



OFFICE OF THE SECRETARY

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

WM DOCKET CONTROL CENTER

December 27, 1984.

Action: Minoque, RES Cys: Dircks Roe Rehm Stello Davis Kerr, SP GCunningham Denton DeYoung Regions I-V Wolf, ELD

1. Davis 2. Mausshardt cc: WM

84 DEC 29 10:44 85 JAN 2

MEMORANDUM FOR: William J. Dircks, Executive Director for Operations FROM: Samuel J. Chilk, Secretary SUBJECT: SECY-84-263 - 10 CFR PART 60 -- DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE IN GEOLOGIC REPOSITORIES: AMENDMENTS TO LICENSING PROCEDURES

This is to advise you that the Commission (with all Commissioners agreeing) has approved publication of the proposed amendment to the licensing procedures of 10 CFR Part 60, subject to modifying section 60.18(e) to strike the words "if appropriate, that" and substitute "regarding whether or not."

The Commission also notes that if the procedural and assurance agreements with EPA are ready for inclusion then they should be included in this package; but if not this action should go forward.

You should revise the proposed amendments as indicated and forward them for signature and publication in the Federal Register with Commissioner Asselstine's additional views. (EDO) (SECY SUSPENSE: 1/4/85)

Individual Commissioner comments and proposed modifications (to which a majority did not agree) were provided to you on their vote sheets.

Attachment: Commissioner Asselstine's Additional Views

cc: Chairman Palladino Commissioner Roberts Commissioner Asselstine Commissioner Bernthal Commissioner Zech OGC OPE

SEARCHED EDO Date... 12-28-84 Time... 1:35 p.m.

WM Record File 105.2

WM Project \_\_\_\_\_ Docket No. \_\_\_\_\_ PDR \_\_\_\_\_ LPDR \_\_\_\_\_

Distribution: REB/MJR MRK/LAB SOB/H3M (Return to WM, 623-SS) 23

Commissioner Asselstine's Additional Views:

Commissioner Asselstine would retain the present requirement in 10 CFR Part 60.11 for NRC review of the site screening and selection process which DOE must now include in the environmental assessments. He would cite as the Commission's authority to review the draft environmental assessments the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the National Environmental Policy Act of 1969, as amended, and the Nuclear Waste Policy Act of 1982, and not just the NRC/DOE Procedural Agreement.

Commissioner Asselstine would also retain the present requirement in 10 CFR Part 60.11 for NRC issuance of the draft site characterization analyses for public comment.

Commissioner Asselstine would appreciate comment on whether these two elements should be retained in the Commission's regulations.