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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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COMMISSIONERS:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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- Victor Gilinsky
- Thomas M. Roberts
- James K. Asselstine
- Frederick M. Bernthal

DATE 12-12-83

NRC Concurrence in High-Level Waste Repository Safety Guidelines Under the Nuclear Waste Policy Act of 1982

Pub. L. 97-425
Proposed 10 CFR Part 960

ORDER

On August 24, 1983, the Commission issued a Memorandum and Order stating that a public meeting would be held at which representatives of interested Indian tribes, state and local governments, federal agencies, industry groups, public interest groups, and individuals would have the opportunity to make oral presentations on the Department of Energy's (DOE) General Guidelines for Recommendation of Sites for Nuclear Waste Repositories, and on the NRC's concurrence or non-concurrence in those guidelines. CLI-83-26 (1983). The Commission stated that the opportunity to participate would be limited to DOE and to those organizations, governmental entities, and individuals who filed comments with DOE on the proposed guidelines.

In an order issued October 25, 1983, the Commission requested groups or individuals interested in exercising this opportunity to

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orally address the Commission to advise the NRC Office of the Secretary of the identity of their representative no later than November 9, 1983. 48 Fed. Reg. 62678 (November 1, 1983). The organizations listed after the Department of Energy below responded to the notice. The Department of Energy transmitted its General Guidelines to the Commission on November 23, 1982. In this order, the Commission sets forth the procedural format of the public meeting contemplated in its order of August 24, and describes the decisionmaking process it will employ in this matter.

The Commission will hear the oral presentations beginning at 10:00 a.m. on Wednesday, January 11, 1984 at the Commission's meeting room at 1717 H Street, NW, Washington, DC. The time allotted to each participant is as follows:

Department of Energy	30 minutes
Yakima Indian Nation	15 minutes
State of Texas	15 minutes
State of Wisconsin	15 minutes
State of Utah	15 minutes
State of Nevada	15 minutes
State of Minnesota	15 minutes
Edison Electric Institute	15 minutes

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Natural Resources Defense Council, Inc.	15 minutes
Environmental Policy Institute	15 minutes
National Parks and Conservation Ass'n., <u>et al.</u>	15 minutes
Serious Texans Against Nuclear Disposal, Inc.	15 minutes
Southwest Research and Information Center	15 minutes

Participants are strongly encouraged to consolidate their presentations, and will not be penalized in terms of the time allotted for doing so. Thus, where participants choose to consolidate their presentation, their joint spokesperson will be allowed the entire time allotted to the consolidated participants individually. In order to simplify participants' presentations and expedite the comment process, the Commission requests, but does not require, that participants file written comments on the Department of Energy General Guidelines with the Secretary of the Commission. Any such written comments should be in the Commission's hands no later than 5:00 p.m., Monday, January 9, 1984.

The precise order of presentation will be made final at the beginning of the oral presentations. The participants identified above should notify the NRC Office of the Secretary no later than 5:00 p.m. on Friday, January 6, 1984 of their continued intention to participate, the identity of the other participants with whom they intend to consolidate their presentations, and the identity of the spokesperson representing the participant.

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The Commission's preliminary review of the guidelines suggests that the parties may wish to focus their comments on the following significant issues:

- Do the guidelines omit any relevant technical criteria established in 10 CFR Part 60?
- Could any guidelines not related to 10 CFR Part 60 result in selecting a site that would not be a reasonable candidate for a license application?
- The guidelines and 10 CFR Part 60 sometimes employ different wording to define terms and to describe certain technical criteria. Could these differences result in selecting a site that would not be a reasonable candidate for a license application?
- Would the selection of sites in accordance with the guidelines be a reasonable means to identify alternative sites for the purposes of the National Environmental Policy Act (NEPA)?
- Are the guidelines sufficient to assure the selection of sites that would be reasonable candidates for a license application?

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Following receipt of these oral and written comments, the Commission, with the assistance of the NRC Staff, will issue a proposed decision regarding concurrence in the DOE Guidelines. The decision will be served on the participants making oral presentations and notice of the decision will be published in the Federal Register. The participants and public will be provided a two-week comment period. Upon the close of the comment period, the Commission, with the assistance of the NRC Staff, will review all comments and transmit its final concurrence or non-concurrence in the General Guidelines to DOE.

It is so ORDERED.



For the Commission

Samuel J. Chilk
SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, DC,
this 12th day of December, 1983.

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