

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER MCGAFFIGAN

SUBJECT: SECY-97-058 - U.S. DEPARTMENT OF ENERGY'S
REVISED GENERAL GUIDELINES FOR THE
RECOMMENDATION OF SITES FOR NUCLEAR WASTE
REPOSITORIES (10 CFR PART 960)

Approved ✓ (with comment) Disapproved _____ Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS:

I approve of the staff recommendation to provide DOE with a "no objection" finding on the revised siting guidelines since it provides the Commission flexibility in the absence of EPA standards. I agree that the staff should provide the Commission with a summary and analysis of public comments received by DOE to assist the Commission in its deliberations on the guidelines. I do not support a duplicative NRC effort to pursue public comments on the revised guidelines since this is a concurrence proceeding and not a rulemaking for NRC, and it does not appear to be the best use of agency resources since issues of concern to NRC can be identified from the public comments received by DOE.

E. Mc Gaffigan

SIGNATURE

4/11/97

DATE

Release Vote 1 ✓ 1

Withhold Vote 1 ☐ 1

Entered on "AS" Yes ✓ No _____



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 16, 1997

SECRETARY

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: *Annette L. Vietti-Cook*
Annette L. Vietti-Cook, Acting Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-97-058 - U.S.
DEPARTMENT OF ENERGY'S REVISED GENERAL
GUIDELINES FOR THE RECOMMENDATION OF SITES
FOR NUCLEAR WASTE REPOSITORIES (10 CFR PART
960)

The Commission has approved the staff recommendation to provide DOE with a "no objection" finding provided that such a finding is legally sufficient to satisfy any requirements the Commission might have under Section 112(a) and (b) of the Nuclear Waste Policy Act of 1982, as amended. The staff should ensure that the NRC's "no objection" is not construed as concurrence on the revised guidelines. This is based on DOE's leaving the site comparison guidelines unchanged, with respect to sites other than Yucca Mountain, and on DOE's commitment to base its Yucca Mountain site suitability determination on NRC's disposal regulations, including future revisions, if necessary. The finding of "no objection" does not prejudice the appropriateness of the EPA standard which is referenced; until such time as the Commission has had the opportunity to review and comment on the EPA standard, it can make no judgment and express no view on the appropriateness of the standard.

The Commission has approved publishing a notice in the Federal Register noting receipt of DOE's revised guidelines, describing the Commission's proposed approach for review of the guidelines, and requesting public comment. The staff should analyze and make public a summary of the public comments.

(EDO)

(SECY Suspense: 9/5/97)

SECY NOTE: THIS SRM, SECY-97-058, 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.

2pb

9704180138

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