

# Chapter Four

## *Working with External Parties*

Because of the unprecedented nature of OCRWM's mission, Congress designed this program to be one of the most closely scrutinized in the public arena: it is subject to exceptionally broad and intensive review, regulation, and oversight. Moreover, a host of stakeholders want and need information about our work and, in turn, we want and need the benefit of their views as we formulate our plans and assess our performance.

Although our external interactions have been curtailed in recent years because of funding cuts, we continue to be fully responsive to our regulators and oversight bodies. We also routinely provide information to other parties and actively solicit their views.

Because interactions with external parties are integral to our Yucca Mountain Site Characterization and Waste Acceptance, Storage, and Transportation Projects, they are discussed in Chapters One and Two. This chapter presents an overview of the range of interactions in which we are engaged.

### **Review, Regulation, and Oversight**

Parties that exercise review, regulation, and oversight functions over our program are listed below. Appendix C lists the hearings, briefings, and meetings held on OCRWM's program in Fiscal Year 1997 and the topics discussed at each. Appendix E lists selected publications issued by some of these parties in Fiscal Year 1997.

#### *Congress*

Congress defines our statutory basis, appropriates funds, and monitors our progress. The congressional committees that exercise primary oversight of OCRWM's program are the Senate Committee on

Energy and Natural Resources, the House Commerce Committee, and the Energy and Water Development Subcommittees of the House and Senate Appropriations Committees.

#### *General Accounting Office*

The General Accounting Office is an arm of Congress. It audits our program every year. It also reviews and reports on program activities in response to specific congressional inquiries and requests. In January 1997, it issued a report, *Impediments to Completing the Yucca Mountain Repository Project*.

#### *Nuclear Regulatory Commission*

The Nuclear Regulatory Commission exercises a statutory role under the Nuclear Waste Policy Act. It defines regulatory standards for the protection of the public and the environment from radioactive releases associated with storage and disposal of high-level radioactive waste and spent nuclear fuel. It is responsible for certifying and licensing the components of the waste management system, including the repository, facilities for storing spent nuclear fuel, and transportation casks. It mandates quality assurance requirements and content requirements for license applications.

In Fiscal Year 1997, we continued prelicensing consultations with two offices at the NRC: the Office of High-Level Waste and the Spent Fuel Projects Office. The former interfaces with our Yucca Mountain Site Characterization Project on matters related to site characterization and the repository; the latter interfaces with our Waste Acceptance, Storage, and Transportation Project on non-site-specific issues associated with interim storage. Both NRC offices interface with the regulatory coordination group within

our Office of Program Management and Administration.

We continued our semiannual briefings to the Commission on our progress at Yucca Mountain, and we provided information to the Commission's Advisory Committee on Nuclear Waste, which reviews the work of Commission staff and makes recommendations to the Commission regarding the adequacy of that work.

#### ***Nuclear Waste Technical Review Board***

The Nuclear Waste Technical Review Board exercises a statutory and independent role established in the Nuclear Waste Policy Amendments Act of 1987. It must evaluate the technical and scientific validity of activities related to site characterization and to the packaging and transportation of high-level radioactive waste and spent nuclear fuel. The Board is required to report its findings, conclusions, and recommendations to Congress and the Secretary of Energy at least twice a year.

In March 1997, the Board released its 1996 Report to the U.S. Congress and the Secretary of Energy presenting its findings and nine recommendations for our program. The Board recommended that a decision on an interim storage facility be deferred until after the suitability of the Yucca Mountain site has been determined and that the program retain the advantages of standardization under the new transportation initiative previously offered by the multipurpose canister. Its recommendations also addressed technical issues related to the repository, such as design alternatives, additional site characterization, and total system performance assessment.

As in years past, we prepared a formal response to the Board's recommendations; it was issued in October 1997. With respect to design alternatives, we assured the Board that many design alternatives are under active consideration. A reference design has been developed for use in the viability assessment and, as scientific work progresses, we expect the design to evolve to reflect our increased understanding of the repository environment. In keeping with the Board's recommendation, we committed to accelerating the construction of a cross-drift over the proposed repository block. With regard to total system

performance assessment, we acknowledged that presenting highly technical information in a form readily comprehensible to the general public will be a challenge. We view good communication as essential to the success of our mission, and we are developing enhanced public outreach strategies. For some years, we have successfully used peer review and expert elicitation. In Fiscal Year 1997, we applied them to total system performance assessment and other tasks, and we will continue to use them.

During Fiscal Year 1997, the Board held three full Board meetings. Such meetings give the public an opportunity to observe the Board, OCRWM staff, and other scientists exchange information on technical issues. In April 1997, the Board restructured its seven technical panels into five, to more closely align them with OCRWM's current activities.

#### ***National Academy of Sciences***

The National Academy of Sciences Board on Radioactive Waste Management reviews our program on an as-requested basis, offering technical expert review and advice on program issues. On March 24-25, 1997, representatives of the Board met in Nevada to learn the status of site characterization and performance assessment, but the Board performed no reviews during Fiscal Year 1997.

#### ***Environmental Protection Agency***

The Environmental Protection Agency promulgates environmental radiation protection standards for the management and disposal of spent nuclear fuel. The Energy Policy Act of 1992 directed the agency to issue new radiation protection standards to apply specifically to the Yucca Mountain site. At the end of Fiscal Year 1997, new standards had not yet been issued.

#### ***Department of Transportation***

The Department of Transportation regulates transportation of highly radioactive materials, including spent nuclear fuel. Its regulations govern handling of shipping containers, labeling of containers and placarding of transport vehicles for identification purposes, driver training and certification, and highway routing.

### ***State of Nevada and affected units of local government***

The State of Nevada and ten affected units of local government have statutory roles under the Nuclear Waste Policy Act. In Fiscal Year 1997, by congressional direction, no monies were provided to support their oversight functions, but statutory Payments-Equal-to-Taxes were made to Nye County.

### ***OCRWM statutory reports***

The Nuclear Waste Policy Act requires us to submit to the Governor and legislature of the State of Nevada and to the NRC semiannual site characterization progress reports. Our 15th report, covering the period April 1996 through September 1996, was submitted in April 1997. The 16th was released in October 1997.

We submitted the *Annual Report* on OCRWM's activities and expenditures for Fiscal Year 1996 to Congress, as required by the Nuclear Waste Policy Act.

## **Soliciting the Public's Views and Sharing Information**

We solicit the thinking of other parties through formal and informal meetings and through use of the *Federal Register* and *Commerce Business Daily*. Some information presented below is discussed in greater detail in Chapters One and Two.

### ***Comment solicitations***

In Fiscal Year 1997, OCRWM was actively addressing four open issues that involved solicitation of public comment. Extensive information about these issues was posted on the OCRWM Home Page.

- *Siting Guidelines*, 10 CFR Part 960. On December 16, 1996, we published in the *Federal Register* a Notice of Proposed Rulemaking to amend the Department's repository siting guidelines. On January 23, 1997, we held a public hearing to receive comments on the proposal in Las Vegas, Nevada. We extended the comment period three times, to a total of 151 days.
- *Environmental impact statement for the repository*. In Fiscal Year 1997, we resumed work to develop the environmental impact statement that must accompany a Secretarial recommendation of the Yucca Mountain site to the President and a license application to the NRC. In May 1997, we issued a summary of the approximately 1,000 comments we had received on scoping for the document. We also started consultations with Federal, State, and county agencies, Native American Tribes and organizations that have an historic or cultural interest in Yucca Mountain.
- *Waste acceptance and transportation services*: On December 27, 1996, we published a draft Request for Proposals to solicit comments from vendors and other parties on our approach to procuring waste acceptance and transportation services. On February 25, 1997, we held our second presolicitation conference, announced in the *Federal Register* and *Commerce Business Daily*, in Washington, D.C., to solicit vendors' views on technical and contractual issues. Two transportation workshops also generated information that helped us draft a revised Request for Proposals that was issued on November 24, 1997.
- *Transportation: Section 180(c) of the Nuclear Waste Policy Act*. On July 17, 1997, we issued a Notice of Revised Proposed Policy and Procedures to implement this statutory requirement for provision of technical and financial assistance to States and Native American Tribes through whose jurisdictions we will transport waste. The assistance is for the purpose of training public safety officials in routine transportation and emergency response procedures. We issued another Notice of Revised Proposed Policy and Procedures on April 30, 1998.

### ***Cooperative agreements***

Cooperative agreements provide a means of facilitating the involvement of national, regional, and State organizations in our program. The agreements typically run for 5 years, with funding provided annually, subject

to availability. In recent years, funding has declined sharply.

In Fiscal Year 1997, we terminated funding for our agreement with the League of Women Voters Education Fund. We continued our interactions with the nine groups with which cooperative agreements remained in force: the Commercial Vehicle Safety Alliance; the Conference of Radiation Control Program Directors, Inc.; the Council of State Governments' Eastern Regional Conference and Midwestern Office; the National Association of Regulatory Utility Commissioners; the National Conference of State Legislatures; the National Congress of American Indians; the Southern States Energy Board; and the Western Interstate Energy Board.

#### ***Transportation meetings***

Transportation of radioactive waste to Federal facilities will affect and involve more parties than any other component of the program. Consequently, for many years we have interacted closely with many parties concerned with transportation planning, and in Fiscal Year 1997 we participated in numerous meetings on that subject.

The Transportation External Coordination Working Group, co-chaired by OCRWM and the Office of Environmental Management, is the principal forum for transportation planning. Members include personnel from various DOE programs, national and regional organizations representing State, Tribal, and local governments; professional associations; and industry organizations.

To provide a forum in which interested parties could discuss our transportation plans, we sponsored two 2-day, facilitated public workshops in Reston, Virginia, and Dallas, Texas. The workshops were announced in the *Federal Register*.

Our staff also participated in meetings on transportation-related issues sponsored by local environmental groups in Atlanta, Georgia, and South Bend, Indiana. Those

meetings were attended by representatives of the NRC and local agencies concerned with safety.

#### ***Interactions with other organizations***

OCRWM staff and contractors participated in numerous meetings and conferences sponsored by other organizations, including the American Nuclear Society, the Nuclear Energy Institute Fuel Cycle Conference, the Institute for Nuclear Materials Management, the Western Governors Association, the National Society of Environmental Journalists, and environmental groups, including the Natural Resources Defense Council, the Critical Mass Energy Project, and the Nuclear Information Resources Services.

The Yucca Mountain Site Characterization Project's interactions with the State of Nevada and affected units of local government, its visits from officials from other nations, and its meetings with professional and academic organizations are described in Chapter One.

#### **Public Information and Outreach**

The goal of OCRWM's public information program is to inform and educate the public by making current program information easily accessible. That program is described below. Information about the Yucca Mountain Site Characterization Project's outreach to



Public Outreach

the general public in Nevada is presented in Chapter One.

### ***OCRWM National Information Center***

OCRWM's National Information Center provided the public with general programwide information and responded to specific questions and requests received through a toll-free telephone number, through the mail, and over the Internet. The Center relied heavily on the OCRWM Home Page as the most efficient and cost-effective means of making program documents, announcements, and other program materials available quickly to interested external parties. It provides the public with electronic access to a comprehensive range of program information and services, including current program and budget plans, a comprehensive program briefing that includes informative graphics, major program documents, congressional testimony, *Federal Register* notices, speeches, fact sheets, photographs of the Yucca Mountain site, a calendar of scheduled events and meetings (including Yucca Mountain tours, lectures and Science Center Open Houses), notification of opportunities for public participation, and a publications ordering system.

The Home Page also offers a Technical Publications Database that enables users to review abstracts of recent OCRWM technical reports that have been issued

and submitted to the Department's Office of Scientific and Technical Information Energy Database. An interactive mailbox facilitates responses to individual questions and elicits comments on the Home Page. As a convenience to its users, the Home Page is linked to the home pages of other agencies and organizations with which OCRWM regularly interacts, including the NRC, EPA, and the State of Nevada.

During Fiscal Year 1997, use of the OCRWM Home Page continued to increase. Users come from more than 30 countries on 6 continents and represent a variety of government, commercial, academic and private domains.

*The OCRWM Enterprise* (formerly the OCRWM Bulletin), a semiannual newsletter that reports program progress and announcements, is posted on the OCRWM Home Page. It is also printed and distributed through the mail to meet the needs of interested parties and stakeholders without access to the Internet.

The OCRWM Calendar announces opportunities for public involvement, programwide meetings, and Yucca Mountain tours that are open to the public. The Calendar also identifies meetings that are videoconferenced for the convenience of stakeholders who cannot or prefer not to travel to the meeting site. The Calendar is posted on the OCRWM Home Page and published in *The OCRWM Enterprise*.

### ***Scholarship and Fellowship Programs***

OCRWM's scholarship and fellowship programs implement both Executive Order 12677, which directs support to Historically Black Colleges and Universities, and the Secretary of Energy's Science and Math Education Initiative. They also provide a diverse pool of highly skilled, specialized scientists and engineers to help meet OCRWM's future staffing needs.

OCRWM supported scholarships for ten juniors and seniors attending the Nation's Historically Black Colleges



Yucca Mountain Tour Group

and Universities in Fiscal Year 1997. The scholars were competitively selected, primarily on the basis of academic achievement and their interest in pursuing careers in fields related to high-level radioactive waste management. Scholars serve summer internships at the Yucca Mountain Site Characterization Project or with other program participants. The internships offer them an opportunity to learn how the skills and knowledge gained through their undergraduate scientific and technical studies can contribute to our work.

Through its Radioactive Waste Management Graduate Fellowship Program, OCRWM provided fellowships to

eight graduate students pursuing advanced degrees in disciplines directly related to high-level radioactive waste management at the Nation's top colleges and universities. Fellows are selected from among numerous applicants, primarily on the basis of academic standing and career goals, and they must attend an approved college or university. Fellows complete a practicum assignment that involves research relevant to ongoing site characterization studies, at the Yucca Mountain Site Characterization Project or with other program participants.