



OFFICE OF THE  
SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 31, 1996

RELEASED TO THE PDR

11/7/96

date

DKW

initials

MEMORANDUM TO: James M. Taylor  
Executive Director for Operations

FROM: John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-96-215 -  
REQUIREMENTS FOR SHIPPING PACKAGES USED TO  
TRANSPORT VITRIFIED WASTES CONTAINING  
PLUTONIUM

The Commission has disapproved the staff's approach for making a determination under 10 CFR 71.63(b)(3) regarding canisters containing plutonium-bearing vitrified wastes. The Commission believes the policy issue should be addressed through rulemaking. Commissioner Rogers approved the staff's approach.

The staff should initiate rulemaking on an expedited basis to satisfy the timeliness requirements of the Department of Energy (DOE). Should the staff have a compelling reason for an urgent Commission decision on DOE's determination request, or a strong basis for not pursuing rulemaking, then the staff should inform the Commission immediately, before starting rulemaking.

(EDO)

(SECY Suspense: 2/28/97)

In the longer term, the staff should also address whether the technical basis for 10 CFR 71.63 remain valid, or whether a revision or elimination of portions of 10 CFR 71.63 is needed to provide flexibility for current and future technologies.

(EDO)

(SECY Suspense: 9/26/97)

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan

OGC

OCA

OIG

Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

SECY NOTE: THIS SRM, SECY-96-215, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

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