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SECRETARY

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

JACKET NUMBER  
NOMINATED RULE **PR-60**  
(50 FR 2579)

June 4, 1985

DOCKETED  
USNRC

Mr. Melvin R. Sampson, Vice Chairman  
Yakima Tribal Council  
Yakima Indian Nation  
Confederated Tribes and Bands  
Post Office Box 151  
Toppenish, Washington 98948

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Dear Mr. Sampson:

This is in response to your letter of April 17, 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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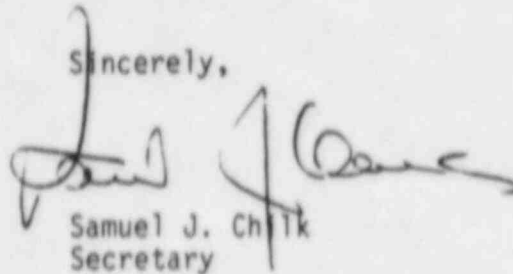
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public meeting were to be found necessary, simple fairness would require the Commission to invite all commenters and not just affected states and tribes.

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 Yakima Indian Nation 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,

A handwritten signature in dark ink, appearing to read "Samuel J. Chalk", is written over the typed name and title.

Samuel J. Chalk  
Secretary