

Description of Staff of Changes to the Final Rule in SECY-08-0170

1. On pages 14 -17, delete the response to *Issue 1* and replace it with “While EnPA does not require NRC regulations to be *identical* to EPA’s, EnPA does direct the Commission to modify its technical criteria to be consistent with EPA’s standards for a geologic repository at the Yucca Mountain site. Thus, NRC is required to adopt EPA’s post 10,000 year standard, and the NRC has done so. The NRC’s notice of proposed rulemaking notified potential commenters that comments such as these on EPA’s revised standards should be directed to EPA for EPA’s response.”

Staff changes: as directed

2. On page 18, delete the response to *Issue 2* and replace it with “As explained in response to issue 1 under NRC Adoption of EPA standards of this document, EnPA requires the Commission to modify its technical criteria to be consistent with EPA’s standards for a geologic repository at the Yucca Mountain site. The NRC’s notice of propose rulemaking notified potential commenters that comments such as these on EPA’s revised standards should be directed to EPA for EPA’s response.”

Staff changes: as directed, with the following 2 exceptions:

- a) in second line ‘standards’ should be ‘Standards’ – rationale: this is part of title
- b) in fourth line ‘propose’ should be ‘proposed’ – rationale: correct typo

3. On page 24, last paragraph, delete the sentence in lines 4 through 6 and replace it with “The NRC’s notice of proposed rulemaking notified potential commenters that comments, such as these on EPA’s revised standards should be directed to EPA for EPA’s response.”

Staff changes: as directed, however there are two sentences in lines 4 through 6 and both sentences were deleted rather than a sentence – rationale: consistent with intent of SRM

4. On page 31, 2nd full paragraph, delete the last sentence (The location specified ... assessment.).

Staff changes: as directed

5. On pages 62 - 63, delete the response to *Issue 6* and replace with “As explained in response to issue 1 under NRC Adoption of EPA standards of this document, EnPA requires the Commission to modify its technical criteria to be consistent with EPA’s standards for a geologic repository at the Yucca Mountain site. Moreover, the question whether the “zero-release” assumption of the S-3 rule may need to be revisited in the future is not presented in this rulemaking proceeding.”

Staff changes: as directed, with the following exception:

- a) in second line ‘standards’ should be ‘Standards’ – rationale: this is part of title

6. On page 71, paragraph (b), revise line 1 to read ‘ ... methods used to satisfy the’

Staff changes: as directed