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POLICY ISSUE **(Information)**

March 15, 1984

SECY-84-113

For: The Commissioners

From: William J. Dircks
Executive Director for Operations

Subject: DOE STUDY ON ALTERNATIVE APPROACHES TO FINANCING AND
MANAGING CIVILIAN RADIOACTIVE WASTE MANAGEMENT FACILITIES

Purpose: To inform the Commissioners on the first meeting of the
Advisory Panel

Discussion: Section 303 of the Nuclear Waste Policy Act (NWPA)
required the Secretary of the Department of Energy (DOE) to
"undertake a study with respect to alternate approaches to
managing the construction and operation of all civilian
radioactive waste management facilities, including the
feasibility of establishing a private corporation for such
purposes." The Secretary was directed by Section 303 to
"consult" with the Chairman of the Nuclear Regulatory
Commission (NRC) as well as the Director of the Office of
Management and Budget (OMB) and appropriate agency
representatives. Section 303 required the study to be
submitted to Congress by January 7, 1984.

In carrying out these provisions DOE elected to establish
an Advisory Panel pursuant to the provisions of the Federal
Advisory Committee Act. The background surrounding the
establishment of the Panel is Enclosure 1. The listing of
the panel members and their affiliation is Enclosure 2.
The Federal Register notice calling the first meeting for
January 24 and 25, 1984, together with the "Tentative Agenda"
is Enclosure 3. A transcript of the meeting is Enclosure 4.

Contact:
J. Bunting, NMSS
427-4590

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WM Project

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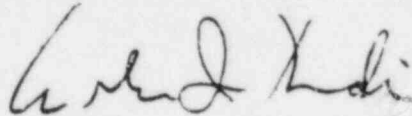
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Items of potential interest to NRC which were covered during the meeting are as follows:

- (1) Cost Increases - DOE announced that through their FY85 budget they were seeking an increase in the fee from 1 mil/KWH to 1.14+ mil/KWH to cover costs. There was considerable concern by numerous panel members over this cost growth. Going back too often for fee increases is seen as a threat to the program.
- (2) Schedule Slips - DOE announced they would also slip the 1987 date for site recommendations to 1990. DOE's inability to meet schedules also was cause for considerable discussion. This extended to DOE's ability to establish a credible schedule and discipline to meet same.
- (3) Schedule Assumption in Mission Plan - DOE emphasized they intended to recapture some of the schedule slips by obtaining a limited work authorization from NRC six months after submittal of the application and begin underground construction of a collocated test and evaluation facility without the requirement for obtaining a license from NRC.
- (4) One Federal Agency Regulating Another - This subject was brought up by Battelle in the context that their examination of the record shows poorer performance by the regulator when regulating another federal agency than when regulating private corporations. On the other hand, record of private corporations seems to show less accountability to public and Congress. The Chairman indicated the Panel would examine this issue.



William J. Dircks
Executive Director for Operations

Enclosures:

1. Advisory Panel Background
2. Listing of Panel Members
3. Federal Register Notice
- * 4. Transcript of Meeting

*Available in the Office of the Secretary.

Enclosure 1

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- 1 -

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MEMORANDUM FOR: William J. Dircks
- Executive Director for Operations

FROM: John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: ASSIGNMENT OF AN NRC OBSERVER TO ATTEND
MEETINGS OF THE DOE ADVISORY PANEL ON
ALTERNATIVE MEANS OF FINANCING AND
MANAGING (AMFM) RADIOACTIVE WASTE
FACILITIES

Section 303 of the Nuclear Waste Policy Act of 1982 requires the Secretary of Energy to undertake a study with respect to alternative approaches to managing the construction and operation of all civilian radioactive waste management facilities, including the feasibility of establishing a private corporation for such purposes. The Act requires the Secretary to consult with the Director of the Office of Management and Budget, the Chairman of the NRC, and such other Federal agency representatives as may be appropriate. The study is to be completed and the results submitted to Congress, within one year after the date of enactment of the Act (by January 7, 1984).

DOE has chartered and is presently in the process of selecting participants for the AMFM advisory panel which will be performing the required study. As part of the DOE/NRC consultation process for this study, NRC has been extended the opportunity to have a staff observer attend advisory panel meetings. Therefore, in accordance with the letter from Chairman Palladino to Secretary Model dated July 8, 1983, we are nominating Joseph O. Bunting to be the staff representative at these meetings. Meeting notes will be forwarded to you for transmittal to the Commission soon after the conclusion of each meeting. Should any questions arise concerning this activity please contact Robert E. Browning at extension 74200.

(Signed) John G. Davis
John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

*See previous concurrences

OFC	WMPI	WMPI	WMPI	WM	NMSS
NAME	*DHuff ch	*MKearney	*JBunting	*RBrowning	JDavis
DATE	83/08/01	83/08/	83/08/	83/08/24	83/08/25

Enclosure 1

July 8, 1983

The Honorable Donald Paul Model
Secretary of Energy
Washington, DC 20585

Dear Mr. Secretary:

Thank you for your letter of June 9, 1983 informing me of your intent to establish an advisory panel to assist you in the study required by Section 303 of the Nuclear Waste Policy Act.

Early in your process of establishing an advisory panel we voiced a concern that the proposed charter for the panel did not provide for keeping NRC abreast of the panel's progress. This concern has been resolved in subsequent staff discussions and we have been extended the opportunity to have an NRC observer attend the advisory panel meetings. I am pleased with this arrangement and believe that it will afford us the appropriate means of following the panel's progress and will enhance our ability to consult with you promptly on completion of the advisory panel's report.

In regard to the scope of NRC involvement with this study, we intend to limit our area of consultation to the examination of potential impacts on NRC regulatory responsibility which may flow from any recommended alternative management proposal.

I look forward to a meaningful exchange in the coming months.

Sincerely,

Treated as Chairman Correspondence
Ref.-CR-83-110

Original signed by
Nunzio J. Palladino

Nunzio J. Palladino
Chairman

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Revised in OEDO 6/29/83 (ED0563) - see previous ORC for concurrences

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DATE	6/24/83	6/24/83	6/24/83	6/24/83	6/24/83	6/24/83	7-783



THE SECRETARY OF ENERGY
WASHINGTON, D.C. 20585

June 9, 1983

Honorable Nunzio J. Palladino
Chairman, Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

Section 303 of the Nuclear Waste Policy Act of 1982 (P.L. 97-425) requires the Department of Energy (DOE) to study alternative approaches to managing the construction and operation of all civilian radioactive waste management facilities, including the feasibility of establishing a private corporation for such purposes. DOE must submit a Report to Congress by January 7, 1984, which will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach.

In accordance with the statute, the study shall be conducted in consultation with the Director of the Office of Management and Budget, the Chairman of the Nuclear Regulatory Commission, and other appropriate Federal Agency representatives. I wish to inform you of an action I have taken to assist in the development of this study.

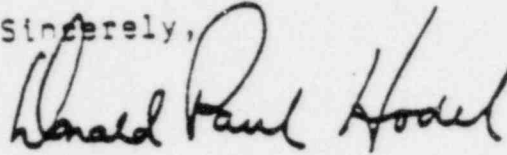
I am establishing, with the concurrence of the Committee Management Secretariat of the General Services Administration, an Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

I am considering nominations of persons with appropriate capabilities and background to serve on the AMFM Panel, which will consist of approximately ten members. Panel members will be selected from a cross-section of interested persons and groups. Participants will need expertise in the areas of utility regulation; utility operations; public administration and management organization; corporate financing; law; State/local governments and Indian nations; public interest/consumer groups; nuclear industry operations; and Federal/State legislatures.

I am having a notice published in the Federal Register. After a 15-day waiting period, a Charter will be filed with the appropriate standing committees of Congress and the Library of Congress.

I shall notify you when the Panel is selected to provide you with the names of the members and the time and place of their first meeting.

Sincerely,

A handwritten signature in dark ink, reading "Donald Paul Hodel". The signature is written in a cursive style with a large, prominent initial "D".

DONALD PAUL HODEL

DEPARTMENT OF ENERGY

CHARTER

ADVISORY PANEL ON ALTERNATIVE MEANS OF
FINANCING AND MANAGING RADIOACTIVE WASTE FACILITIES

1. Panel's Official Designation:

Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

2. Objectives and Scope of Activities:

To study and report to the Department of Energy on alternative means of financing and managing civilian radioactive waste facilities, pursuant to Section 303 of the Nuclear Waste Policy Act of 1982 (P.L. 97-425). The panel's report will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach. The panel shall complete its report and deliver its report to the Department by November 15, 1983.

3. Time Period Necessary for the AMFM to Carry Out Its Purpose:

Approximately 10 months.

4. Official to Whom this AMFM Reports:

The Secretary of Energy, through the Project Director, Nuclear Waste Policy Act Project Office.

5. Agency Responsible for Providing Necessary Support for the AMFM:

The DOE. Within the DOE, primary support shall be furnished by the Nuclear Waste Policy Act Project Office.

6. Description of Duties for Which the AMFM is Responsible:

The duties of the Panel are solely advisory and are stated in paragraph 2 above.

7. Estimated Annual Operating Costs in Dollars and Person-Years:

\$330,000: 0.75 person-years.

Enclosure 2

8. Estimated Number and Frequency of Meetings:

The AMFM will meet approximately six times, on a monthly basis between May and November 1983, or as deemed appropriate by the Department of Energy.

9. AMFM Termination Date:

No later than March 7, 1984.

10. AMFM Members:

The AMFM shall consist of approximately ten members appointed by the Secretary of Energy. The Secretary shall also designate one member to serve as chairman.

This Charter for the AMFM named above is hereby approved on:

Date: _____

K. Dean Helms
Advisory Committee Management Officer

Date Filed: _____

MEMBERSHIP LIST
ADVISORY PANEL ON ALTERNATIVE MEANS OF
FINANCING AND MANAGING RADIOACTIVE WASTE FACILITIES

Chairman

Diarmuid F. O'Scannlain
Senior Partner
Ragen, Roberts, O'Scannlain, Robertson
and Neill
1600 Orbanco Building
1001 S.W. Fifth Avenue
Portland, Oregon 97204

Members

E. Linn Draper, Jr.
Gulf State Utilities
350 Pine Street
Box 2951
Beaumont, Texas 77704

Brigadier General Mahlon E. Gates, USA (Ret.)
Senior Vice President - Operations
Southwest Research Institute
P.O. Drawer 29510
San Antonio, Texas 78294

Rodman D. Grimm
President
DGR Investment Corp.
600 Water Street, S.W.
Washington, D.C. 20024

Barbara Keating-Edh
913 Wycliffe Court
Modesto, California 95355

Terry R. Lash
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Melvin Sampson
Yakima Tribal Council
P.O. Box 151
Toppenish, Washington 98948

Dr. Fred Singer
Clark Hall
University of Virginia
Charlottesville, Virginia 22903

David W. Stevens
Office of the Governor
Legislative Building
Olympia, Washington 98504

Sidney M. Stoller
1250 Broadway
New York, New York 10001

Chairman Larry J. Wallace
Indiana Public Service Commission
901 State Office Building
Indianapolis, Indiana 46204

Honorable Arnie Wight
New Hampshire House of Representatives
State House
Concord, New Hampshire 03301

Enclosure 3

II. Alternatives Evaluated in the Preliminary Environmental Assessment

- A. No action.
- B. Renovation of existing facilities.
- C. Alternative site locations.

III. Statement of Conformity to State and Local Flood Plain Protection Standards

It has been determined that the proposed action is consistent with the State of Pennsylvania's Coastal Zone Management Plan to the maximum extent practicable.

IV. Reasons Action is Proposed to be Located in Flood Plain

A. Military Readiness and Cost

The major advantage to be realized a construction of a new hospital will be a more efficient organization of functional relationships, and therefore, a more effective use of staff. A new facility will also provide an improved capability for efficient expansion in the future. This translates directly into a savings in dollars and manpower. Finally, the cost of a new facility is estimated to be approximately eight million dollars less than the estimated cost of rehabilitation of the existing facility.

B. Security

Proximity of the proposed facility within the existing naval installation will assure proper security is maintained.

C. General

Consideration of economic, environmental and operational factors led to selection of one of five sites on the main base—all of which are within the 500 year flood plain. The preferred site is approximately 4 feet below the 500 year flood elevation, but above the 100 year flood elevation. This action is therefore subject to the provisions and requirements of Executive Order 11988, the stated objective of which is to reduce the risk of flood loss and to minimize the impact of floods on human safety, health and welfare.

V. Determination

Based on the Preliminary Environmental Assessment and for the reasons cited above, the Department of the Navy has determined that location of the proposed replacement naval hospital in the base coastal flood plain is the only practicable alternative to the Navy.

Dated: January 4, 1983.

F. N. Otis.

Lieutenant Commander, JAGC, U.S. Navy,
Alternate Federal Register Liaison Officer.

(FR Doc. 84-02 Filed 1-9-84; 9:45 am)

SELLING CODE 2010-A2-B

DEPARTMENT OF ENERGY

(PON No. DE-PNO4-84AL25034)

Availability of Program Opportunity Notice for Small Community Solar Experiments

AGENCY: Department of Energy (DOE), Albuquerque Operations Office.

ACTION: Availability of Program Opportunity Notice (PON) for Small Community Solar Experiments [PON No. DE-PNO4-84AL25034]

SUMMARY: DOE intends to issue an unrestricted PON which will solicit proposals for the development of technologies for low-cost, long-life solar thermal systems for electrical power generation applications using focus point collectors and Brayton, Stirling, and/or Organic Rankine Cycle heat engines mounted at the collector focal point. Issuance is planned for January 1984.

Authority: DOE Organization Act, Pub. L. 95-91, 42 U.S.C. 7101; Federal Non-nuclear Energy Research and Development Act of 1974, Pub. L. 93-577, 42 U.S.C. 5801 et seq.; DOE Financial Assistance Regulations, 10 CFR Part 600, Subparts A and C.

This activity is part of the Solar Thermal Power System Program for Parabolic Dish systems to demonstrate technology for parabolic dish-heat engine electric power generation modules for small utility markets. The objectives of the program are: (1) To verify a parabolic dish solar thermal electrical power generating module system using existing Brayton, Stirling or Organic Rankine Cycle heat engines technology; and (2) to design, construct and operate experimental multi-module solar thermal electrical power generating plants using verified modules at locations in Oage City, Kansas, and on the island of Molokai, Hawaii. Each plant will have a rated electrical power output of at least 100 KWe.

Pursuant to the DOE Assistance Regulations (10 CFR Part 600), DOE anticipates awarding a Cooperative Agreement for each project location subject to the availability of funds. The participants are expected to contribute financially to the effort which is expected to commence in mid-1984 and be completed in 1987. DOE's maximum contribution for each project location is

\$4,000,000. It is requested that all interested parties provide written notification of their interest in receiving a copy of the PON to the below listed point of contact not later than twenty (20) days from the date of publication of this notice. Telephone inquiries will not be accepted.

FOR FURTHER INFORMATION CONTACT:
U.S. Department of Energy, Albuquerque Operations Office, Contracts and Industrial Relations Division, ATTN: O. W. Wehlender, P.O. Box 5400, Albuquerque, NM 87115.

Issued in Washington, D.C., on December 28, 1983.

Bertus J. Roth.

Director, Procurement and Assistance,
Management Directorate.

(FR Doc. 84-02 Filed 1-9-84; 9:45 am)

SELLING CODE 2010-A2-B

Office of Civilian Radioactive Waste Management; Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities; Open Meeting.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

Date and Time: January 24, 1984, 9:00 a.m.-3:00 p.m.; January 25, 1984, 9:00 a.m.-1:00 p.m.

Place: U.S. Department of Energy, Forrestal Building, Room 1E-345, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Howard Perry, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: 202/253-6318.

Purpose of the Panel

To study and report to the Department of Energy on alternative approaches to managing the construction and operation of civilian radioactive waste facilities, pursuant to Section 303 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The panel's report will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach.

Tentative Agenda

January 24, 1984:

- Committee Charter
- Nuclear Waste Policy Act
- Program Status
- Industry and State Perspectives
- Committee Priorities and Products
- Public Comment (10 minute rule).

January 25, 1984:

- Committee schedule and Assignments
- Staff Support Needs
- Budget
- Public Comment (10 minute rule).

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Howard Perry at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue S.W., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

ed at Washington, D.C. on January 4.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-073 Filed 1-9-84; 8:45 am]

LRG CODE 5498-01-02

Economic Regulatory Administration

[Docket No. ERA-R-79-43B]

Electric and Gas Utilities Covered in 1984 by Titles I and III of the Public Utility Regulatory Policies Act of 1978 and Titles II and VII of the National Energy Conservation Policy Act of 1978 and Requirements for State Regulatory Authorities To Notify the Department of Energy

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and III of PURPA and Titles II and VII of NECPA apply during such calendar year. The 1984 list is published here as two separate

tabulations. Appendix A lists the covered utilities by State, and Appendix B lists them alphabetically.

Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. In addition, written comments are requested on the accuracy of the list of electric utilities and gas utilities.

DATE: Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. on February 14, 1984.

ADDRESSE: Notifications and written comments should be forwarded to: Department of Energy, Coal and Electricity Division, 1000 Independence Avenue, S.W. (Room GA-033), Docket No. ERA-R-79-43B, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, Coal and Electricity Division, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, S.W., Room GA-033, Washington, D.C. 20585, 202/252-1657.

SUPPLEMENTARY INFORMATION

I. Background

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2901 *et seq.*), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3206 *et seq.* (42 U.S.C. 8211 *et seq.*) hereinafter referred to as the "Acts," the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA and Titles II and VII of NECPA apply in 1984.

State regulatory authorities are required by the above cited Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible authority under the Acts.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, either of which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency) and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking

authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric utility is defined as any person, State agency or Federal agency which sells electric energy. An electric utility is covered by Title I for any calendar year if it had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1973, and before the immediately preceding calendar year. An electric utility is covered in 1984 if it exceeded the threshold in 1978, 1977, 1978, 1979, 1980, 1981, or 1982.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III, requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III if it had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1973, and before the immediately preceding calendar year. A gas utility is covered in 1984 if it exceeded the threshold in 1978, 1977, 1978, 1979, 1980, 1981, or 1982.

Title II, Part 1, of NECPA, addresses residential conservation programs, and Title VII of NECPA, enacted as part of the Energy Security Act, Pub. L. 96-294, 94 Stat. 611 *et seq.* (42 U.S.C. 8701 *et seq.*), addresses commercial building and multifamily dwelling conservation programs. Section 211(b) contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Titles II and VII apply. The NECPA requirements for coverage of electric utilities and gas utilities differ from the PURPA requirements in only three respects:

- (1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;
- (2) a utility is covered for any calendar year if it exceeded the threshold during the second preceding

6
March 15, 1984

SECY-84-118

For: The Commissioners

From: William J. Dircks
Executive Director for Operations

Subject: DOE STUDY ON ALTERNATIVE APPROACHES TO FINANCING AND
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Contact:
J. Bunting, NMSS
427-4590

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FOIA-85-170

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William J. Dircks
Executive Director for Operations

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Enclosure 1

406.1/DH/83/08/01/1

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DISTRIBUTION

AUG 29 1983

MEMORANDUM FOR: William J. Dircks
- Executive Director for Operations

FROM: John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: ASSIGNMENT OF AN NRC OBSERVER TO ATTEND
MEETINGS OF THE DOE ADVISORY PANEL ON
ALTERNATIVE MEANS OF FINANCING AND
MANAGING (AMFM) RADIOACTIVE WASTE
FACILITIES

NMSS r/f
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(Signed) John G. Davis
John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

*See previous concurrences

OFC	NAME	DATE
WMPI	*DHuff_ch	83/08/01
WMPI	*MKearney	83/08/
WMPI	*JBunting	83/08/
WM	*RBrowning	83/08/24
NMSS	JDavis	83/08/29

Enclosure 1

July 8, 1983

The Honorable Donald Paul Hodel
Secretary of Energy
Washington, DC 20585

Dear Mr. Secretary:

Thank you for your letter of June 9, 1983 informing me of your intent to establish an advisory panel to assist you in the study required by Section 303 of the Nuclear Waste Policy Act.

Early in your process of establishing an advisory panel we voiced a concern that the proposed charter for the panel did not provide for keeping NRC abreast of the panel's progress. This concern has been resolved in subsequent staff discussions and we have been extended the opportunity to have an NRC observer attend the advisory panel meetings. I am pleased with this arrangement and believe that it will afford us the appropriate means of following the panel's progress and will enhance our ability to consult with you promptly on completion of the advisory panel's report.

In regard to the scope of NRC involvement with this study, we intend to limit our area of consultation to the examination of potential impacts on NRC regulatory responsibility which may flow from any recommended alternative management proposal.

I look forward to a meaningful exchange in the coming months.

Sincerely,

Treated as Chairman Correspondence
Ref.-CR-83-110

Original signed by
Nunzio J. Palladino

Nunzio J. Palladino
Chairman

Distribution:

WM s/f	JDavis	HDenton
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7/7/83	7/7/83	7/7/83	7/7/83	7/7/83

Revised in OEDO 6/29/83 (ED0563) - see previous ORC for concurrences

OFFICE	WMPI	WMPI	WMPI	WM	NMSS	EDO	OCM
SURNAME	DHuff/kaj	MKearney	JBunting	RBrowning	DMAusshardt	WJDircks	NJPalladi
DATE	6/24/83	6/24/83	6/24/83	6/24/83	6/24/83	6/24/83	7/7/83



THE SECRETARY OF ENERGY
WASHINGTON D.C. 20585

June 9, 1983

Honorable Nunzio J. Palladino
Chairman, Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

Section 303 of the Nuclear Waste Policy Act of 1982 (P.L. 97-425) requires the Department of Energy (DOE) to study alternative approaches to managing the construction and operation of all civilian radioactive waste management facilities, including the feasibility of establishing a private corporation for such purposes. DOE must submit a Report to Congress by January 7, 1984, which will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach.

In accordance with the statute, the study shall be conducted in consultation with the Director of the Office of Management and Budget, the Chairman of the Nuclear Regulatory Commission, and other appropriate Federal Agency representatives. I wish to inform you of an action I have taken to assist in the development of this study.

I am establishing, with the concurrence of the Committee Management Secretariat of the General Services Administration, an Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

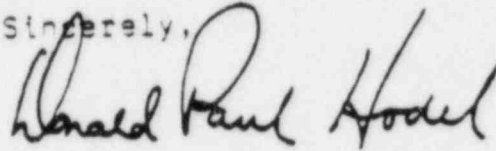
I am considering nominations of persons with appropriate capabilities and background to serve on the AMFM Panel, which will consist of approximately ten members. Panel members will be selected from a cross-section of interested persons and groups. Participants will need expertise in the areas of utility regulation; utility operations; public administration and management organization; corporate financing; law; State/local governments and Indian nations; public interest/consumer groups; nuclear industry operations; and Federal/State legislatures.

I am having a notice published in the Federal Register. After a 15-day waiting period, a Charter will be filed with the appropriate standing committees of Congress and the Library of Congress.

-2-

I shall notify you when the Panel is selected to provide you with the names of the members and the time and place of their first meeting.

Sincerely,

A handwritten signature in cursive script that reads "Donald Paul Hodel". The signature is written in dark ink and is positioned above the printed name.

DONALD PAUL HODEL

DEPARTMENT OF ENERGY

CHARTER

ADVISORY PANEL ON ALTERNATIVE MEANS OF
FINANCING AND MANAGING RADIOACTIVE WASTE FACILITIES

1. Panel's Official Designation:

Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

2. Objectives and Scope of Activities:

To study and report to the Department of Energy on alternative means of financing and managing civilian radioactive waste facilities, pursuant to Section 303 of the Nuclear Waste Policy Act of 1982 (P.L. 97-425). The panel's report will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach. The panel shall complete its report and deliver its report to the Department by November 15, 1983.

3. Time Period Necessary for the AMFM to Carry Out Its Purpose:

Approximately 10 months.

4. Official to Whom this AMFM Reports:

The Secretary of Energy, through the Project Director, Nuclear Waste Policy Act Project Office.

5. Agency Responsible for Providing Necessary Support for the AMFM:

The DOE. Within the DOE, primary support shall be furnished by the Nuclear Waste Policy Act Project Office.

6. Description of Duties for Which the AMFM is Responsible:

The duties of the Panel are solely advisory and are stated in paragraph 2 above.

7. Estimated Annual Operating Costs in Dollars and Person-Years:

\$330,000: 0.75 person-years.

8. Estimated Number and Frequency of Meetings:

The AMFM will meet approximately six times, on a monthly basis between May and November 1983, or as deemed appropriate by the Department of Energy.

9. AMFM Termination Date:

No later than March 7, 1984.

10. AMFM Members:

The AMFM shall consist of approximately ten members appointed by the Secretary of Energy. The Secretary shall also designate one member to serve as chairman.

This Charter for the AMFM named above is hereby approved on:

Date: _____

K. Dean Helms
Advisory Committee Management Officer

Date Filed: _____

Enclosure 2

MEMBERSHIP LIST
ADVISORY PANEL ON ALTERNATIVE MEANS OF
FINANCING AND MANAGING RADIOACTIVE WASTE FACILITIES

Chairman

Diarmuid F. O'Scannlain
Senior Partner
Ragen, Roberts, O'Scannlain, Robertson
and Neill
1600 Orbanco Building
1001 S.W. Fifth Avenue
Portland, Oregon 97204

Members

E. Linn Draper, Jr.
Gulf State Utilities
350 Pine Street
Box 2951
Beaumont, Texas 77704

Brigadier General Mahlon E. Gates, USA (Ret.)
Senior Vice President - Operations
Southwest Research Institute
P.O. Drawer 28510
San Antonio, Texas 78294

Rodman D. Grimm
President
DGR Investment Corp.
600 Water Street, S.W.
Washington, D.C. 20024

Barbara Keating-Edh
913 Wycliffe Court
Modesto, California 95355

Terry R. Lash
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Melvin Sampson
Yakima Tribal Council
P.O. Box 151
Toppenish, Washington 98948

Dr. Fred Singer
Clark Hall
University of Virginia
Charlottesville, Virginia 22903

David W. Stevens
Office of the Governor
Legislative Building
Olympia, Washington 98504

Sidney M. Stoller
1250 Broadway
New York, New York 10001

Chairman Larry J. Wallace
Indiana Public Service Commission
901 State Office Building
Indianapolis, Indiana 46204

Honorable Arnie Wight
New Hampshire House of Representatives
State House
Concord, New Hampshire 03301

Enclosure 3

II. Alternatives Evaluated in the Preliminary Environmental Assessment

- A. No action.
- B. Renovation of existing facilities.
- C. Alternative site locations.

III. Statement of Conformity to State and Local Flood Plain Protection Standards

It has been determined that the proposed action is consistent with the State of Pennsylvania's Coastal Zone Management Plan to the maximum extent practicable.

IV. Reasons Action is Proposed to be Located in Flood Plain

1. Military Readiness and Cost

The major advantage to be realized from construction of a new hospital will be a more efficient organization of functional relationships, and therefore, a more effective use of staff. A new facility will also provide an improved capability for efficient expansion in the future. This translates directly into a savings in dollars and manpower. Finally, the cost of a new facility is estimated to be approximately eight million dollars less than the estimated cost of rehabilitation of the existing facility.

B. Security

Proximity of the proposed facility within the existing naval installation will assure proper security is maintained.

C. General

Consideration of economic, environmental and operational factors led to selection of one of five sites on the main base—all of which are within the 500 year flood plain. The preferred site is approximately 4 feet below the 500 year flood elevation, but above the 100 year flood elevation. This action is therefore subject to the provisions and requirements of Executive Order 11985, the stated objective of which is to reduce the risk of flood loss and to minimize the impact of floods on human safety, health and welfare.

V. Determination

Based on the Preliminary Environmental Assessment and for the reasons cited above, the Department of the Navy has determined that location of the proposed replacement naval hospital in the base coastal flood plain is the only practicable alternative to the Navy.

Dated: January 4, 1983.

F. N. Ottie.

Lieutenant Commander, JAGC, U.S. Navy.
Alternate Federal Register Liaison Officer.

(FR Doc. 84-038 Filed 1-9-84; 8:45 am)

BILLING CODE 2810-AE-85

DEPARTMENT OF ENERGY

(PON No. DE-PNO4-84AL25034)

Availability of Program Opportunity Notice for Small Community Solar Experiments

AGENCY: Department of Energy (DOE), Albuquerque Operations Office.

ACTION: Availability of Program Opportunity Notice (PON) for Small Community Solar Experiments (PON No. DE-PNO4-84AL25034)

SUMMARY: DOE intends to issue an unrestricted PON which will solicit proposals for the development of technologies for low-cost, long-life solar thermal systems for electrical power generation applications using focus point collectors and Brayton, Stirling, and/or Organic Rankine Cycle heat engines mounted at the collector focal point. Issuance is planned for January 1984.

Authority: DOE Organization Act, Pub. L. 95-61, 42 U.S.C. 7101; Federal Non-nuclear Energy Research and Development Act of 1974, Pub. L. 93-577, 42 U.S.C. 5901 *et seq.*; DOE Financial Assistance Regulations, 10 CFR Part 600, Subparts A and C.

This activity is part of the Solar Thermal Power System Program for Parabolic Dish systems to demonstrate technology for parabolic dish-heat engine electric power generation modules for small utility markets. The objectives of the program are: (1) To verify a parabolic dish solar thermal electrical power generating module system using existing Brayton, Stirling or Organic Rankine Cycle heat engines technology; and (2) to design, construct and operate experimental multi-module solar thermal electrical power generating plants using verified modules at locations in Oage City, Kansas, and on the island of Molokai, Hawaii. Each plant will have a rated electrical power output of at least 100 KWe.

Pursuant to the DOE Assistance Regulations (10 CFR Part 600), DOE anticipates awarding a Cooperative Agreement for each project location subject to the availability of funds. The participants are expected to contribute financially to the effort which is expected to commence in mid-1984 and be completed in 1987. DOE's maximum contribution for each project location is

\$4,000,000. It is requested that all interested parties provide written notification of their interest in receiving a copy of the PON to the below listed point of contact not later than twenty (20) days from the date of publication of this notice. Telephone inquiries will not be accepted.

FOR FURTHER INFORMATION CONTACT:

U.S. Department of Energy, Albuquerque Operations Office, Contracts and Industrial Relations Division, ATTN: O. W. Wehlender, P.O. Box 5400, Albuquerque, NM 87115.

Issued in Washington, D.C., on December 28, 1983.

Berton J. Roth,

Director, Procurement and Assistance, Management Directorate.

(FR Doc. 84-038 Filed 1-9-84; 8:45 am)

BILLING CODE 6899-01-85

Office of Civilian Radioactive Waste Management; Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

Date and Time: January 24, 1984, 9:00 a.m.-5:00 p.m.; January 25, 1984, 9:00 a.m.-1:00 p.m.

Place: U.S. Department of Energy, Forrestal Building, Room 1E-245, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Howard Perry, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, 1000 Independence Avenue SW., Washington, D.C. 20585. Telephone: 202/282-5318.

Purpose of the Panel

To study and report to the Department of Energy on alternative approaches to managing the construction and operation of civilian radioactive waste facilities, pursuant to Section 303 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The panel's report will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach.

Tentative Agenda

January 24, 1984:

- Committee Charter
- Nuclear Waste Policy Act
- Program Status
- Industry and State Perspectives
- Committee Priorities and Products
- Public Comment (10 minute rule).

January 25, 1984:

- Committee schedule and Assignments
- Staff Support Needs
- Budget
- Public Comment (10 minute rule).

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Howard Perry at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1B-190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on January 4, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-475 Filed 1-9-84; 8:43 am]

BILLING CODE 8400-01-46

Economic Regulatory Administration

[Docket No. ERA-R-79-43C]

Electric and Gas Utilities Covered in 1984 by Titles I and III of the Public Utility Regulatory Policies Act of 1978 and Titles II and VII of the National Energy Conservation Policy Act of 1978 and Requirements for State Regulatory Authorities To Notify the Department of Energy

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and III of PURPA and Titles II and VII of NECPA apply during such calendar year. The 1984 list is published here as two separate

tabulations. Appendix A lists the covered utilities by State, and Appendix B lists them alphabetically.

Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. In addition, written comments are requested on the accuracy of the list of electric utilities and gas utilities.

DATE: Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. on February 14, 1984.

ADDRESS: Notifications and written comments should be forwarded to: Department of Energy, Coal and Electricity Division, 1000 Independence Avenue, S.W. (Room GA-033), Docket No. ERA-R-79-43B, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, Coal and Electricity Division, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, S.W., Room GA-033, Washington, D.C. 20585, 202/252-1657.

SUPPLEMENTARY INFORMATION

I. Background

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2801 *et seq.*), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3206 *et seq.* (42 U.S.C. 8211 *et seq.*) hereinafter referred to as the "Acts," the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA and Titles II and VII of NECPA apply in 1984.

State regulatory authorities are required by the above cited Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible authority under the Acts.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, either of which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency) and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking

authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric utility is defined as any person, State agency or Federal agency which sells electric energy. An electric utility is covered by Title I for any calendar year if it had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1984 if it exceeded the threshold in 1976, 1977, 1978, 1979, 1980, 1981, or 1982.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III, requires the Secretary of Energy to publish a list before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III if it had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1984 if it exceeded the threshold in 1976, 1977, 1978, 1979, 1980, 1981, or 1982.

Title II, Part 1, of NECPA, addresses residential conservation programs, and Title VII of NECPA, enacted as part of the Energy Security Act, Pub. L. 96-294, 94 Stat. 611 *et seq.* (42 U.S.C. 8701 *et seq.*), addresses commercial building and multifamily dwelling conservation programs. Section 211(b) contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Titles II and VII apply. The NECPA requirements for coverage of electric utilities and gas utilities differ from the PURPA requirements in only three respects:

- (1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;
- (2) a utility is covered for any calendar year if it exceeded the threshold during the second preceding

MEMO 3-15

119/REB/84/03/09/0

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MAR 15 1984

For: The Commissioners

From: William J. Dircks
Executive Director for Operations

Subject: DOE STUDY ON ALTERNATIVE APPROACHES TO FINANCING AND
MANAGING CIVILIAN RADIOACTIVE WASTE MANAGEMENT FACILITIES

Purpose: To inform the Commissioners on the first meeting of the
Advisory Panel

Discussion: Section 303 of the Nuclear Waste Policy Act (NWPA)
required the Secretary of the Department of Energy (DOE) to
"undertake a study with respect to alternate approaches to
managing the construction and operation of all civilian
radioactive waste management facilities, including the
feasibility of establishing a private corporation for such
purposes." The Secretary was directed by Section 303 to
"consult" with the Chairman of the Nuclear Regulatory
Commission (NRC) as well as the Director of the Office of
Management and Budget (OMB) and appropriate agency
representatives. Section 303 required the study to be
submitted to Congress by January 7, 1984.

In carrying out these provisions DOE elected to establish
an Advisory Panel pursuant to the provisions of the Federal
Advisory Committee Act. The background surrounding the
establishment of the Panel is Enclosure 1. The listing of
the panel members and their affiliation is Enclosure 2.
The Federal Register notice calling the first meeting for
January 24 and 25, 1984, together with the "Tentative Agenda"
is Enclosure 3. A transcript of the meeting is Enclosure 4.

Contact:
J. Bunting, NMSS
427-4590

FOIA-85-170

C5

OFC :	:	:	:	:	:	:	:
NAME :	:	:	:	:	:	:	:
DATE :	84/03/09	:	:	:	:	:	:

Items of potential interest to NRC which were covered during the meeting are as follows:

- (1) Cost Increases - DOE announced that through their FY85 budget they were seeking an increase in the fee from 1 mil/KWH to 1.14+ mil/KWH to cover costs. There was considerable concern by numerous panel members over this cost growth. Going back too often for fee increases is seen as a threat to the program.
- (2) Schedule Slips - DOE announced they would also slip the 1987 date for site recommendations to 1990. DOE's inability to meet schedules also was cause for considerable discussion. This extended to DOE's ability to establish a credible schedule and discipline to meet same.
- (3) Schedule Assumption in Mission Plan - DOE emphasized they intended to recapture some of the schedule slips by obtaining a limited work authorization from NRC six months after submittal of the application and begin underground construction of a collocated test and evaluation facility without the requirement for obtaining a license from NRC.
- (4) One Federal Agency Regulating Another - This subject was brought up by Battelle in the context that their examination of the record shows poorer performance by the regulator when regulating another federal agency than when regulating private corporations. On the other hand, record of private corporations seems to show less accountability to public and Congress. The Chairman indicated the Panel would examine this issue.

(Signed) William J. Dircks,

William J. Dircks
Executive Director for Operations

Enclosures:

1. Advisory Panel Background
2. Listing of Panel Members
3. Federal Register Notice
- * 4. Transcript of Meeting

*Available in the Office of the Secretary.

OFC	: WM <i>REB</i> :	NMSS <i>MM</i> :	NMSS :	ELD :	EDO <i>WJD</i> :	WM <i>WJD</i> :
NAME	: REBrowning:jh :	DMAusshardt :	JGDavis :	:	: WJDDircks :	: JCBunting :
DATE	: 84/03/09 :	: 84/03/13 :	: 84/03/ :	: 84/03/ :	: 84/03/14 :	: 84/03/09 :