



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

NOV 09 1992

MEMORANDUM FOR: Hugh Thompson, Jr.  
 Deputy Executive Director for Nuclear  
 Materials Safety, Safeguards & Operations  
 Supports  
 Office of the Executive Director for Operations

FROM: Francis X. Cameron  
 Special Counsel for Public Liaison  
 and Waste Management  
 Office of the General Counsel

SUBJECT: WORKPLAN FOR IMPLEMENTATION OF THE ENHANCED  
 PARTICIPATORY RULEMAKING

With the recent Commission action approving the enhanced participatory rulemaking, I have prepared the following summary for your information of a proposed plan to implement the enhanced participatory rulemaking--

1. Facilitation and logistical support - Through an Interagency Agreement with the EPA, the NRC has secured the services of Resolve (an affiliate of the Conservation Foundation), and its subcontractor, the Keystone Center. Keystone is a non-profit organization and has extensive experience in mediating and facilitating controversial environmental and public health issues, including matters that deal with radiation protection. Personnel from the Keystone Center will facilitate the workshops, and provide logistical support and other services in support of the enhanced participatory rulemaking. I have attached an appendix to this memorandum that describes the contracting process in more detail. The process set forth in the Appendix has been reviewed and approved by the Administrative Division of the Office of General Counsel.

2. Schedule - The preliminary schedule for the workshops is--

- o Chicago - January 12 and 13, 1993 1/27-28
- o San Francisco - January 27 and 28, 1993 2/23-24
- o Atlanta - February 10 and 11, 1993 ~~4/15-16~~ 15-16 (slide?)
- o Dallas - February 23 and 24, 1993 3/7-10
- o Philadelphia - March 9 and 10, 1993 4/7-8
- o Boston - March 19 and 20, 1993 3/17-20
- o National (Washington D.C.) - April 1 and 2, 1993 4/28-29  
5/3-7?

The schedule is based on the planning assumption that approximately sixty days is need to properly prepare for the workshops. This period is needed to allow potential participants the time to respond to the invitation to

participate, to review the Rulemaking Issues Paper and to prepare for the workshop discussions; to allow NRC staff to prepare for the workshops, including participating in a workshop simulation; and to allow Keystone the time necessary to make the logistical arrangements for the workshops.

However, in order to meet the above schedule, it will be necessary for the staff to revise the Rulemaking Issues Paper in response to the Commission's Staff Requirements Memorandum by Friday, November 20, 1992. RES is in the process of revising the Rulemaking Issues Paper and is evaluating whether the November 20, 1992 date can be met. It may be possible to send the workshop participants some of the material requested by the Commission (for example, attachments such as the case studies, the glossary of terms associated with establishing a technology-based standard) under separate cover at a later date. We may also want to send the participants a copy of related material, such as NUREG-5512, at that time. We will also need to confirm that the Keystone Center will be able to carry out its logistical responsibilities in this timeframe. If additional time is needed to either allow RES to respond to the Commission's SRM, or to allow Keystone the time to make the logistical arrangements, we'll push back the first workshop until January 27th.

The Boston workshop will be held on a Friday and Saturday in response to a suggestion from one of the primary citizen group participants.

3. Participants - I have contacted numerous organizations to inform them of the enhanced participatory rulemaking and to determine whether they might have an interest in participating in the workshops (see Enclosure D to SECY-92-249). I have made arrangements with several national organizations to coordinate the participation of individual organizations under their umbrella in the workshops (for example, Organization of Agreement States, Conference of Radiation Control Program Directors, NEMARC, USCEA, and National Congress of American Indians). As soon as the Federal Register Notice and the Rulemaking Issues Paper have been revised to incorporate Commission comments, I will issue letters of invitation to potential participants for all the workshops (see Enclosure C to SECY-92-249). In order to have the flexibility to shift specific representatives of a particular interest from one workshop to another or to invite additional representatives from a particular interest, we need to have a picture of the overall response to the invitations in advance of the first workshop.
4. Logistics - The invitations to participate will specify a city and a date but will not identify a specific location. The specific locations remain to be determined through the

logistical arrangements to be made by the Keystone Center. When a specific location has been determined, the participants will be notified and an information notice will be published in the Federal Register.

It is anticipated that the NRC Regional staff will be a good source of advice on reasonable and accessible meeting locations for the workshops. As much as practicable, the workshop arrangements will include securing a meeting location in a hotel with an accompanying block of rooms at a government rate.

5. NRC Staff Coordination - An NRC interoffice team will be the mechanism used to coordinate staff participation in the workshops. This team will be drawn from the Offices with a primary interest in the rulemaking - RES, NMSS, NRR, OGC, OSP, OPA, and OCA. The team will be used to keep the offices informed of workshop status and to provide office comment on issues and strategies.

OGC will have the lead for coordinating the workshop process, including serving as Project Officer/Manager for the facilitation contract. RES will have the lead for developing the technical basis for the rulemaking, including evaluation of workshop comments, preparation of the Generic Environmental Impact Statement, and preparation of the draft proposed rule. NMSS will provide technical support, including site-specific information and implications, for the workshops and the rulemaking in general.

In terms of participation in the workshops, it will be necessary for certain key staff, if practicable, to attend all workshops. These are the staff members who will be at the table for the NRC at each workshop, their backups, and myself as the Project Manager for the workshop process, including the facilitation contract. [I would anticipate that the NRC representatives at the table will be Don Cool, RES, and a staff person from the NMSS Division of Low-level Waste and Decommissioning. A backup for each of these people should also be designated. Attendance of other NRC staff will be left to individual office determinations as to need and interest.]

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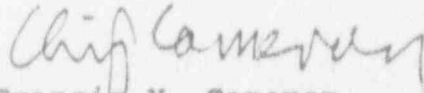
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9. Rulemaking Schedule - RES is developing a new schedule for the rulemaking based on the completion of the workshops in mid-April, 1993. The new schedule would include time for the preparation and issuance of an integrated comment summary from all the workshops; preparation of a Generic Environmental Impact Statement; the Regulatory Analysis; and the preparation of the draft rule. It may be possible to perform much of this work concurrently, and therefore allow the staff to send a draft proposed rule to the Commission for review by the end of 1993.

I would like to meet with you and the technical staff for the purpose of discussing and finalizing this plan as soon as it is convenient for you.



Francis X. Cameron  
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and Waste Management  
Office of the General Counsel

cc: W. Parler, OGC  
J. Fouchard, OPA  
D. Rathbun, OCA  
R. Bernero, NMSS ✓  
E. Beckjord, RES  
T. Murley, NRR  
C. Kammerer, OSP





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Dennis

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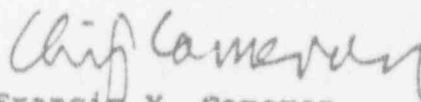
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## CONTRACTING PROCESS FOR THE ENHANCED PARTICIPATORY RULEMAKING

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The tasks to be performed under the contract, as well as the schedule and budget, are set forth in a Delivery Order that was submitted by the NRC in conjunction with the Interagency Agreement. Under the terms of the Interagency Agreement, which incorporates the standard procedures used to implement the EPA/Resolve contract, Resolve is required to submit a Work Plan to the contracting agency for implementation of the Delivery Order. Under the terms of the Interagency Agreement, the NRC Project Officer (Project Manager) has the authority to approve or modify the Work Plan. However, under the terms of the EPA/Resolve contract, Resolve and if applicable, its subcontractor, can begin billing once the contract has been forwarded to Resolve by the EPA. Consequently, the preparation of the Work Plan is reimbursable under the contract.

Under the terms of the EPA/Resolve contract, facilitation and logistical support may be provided through the use of Resolve subcontractors. EPA (and in this case, the NRC) may not direct the selection of a specific subcontractor. After discussions between the NRC Project Officer and Resolve on the types of experience and expertise that would be desirable for the NRC project, Resolve selected the Keystone Center to provide the necessary services for the enhanced participatory rulemaking.

To ensure effective and fiscally responsible contract implementation, the following standard procedures will be used--

- o the NRC Project Officer (Project Manager) will be responsible for providing guidance and assistance to the contractor in carrying out the contract tasks, for the inspection and acceptance of all contract deliverables, for monitoring contractor performance, and for the review of all requests for reimbursement by the contractor to ensure that the costs are commensurate with the effort expended;

- o the Administrative Officer will be responsible for ensuring that applicable procedures and laws are followed, for ensuring that the contractor complies with the terms of the contract, for providing final approval of allowable costs for payment of contractor invoices, and for tracking cumulative expenditures under the contract;
- o although the practical necessities of the contract will require the NRC to work closely with the subcontractor, all contract deliverables, such as the initial Work Plan, will be reviewed, approved, and submitted by the prime contractor, Resolve. Furthermore, Resolve will be kept fully informed of all activities, including all meetings between the NRC and the subcontractor;
- o reimbursement of participant travel by the contractor will be performed in accordance with federal travel regulations

Mike: Pls let Chip  
know and close  
Ticket.  
John A  
Ticket

6454-11/23  
6458 11/24

Mike  
Let's discuss  
John A

DATE RECEIVED: 11/10/92 ORIGINAL DUE DT: 11/24/92 CONTROL NO: 9200645  
FROM: DIVISION DATE: 11/24/92 DOC DT: 11/09/92  
Cameron TIME: COMP DT:

TO:  
Thompson

FOR SIGNATURE OF:

\*\* BLUE \*\*

Closed  
Verbally w/ chip  
Cameron for M. Weber  
11/15/92 @ 7:50 AM

SECY NO:

ASSIGNED TO: CONTACT: Bangart  
LLWM 11/24/92

ESC:

WORKPLAN FOR IMPLEMENTATION OF THE ENHANCED  
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ROUTING:

Bernero  
Arlotto  
Knapp  
Poland  
INFORMATION COPY ONLY  
Cunningham

SPECIAL INSTRUCTIONS OR REMARKS:

See bracketed information on Page 3, Item No. 5 -  
Please coordinate with Chip Cameron and provide  
with the name(s) of individuals requested.

Great  
ACTION: Austin  
DUE TO LLWM DIRECTOR'S OFFICE  
BY: Let's discuss the candidates  
you recommend, before you  
contact Cameron, RWR

R. Dick: I suggest  
Weber  
Labs, attempt  
Weber to attend about one-half of  
OK?

CC: ?

John A



11/18 MTS w/ ERM 1000

Separate Submittals - not to be included in Issue Paper

- ① Specific cases - NMSR support
- ② Foreign standards
- ③ Process

Workshop simulation - early January

Chip wants to read notice + invitation by 12/4/92

Get paper out by

11/20 / 11/23

May 30, 1992 written comments due

Schedule Program - 1/6-8/92

- OCA/OPA/NRE need to be involved as team
- Bring facilitator in to meet w/ people
- Come in weeks of 11/30 - 12/4
- Info memo on 1/15/92 to Commission
- WHO AT TABLE?

Good NMSR - we participate of other offices w/ to office

Facilitator will look at issue paper → How to fashion an agenda from the issue paper?

Think there needs to be something else to promote discussion  
Kittley & Kay are the movers on the SRM & changes to the Issue Paper

- SJLZ, case studies glossary, survey manual → distribute to participants
- RES still thinking about schedule for a proposed role (12/93)

- ISSUES:
- ① Is it this just BAC?
  - ② Impact of Recycle?
  - ③ Relationship to waste disposal?
  - ④ Implications of NE Policy Act
  - ⑤ Role of participants
  - ⑥ Compatibility?

No false expectations?

- Mike Lesniewski  
- Connie Salvo

Role of EPA Regions?

→ List w/ w/ Regions

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6424-11/23  
6458-11/24

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Ticket.  
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Ticket

Mike  
Let's discuss  
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TIME: COMP DT:

Cameron  
OGC

TO:

Thompson

FOR SIGNATURE OF:

\*\* BLUE \*\*

Closed  
Verbally w/ chip  
Cameron for M. Weber  
11/18/92 7:50 AM

SECY NO:

ASSIGNED TO:

LLWM [initials]

CONTACT:

Bangart

DESC:

WORK PLAN FOR IMPLEMENTATION OF THE ENHANCED  
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Bernero  
Arlotto  
Knapp  
Poland  
INFORMATION COPY ONLY  
Cunningham

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John A.