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FEB 23 1984

MEMORANDUM FOR: John G. Davis, Director
Office of Nuclear Material
Safety and Safeguards

FROM: Robert E. Browning, Director
Division of Waste Management

SUBJECT: OFFICE CONCURRENCE IN PROPOSED AMENDMENTS TO 10 CFR
PART 60 PROCEDURAL RULE (NMSS-840089)

Attached for office review and concurrence is the final staff paper to the Commission regarding changes to NRC's procedural rule for geologic disposal of HLW (10 CFR Part 60). The WM staff has reviewed it and found that it responds to our earlier comments. We recommend that you concur in the proposed changes. Several comments of an editorial nature were provided directly to RES staff.

The principal changes which the proposed amendments will make are the following:

In Section 60.17, the contents of the Site Characterization Plan (SCP) have been changed to conform with the Nuclear Waste Policy Act (NWPA). In Section 60.18, NRC will no longer prepare a draft SCA for public comment. However, comments will be invited on the final SCA.

In Subpart C, Section 60.61, DOE instead of NRC is to answer State/Tribal questions concerning DOE's SCP. DOE, not NRC will be responsible for providing copies of DOE documents to the States/Tribes. In Section 60.63, provisions for State proposals to facilitate participation in the review of an SCP or license application are retained, but the criteria for approving proposals under Subpart C have been modified to be consistent with the NWPA.

A description of an intended NRC review of the environmental assessments (EAs) which the NWPA requires DOE to prepare in conjunction with site nomination has been added in the statement of considerations. This description states that the staff will not comment upon the methodology used by DOE to compare sites or upon the relative merits of one site against another. However, the staff will provide current expressions of its views on the quality of the

data supporting DOE's site comparisons and the potential licensing issues. This item is identified in the Commission Paper as a policy issue with significant resource implications. Definition of environmental impact statement responsibilities is left for a later time.

The Commission paper includes as attachments descriptions of efforts to obtain state and special interest group views and letters received from these parties. A comparative text showing changes from the current rule is now included.

In light of the attention generated by our previous efforts to obtain State and interest group views, we recommend that the Commission Paper be placed in the PDR so that it can be made available to the States.

I have also attached for your information two DWM staff memo's which highlight internal concerns, which I have carefully evaluated throughout the development of the proposed rule changes. I consider the concerns a matter of how the states, Indian Tribes, and public may perceive the proposed changes would affect their relationship with NRC rather than a matter of any substantive, real change in these relationships and, thus, recommend your concurrence in the paper. I believe the areas of concern identified in these memo's are sufficiently highlighted in the proposed Commission paper, as modified by our suggested changes to the Commission paper.

Original Signed by
Robert E. Browning

Robert E. Browning, Director
Division of Waste Management

Enclosures:

- 1. Final staff paper
- 2. Memorandum from Robert E. Browning to Michael J. Bell dated February 10, 1984
- 3. Memorandum from Robert E. Browning to Joseph O. Bunting dated February 9, 1984

*See previous concurrence page

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Robert E. Browning, Director
Division of Waste Management

Attachment:
As stated

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Robert E. Browning, Director
Division of Waste Management

*I have significant
reservations which
are outlined on
the attached memo
SOB 2/9/84*

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