



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

OFFICE OF THE  
SECRETARY

June 4, 1985

DOCKET NUMBER  
PROPOSED RULE **PR-60**  
(50 FR 2579)

DOCKETED  
USNRC

Mr. Steve Frishman, Director  
Nuclear Waste Programs Office  
Office of the Governor  
State Capitol  
Austin, TX 78711

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Dear Mr. Frishman:

This is in response to your letter of May 6, 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

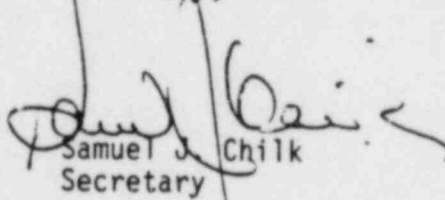
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public meeting were to be found necessary, simple fairness would require the Commission to invite all commenters and not just affected states and tribes.

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 State of Texas 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,

  
Samuel A. Chilk  
Secretary



JOHN BROWN PR-60  
RECEIVED DATE  
(50 FR 2379)

MARK WHITE  
GOVERNOR

OFFICE OF THE GOVERNOR  
STATE CAPITOL  
AUSTIN, TEXAS 78711

May 6, 1985

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Commissioner Nunzio J. Palladino  
Chairman, United States Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

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Dear Chairman Palladino:

On March 22, 1985, the State of Texas submitted comments on Proposed amendments to 10 CFR Part 60, "Disposal of High-Level Radioactive Waste in Geologic Repositories: Amendments to Licensing Procedures."

We have commented informally, in the past, on the primary areas of interest in these amendments which involve both the role of the NRC during site screening and site characterization activities, and the matter of state, tribal and public interaction in NRC activities with respect to geologic repositories. We have taken a considerable interest in these amendments, which I believe is reflected in our continuing comments of both a preliminary and a formal nature, yet judging by the substance and content of the Proposed amendments, I believe there is an incomplete understanding of our concerns and those of other interested parties.

In order to attempt to further clarify the issues relevant to the amendment of 10 CFR Part 60 addressed in the proposal, I am requesting that a meeting be scheduled to provide an opportunity for discussion of the matter between the Commission and the affected parties. I am not proposing a Public Hearing, but rather am requesting a meeting of a type similar to that held by the Commission on the DOE siting guidelines (10 CFR Part 960) in which there was an opportunity to discuss the issues of concern directly with the Commission in a constructive and informative manner.

I look forward to your consideration of this request, which is made in light of the productive relationship that has developed between affected states and tribes and the Commission. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

Steve Frishman, Director  
Nuclear Waste Programs Office

cc: Commissioner James K. Asselstine  
Commissioner Frederick M. Bernthal  
Commissioner Thomas M. Roberts  
Commissioner Lando W. Zech, Jr.  
Secretary Samuel J. Chilk  
Mr. Robert Browning