

October 19, 2001

Mr. Robert R. Loux, Executive Director
Agency for Nuclear Projects
Office of the Governor
1802 N. Carson Street, Suite 252
Carson City, Nevada 89701

Dear Mr. Loux:

In my letter of June 21, 2000, I indicated that the Commission would promptly notify you of its decision regarding the concurrence process for the U.S. Department of Energy's (DOE's) draft final revisions to its "General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories" and its "Yucca Mountain Site Suitability Guidelines (10 CFR Part 963)" (the Guidelines). Although DOE forwarded these Guidelines to the Commission for its review and concurrence on May 4, 2000, action on this matter was delayed pending completion of the U.S. Environmental Protection Agency's (EPA's) final standards for the Yucca Mountain site (40 CFR Part 197) and the U.S. Nuclear Regulatory Commission's (NRC's) final rulemaking conforming its technical regulations to EPA's standards (10 CFR Part 63). EPA published its final standards on June 13, 2001 (66 FR 32073) and NRC approved its final conforming regulations on September 7, 2001. The Office of Management and Budget approved the information collection requirements of Part 63 on October 9, 2001, under the Paperwork Reduction Act.

On September 24, 2001, the Commission concurred on the guidelines. A notice of the Commission's concurrence decision is expected to appear shortly in the *Federal Register*. In concurring on the siting guidelines, the Commission determined that sufficient information is available on the record regarding stakeholder concerns such that further stakeholder involvement before the Commission's concurrence is not necessary. DOE provided the NRC with copies of all public comments on proposed 10 CFR Part 963 as they were submitted to the Department so that the Commission could review those comments independently and expeditiously. Thus, the NRC has had complete access to DOE's public comment process on the proposed siting guidelines.

Moreover, Part 963 is similar to, and consistent with, NRC's proposed Part 63, and extensive public comment was obtained on the proposed Part 63 through a *Federal Register* notice and the conduct of five public meetings in Nevada. In this regard, the public's views are now part of the NRC rulemaking record, and the Commission has reviewed this information as well. Therefore, based on the record before it, the Commission has decided not to seek additional public comment from stakeholders on this matter.

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Thank you for your interest in this matter. If you have any questions, please contact William Reamer of NRC's Division of Waste Management at (301) 515-7208.

Sincerely,

/S/

Richard A. Meserve

October 19, 2001

Mr. Les W. Bradshaw, Department Manager
Nye County Department of Natural Resources
and Federal Facilities
1210 E. Basin Road, Suite #6
Pahrump, Nevada 89048

Dear Mr. Bradshaw:

In my letter of August 21, 2000, I indicated that the Commission would promptly notify you of its decision regarding the concurrence process for the U.S. Department of Energy's (DOE's) draft final revisions to its "General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories" and its "Yucca Mountain Site Suitability Guidelines (10 CFR Part 963)" (the Guidelines). Although DOE forwarded these Guidelines to the Commission for its review and concurrence on May 4, 2000, action on this matter was delayed pending completion of the U.S. Environmental Protection Agency's (EPA's) final standards for the Yucca Mountain site (40 CFR Part 197) and the U.S. Nuclear Regulatory Commission's (NRC's) final rulemaking conforming its technical regulations to EPA's standards (10 CFR Part 63). EPA published its final standards on June 13, 2001 (66 FR 32073) and NRC approved its final conforming regulations on September 7, 2001. The Office of Management and Budget approved the information collection requirements of Part 63 on October 9, 2001, under the Paperwork Reduction Act.

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/S/

Richard A. Meserve