



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

JAN 11 1990

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MEMORANDUM FOR: Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

FROM: Patricia G. Norry, Director
Office of Administration

SUBJECT: OFFICE CONCURRENCE: FINAL RULE FOR DISPOSAL OF
WASTE OIL BY INCINERATION

The Office of Administration concurs, subject to the comments provided, in the final rule that would allow power reactor licensees to incinerate contaminated waste oil onsite. We have enclosed a marked-up copy of the rule that presents our comments.

As indicated in a memorandum to Catherine Mattsen from David Meyer dated August 23, 1989, concerning our early review of this final rule, the Federal Register notice needs a more detailed discussion of the petition for rulemaking (PRM-20-15) that was the impetus for the proposed rule and this final rule.

In the preamble to the proposed rule, the following statement was included:

The Commission is therefore proposing to grant the petitioner's request only with respect to onsite incineration and to deny the other options without prejudice at this time.

We believe that the inclusion of this language in the proposed rule is insufficient to deny the three issues not granted by this final rule. The preamble of this final rule should explain, in enough detail so the general reader may understand, the three issues not being granted and the reasons for their denial. This is necessary to complete final agency action on the entire petition.

If it is the NRC's intent at this time not to deny the remaining issues in the petition, the preamble of this final rule must contain a statement indicating that these issues remain open and that the NRC at some future time will publish a notice to close them by either granting these issues in whole or in part or denying them in their entirety.

If you have any questions concerning our comments, please have a member of your staff contact Michael T. Lesar on extension 27758 or Alzoncia W. Shepard on extension 27651.

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Patricia G. Norry
Patricia G. Norry, Director
Office of Administration

Enclosure: As stated