

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR
11/2/96
date initials

TO: John C. Hoyle, Secretary
FROM: CHAIRMAN JACKSON
SUBJECT: SECY-96-215 - REQUIREMENTS FOR SHIPPING
PACKAGES USED TO TRANSPORT VITRIFIED WASTES
CONTAINING PLUTONIUM

Approved _____ Disapproved XX Abstain _____
Not Participating _____ Request Discussion _____

COMMENTS:

See attached comments.

Shirley Ann Jackson
SIGNATURE

Release Vote / XX /

October 18, 1996

DATE

Withhold Vote / /

Entered on "AS" Yes XX No _____

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PDR COMMS NRCC
CORRESPONDENCE PDR

COMMS

DFC 2/10

CHAIRMAN JACKSON'S COMMENTS ON SECY-96-215

I disapprove the staff's recommendation to make and issue a determination under 10 CFR 71.63(b)(3) regarding canisters containing plutonium-bearing vitrified wastes. Such a determination could result in an exemption from the requirements of 71.63(b) for double containment of plutonium shipments and set policy for a large number of plutonium shipments from U.S. Department of Energy (DOE) facilities. This policy issue should be addressed through rulemaking.

The staff should deny DOE's request for a determination under 10 CFR 71.63(b)(3).

The staff should immediately begin rulemaking on the issue of plutonium shipments. The staff should initially focus on rulemaking that addresses DOE's issue of shipping plutonium-bearing vitrified wastes in single containment packages. In the longer term, the staff should also address through rulemaking whether the technical bases for 10 CFR 71.63 remain valid, or whether a major revision or elimination of portions of 10 CFR 71.63 is needed to provide flexibility for current and possible future technologies.

In SECY-96-215, the staff does not discuss the reasons for pursuing a determination process over rulemaking. If the staff has 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.