

September 12, 2008

MEMORANDUM TO: Those on the Attached List

FROM: James G. Luehman, Acting Director  
Division of Intergovernmental Liaison  
and Rulemaking **/RA/**  
Office of Federal and State Materials  
and Environmental Management Programs

SUBJECT: REVIEW AND CONCURRENCE: REVISED FINAL RULE  
10 CFR 63 – DISPOSAL OF HIGH-LEVEL RADIOACTIVE  
WASTES IN A PROPOSED GEOLOGIC REPOSITORY AT  
YUCCA MOUNTAIN, NEVADA

A draft final rule amending 10 CFR Part 63 was submitted to the Commission in SECY-08-0102, June 19, 2007, but was held in the Commission while the Environmental Protection Agency (EPA) worked with the Office of Management and Budget and the Department of Justice (DOJ) to resolve issues related to the dose criteria in the draft final EPA standard. EPA has resolved its issues with DOJ by revising the final Yucca Mountain standard to include a 100 mrem/yr mean dose limit for the time period after 10,000 years. Based on the revised EPA standard, the staff is providing the Commission with a revised final rule to supersede SECY-08-0102 in this area.

This rule package is substantially the same as the one your office previously concurred in during the preparation of SECY-08-0102, except for the change in the dose limit for the period after 10,000 years. Therefore, we are requesting that you provide concurrence on the attached final rule within two weeks from the date of this memorandum as noted in the summary below. Notification may be by either email or phone.

The following is a summary of this request:

1. Title: REVIEW AND CONCURRENCE: REVISED FINAL RULE 10 CFR 63 – DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN A PROPOSED GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN, NEVADA
2. Task Leader: Frank Cardile, FSME/DILR 415-6185

CONTACTS: Frank Cardile, FSME/DILR  
(301) 415-6185

Tim McCartin, NMSS/DHLWRS  
(301) 492-3167

Multiple Addresses

2

3. Working Group: Timothy McCartin, NMSS/HLWRS 492-3167  
Janet Kotra 492-3190  
Jeff Pohle 492-3145  
Neil Jensen 415-8480
4. Steering Group: No
5. Compatibility for Agreement States: No
6. Requested Action: Office Concurrence
7. Requested Completion Date: September 22, 2008
8. Resources and Coordination: Resources to complete and implement this action are less than 1 NRC FTE and are within existing budget allocations. Copies of this concurrence package have been forwarded to ACRS, CRGR, and IG for information. Time to review this package should be charged to TAC # LA0101.

Enclosure: Commission Paper w/encl.

cc w/encl.: H. T. Bell, OIG  
E. Hackett, ACRS  
S. Collins, Region I/ORA  
L. Reyes, Region II/ORA  
J. Caldwell, Region III/ORA  
E. Collins, Region IV/ORA  
E. Brenner, OPA  
J. Lyons, CRGR  
J. Gray, OGC  
M. Case, NRR

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DATE	9/ 4/2008	9/4/2008	9/11/2008	9/12/2008

OFFICIAL RECORD COPY

MEMORANDUM TO: Those on the Attached List

MEMORANDUM DATED: September, 12, 2008

James E. Dyer  
Chief Financial Officer

Russell A. Nichols, Chief  
Records and FOIA/Privacy Services Branch  
Information and Records Services Division  
Office of Information Services

Bradley Jones, Assistant General Counsel  
for Rulemaking and Fuel Cycle  
Office of the General Counsel

Cynthia A. Carpenter, Director  
Office of Enforcement

Michael T. Lesar, Chief  
Rulemaking, Directives and Editing Branch  
Division of Administrative Services  
Office of Administration

Michael F. Weber, Director  
Office of Nuclear Material Safety  
and Safeguards

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