

United States Government

Department of Energy

memorandum

ES - 91-012322

RW 9100810

Date: AUG 22 1991

SECRETARIAL ACTION REQUESTED BY: 9/5/91

Orig. Office: RW-5: Benson:586-2289

Transmittal: **ACTION:** Sign Letter Designating Churchill County, Nevada, as an Affected Unit of Local Government Pursuant to the Nuclear Waste Policy Act of 1982, as Amended (NWP)

To: *9/12* The Secretary *C. Perry 9/12*

Through: Under Secretary *J.C. Luck 9/6/91*

Issue: Churchill County, Nevada, has requested designation as an affected unit of local government in response to a letter from the Director, Office of Civilian Radioactive Waste Management (OCRWM), dated May 21, 1991, informing the county it may wish to request such designation (attached).

Timing: Affected status should be granted as soon as possible to facilitate our planning for provision of financial assistance to all the affected units of local government during FY 1992.

Discussion: The NWP provides the Secretary with discretionary authority to grant affected status to units of local government contiguous to the unit of local government with jurisdiction over the candidate repository site. Nye County, Nevada, is the situs jurisdiction, which is bordered by eight contiguous Nevada counties and Inyo County in California. Nye County is affected by definition pursuant to the NWP.

In previous action, then Secretary Herrington granted affected status to Clark and Lincoln Counties, Nevada, and denied affected status to Esmeralda, Eureka and White Pine Counties, Nevada, and Inyo County, California. Each of these jurisdictions had requested affected status. Esmeralda and Inyo Counties subsequently filed petitions in the U.S. Court of Appeals for the Ninth Circuit for review of DOE's decision denying affected status. On February 20, 1991, the Court vacated the decision of the Secretary not to designate Esmeralda and Inyo Counties as affected and remanded for proceedings consistent with the opinion.

On May 20, 1991, the Secretary granted affected status to Esmeralda, Eureka and White Pine Counties, Nevada, and Inyo County, California. On May 21, 1991, the Director, OCRWM, sent letters to the remaining three counties in Nevada, Churchill, Lander and Mineral, stating that they may wish to request designation as affected units of local government.

On June 6, 1991, Mineral County, Nevada, requested affected status. The action memorandum and letter granting such status has been forwarded to you for action.

The attached correspondence has no relation to the Naval Nuclear Propulsion Program. Naval Reactors concurrence is not required.

Recommendation:

That the Secretary sign the letter designating Churchill County, Nevada, as an affected unit of local government.

John W. Bartlett
John W. Bartlett, Director
Office of Civilian Radioactive
Waste Management

Attachment

APPROVED: *JW*

DISAPPROVED: _____

DATE: 9/12

Concurrence: CP Louison 8/12/91

GC Easton 8/6/91