



# POLICY ISSUE

(Affirmation)

July 25, 1983

SECY-83-300

For: Commissioners

From: Herzel H. E. Plaine  
General Counsel

Subject: YAKIMA PETITION FOR RULEMAKING ON  
COMMISSION CONCURRENCE IN DOE  
REPOSITORY SITING GUIDELINES

Purpose: This is to present the Commission with a  
proposed response to a petition by the  
Yakima Indian Nation ("Yakima")  
requesting the NRC to institute a notice  
and comment rulemaking proceeding on the  
Commission's statutory concurrence<sup>1</sup> in  
the Department of Energy's ("DOE")  
General Guidelines for Recommendation of  
Sites for Nuclear Waste Repositories, 10  
CFR Part 960 ("Siting Guidelines").<sup>2</sup>

Discussion:

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we believe that

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<sup>1</sup>Section 112(a) of the Nuclear Waste Policy Act of  
1982, 42 U.S.C. §10132(a).

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Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5

Contact:  
Sheldon Trubatch, OGC  
X43224

FOIA- 92-436

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we believe that

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<sup>3</sup>We also believe that

<sup>4</sup>ELD has also provided the review of statutory concurrence in Appendix A to the proposed Order.

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that

We believe

further believe that

We

Recommendation:

*Herbert H. Plaine*  
el H.E. Plaine  
eral Counsel

Enclosure:  
Proposed Memorandum and Order

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Friday, August 5, 1983.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Friday, July 29, 1983, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of August 8, 1983. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

DISTRIBUTION:

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