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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

INITIAL COMMENTS OF
STATE OF NEVADA
IN RESPONSE TO NRC
PRELIMINARY DECISION ON
CONCURRENCE IN
U.S. DOE GUIDELINES

The Commission has docketed its Preliminary Decision on Concurrence in U.S. DOE general guidelines for the recommendation of sites for nuclear waste repositories on March 9, 1984. The State of Nevada received the Preliminary Decision on March 14, 1984. The State's analysis of the Preliminary Decision has not been completed. Knowing, however, that discussion between the respective staffs on DOE's response to the Preliminary Decision has commenced and will be ongoing, the State wishes to take this opportunity to express its initial reaction to the Preliminary Decision, reserving its ability to amplify upon these comments prior to the expiration of the comment on April 4, 1984.

The State of Nevada's initial reaction to the Preliminary Decision is favorable. We are particularly heartened by concurrence conditions Nos. 2 through 7. Assuming these conditions are adhered to we are satisfied that more workable guidelines will be produced before concurrence is obtained.

INITIAL COMMENTS OF
STATE OF NEVADA

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1 Our overview indicates to us that our primary concern, the subjective nature
2 of the guidelines and their lack of specificity, is understood by and has been
3 addressed by the Commission. Again assuming adherence to the conditions, most
4 critically 5, 6 and 7, we are confident that the process will produce what
5 Congress required, that is objective guidelines objectively applied.
6

7 Our only concern at this point is with the nature of the concurrence process
8 from this point, and specifically the nature of the interaction between the
9 respective staffs of the Commission and the Department.
10

11 We have observed the initial staff discussions, and certainly intend to
12 continue doing so. We view the process as one by which the staff of the
13 Commission will work with the staff of the Department in explaining and
14 clarifying the Commission's position and concurrence conditions as set forth in
15 the Preliminary Decision, and in assisting the Department in modifying and
16 adding to the guidelines in a manner consistent with the Decision and in a way
17 which will permit Commission concurrence. We do not see the process as
18 involving negotiations between the respective staffs over the soundness of the
19 Preliminary Decision or the acceptability of the guidelines as currently written
20 in those areas where the Commission has found them to be deficient in any
21 respect.
22

23 The Commission deliberations have apparently produced a decision, and
24 conditions to concurrence, which substantially satisfy Nevada's objections. Our
25

26 INITIAL COMMENTS OF
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1 concern now is that there be no erosion whatsoever from that decision and those
2 conditions. We will, in cooperation with both staffs, remain vigilant during our
3 observation of the process to ensure that no such erosion occurs.
4

5 In conclusion, the State of Nevada is in general satisfied with the Preliminary
6 Decision. From its general tone and tenor it seems clear that the Commission
7 understands our position and will require more objectivity in the guidelines where
8 indicated in the Preliminary Decision, prior to concurrence.
9

10 Finally, these constitute Nevada's initial comments. As our analysis of the
11 Preliminary Decision progresses, and our understanding of its impact is more
12 complete, we may wish to amplify and supplement these comments prior to April
13 4, 1984.
14

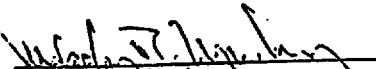
15 Respectfully submitted,

16 BRIAN McKAY,
17 Attorney General,
18 State of Nevada

19 James Smith,
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