interaction during the development

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 \*\*Bob Cook-NRC BWIP On-Site Licensing Representative attended

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Mr. Bunting pointed out that one state, Utah, had approached the EA comment process with NRC a little differently and wondered if that approach might be a useful one to employ for future interactions. He explained that shortly after receiving the DEA's from DOE, Utah technical personnel asked to meet with NRC technical personnel to discuss preliminary comments and issues of concern in the DEA's. Such a meeting did take place and everyone felt it was a very beneficial session. Later, after the NRC comments were completed, Utah participated in the NRC "Readiness Review" and was able to see the development of the NRC comments since the preliminary meeting. Mr. Bunting wondered if the Utah "model" could be the basis of the approach used for future interactions. It would involve allowing time at both the front and back-end of comment development for interactions between the States/Tribes and NRC. Total time added to the schedule for such interaction would be about 2 weeks, said Bunting. All States and Indian Tribes we met with agreed to the need to factor in time in NRC planning and scheduling for interaction's with them on major milestones. In general, they concurred with Bunting's suggestion that two weeks be allocated in the NRC schedule for interactions. However, several stressed that there should be some flexibility assigned to that schedule allowance. Major milestones, such as the review of the draft site characterization plans may require more than two weeks because of their critical importance to the program and their volume of information. On the other hand, they said it was possible that other milestones would not require the full two weeks for interaction. All parties agreed to the two week time allowance with flexibility depending on the nature of the document to be reviewed. Most of the States and Tribes we met with indicated they would forward written comments to us after the meetings.

Another type of interaction discussed with the States/Tribes was the exchange of personnel under the Intergovernmental Personnel Act. We explained that we had never done it before in our program and the specifics of such an arrangement would have to be worked out. However, we would be happy to pursue it upon request from them. The exchange could be for whatever amount of time they desired and in a particular technical area. However, due to our budget and personnel constraints, Mr. Bunting said NRC would prefer an even exchange, i.e., one person from State/Tribe to NRC and one NRC person to the State/Tribe.

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Also, at each meeting with the States and Indian Tribes, Mr. Bunting discussed the status of NRC's management information and issues tracking system. He said he hoped to have the pilot program on-line by November and encouraged anyone interested to come talk with us and we would arrange for them to see a demonstration at IBM headquarters. He also said he hoped to have another set of meetings with the DOE Project Offices this Fall, to discuss the pilot program and the status of our activities in the development of the information and tracking systems. The States/Tribes would be invited and encouraged to attend these meetings.

I then discussed the Waste Management Policy and Procedure Memorandum #34-NRC Meetings with DOE with State and Tribal Participation (Enclosure 2). I explained that we were committing to provide notification and furnish States/Tribes with any material developed for the meeting at least 10 working days in advance. For any new substantive documents, we would give 4 weeks advance notification and document distribution. Reactions from the States/Tribes we met with to this policy was very positive.

At the end of each meeting, the States and Indian Tribes indicated they would send us written comments relating to interactions with NRC on major milestones. After we have received and reviewed those comments, we committed to preparing a policy and procedures memorandum regarding scheduling and planning for NRC interactions with States/Tribes on major NRC milestones. We agreed to send that to everyone once it had been completed.

**Original Signed By:**

Catherine F. Russell, Project Manager  
State/Tribal Participation

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NAME	: CRussell	: DMattson	: JBunting	:	:	:	:
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

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