



OFFICE OF THE SECRETARY

UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D.C. 20555

DOCKET NUMBER PROPOSED RULE PR-60 (50 FR 2579)

June 4, 1985

RECEIVED NRC

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Mr. Robert L. Loux, Director Nuclear Waste Project Office Office of the Governor Capitol Complex Carson City, Nevada 89710

OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

Dear Mr. Loux:

This is in response to your letter of April 16, 1985 in which you requested a meeting with the Commission to comment on the proposed amendment to 10 CFR Part 60, "Disposal of High-Level Radioactive Waste in Geologic Repositories: Amendments to Licensing Procedures." These proposed amendments were published for comment in the Federal Register on January 17, 1985 (50 FR 2579). In your letter, you indicated that such a meeting would provide affected states and Indian tribes with a good opportunity to discuss their concerns directly with the Commission.

The Commission appreciates your concern that the issues in this rulemaking be fully aired and that the public be given adequate opportunity to comment. However, the Commission believes that in this particular rulemaking it has provided adequate opportunity for public comment; indeed, the Commission, in recognition of the possibility of heightened interest in the proposed changes in Part 60, has gone beyond the procedures it customarily follows in promulgating a rule. These additional procedures included the provision of a preliminary draft of the proposed rule to states and other interested persons during the spring of 1983 and the Commission's staff discussion of this preliminary draft with states and other interested persons at a meeting held in Dallas, Texas in August 1983. Following that meeting, the staff prepared a proposed rule which it submitted to the Commission in June 1984. At the same time, the proposed rule was made available to interested states. Comments were received on the proposed rule and the staff prepared a second paper in November 1984 which considered those comments. More recently, the proposed rule was published in the Federal Register on January 17, 1985 and comments were solicited and received. Thus, it is clear that the Commission has actively sought and obtained comments from states and other interested persons on several occasions.

Moreover, the Commission does not generally hold meetings as part of its notice and comment rulemaking proceedings but rather solicits written comments. The Commission conducts such meetings only when it is clear that the opportunities for written comments have been inadequate. This is not the case here for the reasons discussed above. Finally, if such a

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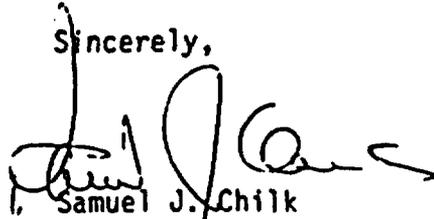
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public meeting were to be found necessary, simple fairness would require the Commission to invite all commenters and not just affected states and tribes.

For the above reasons, the Commission has decided that the meeting you requested is not advisable. The Commission appreciates the concern and interest of the State of Nevada on this important matter. The Commission will give all of the comments which you submitted on the proposed rule full consideration in our deliberations on the final rule.

Commissioner Asselstine disagrees with this response. He believes that a public meeting with all interested parties on these very important rule changes is warranted.

Sincerely,



Samuel J. Chilk
Secretary



NUCLEAR WASTE PROJECT OFFICE

OFFICE OF THE GOVERNOR
Capitol Complex
Carson City, Nevada 89710
(702) 885-3744

April 16, 1985

Commissioner Nunzio J. Palladino
Chairman, Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Chairman Palladino:

On January 17, 1985, the Nuclear Regulatory Commission published for notice and comment at 50 FR 2579-2590 amendments to 10 CFR 60, "Disposal of High-Level Radioactive Waste in Geologic Repositories: Amendments to Licensing Procedures." On March 4, 1985, the State of Nevada submitted comments for consideration on the aforementioned proposed rule amendment.

As reflected in the published notice, the aspects of the licensing procedures that the Commission has under review concern (1) the role of the NRC during site screening and site characterization activities, and (2) state, tribal and public participation in NRC activities with respect to geologic repositories. I believe that our comments on this proposed amendment, and our ongoing interaction with the Commission staff, reflect our concern with these issues.

I am, therefore, requesting, at this time, a meeting with the Commission in order to more fully elaborate and clarify our concern with this matter. A meeting similar to the one conducted by the Commission on the DOE siting guidelines (10 CFR 960) would

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provide a good opportunity for the affected states and tribes to discuss these issues and concerns directly with the Commission.

This request should not be interpreted as a request for public hearing, but for a meeting in keeping with the excellent interaction and relationship that the affected states and tribes have had with the Commission.

I look forward to hearing from you in this regard. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Loux", written in a cursive style.

Robert L. Loux
Director

RLL/gjb

cc: Commissioner James K. Asselstine
Commissioner Frederick M. Bernthal
Commissioner Thomas M. Roberts
Commissioner Lando W. Zech, Jr.
Secretary Samuel J. Chilk
Mr. Robert Browning