

Dec 97

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER MCGAFFIGAN

SUBJECT: SECY-97-047 - CHANGES TO 10 CFR 71.63,
REQUIREMENTS FOR SHIPPING PACKAGES USED TO
TRANSPORT VITRIFIED HIGH-LEVEL WASTE

Approved X Disapproved Abstain

Not Participating Request Discussion

COMMENTS:

Note attached edit.

Edward M. McGaffigan Jr.

SIGNATURE

3/13/97

DATE

Release Vote X

Withhold Vote

Entered on "AS" Yes X No



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

The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The NRC has sent to the Office of the Federal Register for publication and comment the enclosed proposed amendments to the Commission's rules in 10 CFR Part 71. The amendments, if adopted, would remove canisters containing vitrified high-level waste, which contain plutonium, from the packaging requirement for double containment. This amendment is being proposed in response to a petition for rulemaking submitted by the Department of Energy. The primary purpose for double containment is to ensure that any respirable plutonium will not be leaked into the atmosphere. The NRC agrees with the petitioner that vitrified high-level wastes are essentially nonrespirable, and therefore the packaging requirement for double containment is unnecessary. This proposed rule change would allow a more cost effective means of transporting this waste with no significant impact to public health and safety. This proposed rule would also make a minor correction to the usage of metric and English units to be consistent with existing NRC policy.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator Bob Graham

*This approach is consistent with that currently
used for the shipment of nuclear reactor
fuel elements.*

(Identical change needed to Rep Schoeter ltr.)



SECRETARY

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

April 4, 1997

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-97-047 - CHANGES TO
10 CFR 71.63, REQUIREMENTS FOR SHIPPING
PACKAGES USED TO TRANSPORT VITRIFIED HIGH-
LEVEL WASTE

The Commission has approved publication of the proposed amendments to 10 CFR Part 71 in the Federal Register to allow for a 75 day public comment period, subject to the comments and editorial changes below.

(EDO)

(SECY Suspense: 5/2/97)

The staff should conduct a review of DOE's information in their "Technical Justification to Support the PRM by the DOE to Exempt HLW Canisters from 10 CFR 71.63(b)" in enough detail to provide the staff confidence that DOE's conclusions appear to be substantiated. The FRN should include a discussion of the NRC analysis and, that based on this information, the NRC essentially agrees with DOE's conclusions.

If the reduced Pu concentration in the vitrified high-level waste is part of the justification for exemption of this form of waste from the double containment requirements, then that fact should be a part of the regulatory requirements for this form of waste. If not, the staff should so state.

The values and impacts section of the Regulatory Analysis should be expanded to explain the basis for the statements that loading and unloading time as well as occupational exposures will be reduced as a result of this action.

SECY NOTE: THIS SRM, SECY-97-047, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

2/b
9704170157

The proposed letters to the Congressional subcommittee chairs should be modified by inserting the following new sentence after the word 'unnecessary' in line 10: 'This approach is consistent with that currently used for the shipment of nuclear reactor fuel elements.'

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
CIO
CFO
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS