



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

ACTION - Minogue

- Cys: Dircks
- Cornell
- Rehm
- Costanzi
- NMSS
- Shapar
- Felton
- BWagman
- Haller
- KSinger

Costanzi

April 23, 1980

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: William J. Dircks, Acting EDO
Carleton Kammerer, Director, OCA
Joseph Fouchard, Director, OPA

FROM: Samuel J. Chilk, Secretary

SUBJECT: EXTRACT OF SECY STAFF REQUIREMENTS MEMORANDUM -
AFFIRMATION SESSION 80-18V 1:35 P.M., WEDNESDAY,
APRIL 23, 1980, COMMISSIONERS' CONFERENCE ROOM, D.C.
OFFICE (OPEN TO PUBLIC ATTENDANCE)

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II. Secy 80-177 - Advance Notice of Rulemaking on Technical Criteria for Regulating Geologic Disposal of High Level Radioactive Wastes, 10 CFR Part 60

1. The Commission, by a vote of 5-0,^{3/} approved publication of an Advance Notice of Rulemaking in the Federal Register seeking public comment on issues and questions relating to development of technical criteria for the regulation of disposal of high level waste, subject to insertion of the following at the bottom of page 3 of the proposed Federal Register Notice:

"The staff is preparing a document explaining the basis and rationale for these technical criteria. It is anticipated that this document will be available as a NUREG report at the time that the technical criteria are published in the form of a proposed rule. A working draft of the bases and rationale document will be placed in the NRC Public Document Room for inspection."^{4/}

(SD)(Secy Suspend: 4/28/80)
5/12/80

2. The Commission also requested that:
- a. the Advance Notice of Rulemaking be published for a 60 day comment period,
(SD)(Secy Suspend: 4/28/80)
5/12/80
 - b. the appropriate Congressional Committees be informed,
(OCA)(Secy Suspend: 4/28/80)
SD 5/12/80
 - c. an appropriate press release be prepared for issuance when the Notice is filed with the Federal Register.
(OPA)(Secy Suspend: 4/28/80)
5/12/80

*Rec'd EDO
4/28/80*

In connection with his approval Commissioner Bradford commented:
"However, I do not expect to approve (in the final rule) actual criteria
that do not define high level waste in terms of activity levels and
public hazard rather than the definition used here." I would like a
status report on the staff's efforts to redefine high level wastes.

(SD)(Secy Suspense: 5/15/80)

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cc:
Chairman Ahearne
Commissioner Gilinsky
Commissioner Kennedy
Commissioner Hendrie
Commissioner Bradford
Commission Staff Offices

Footnotes

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3/ Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841 provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners Gilinsky and Kennedy were not present at this Affirmation Session. Had Commissioners Gilinsky and Kennedy been present at the meeting they would have voted with the majority. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision.

4/ Subsequently, on April 23, 1980, after the conclusion of this Affirmation Session, the working draft of the bases and rationale document was hand carried to the Public Document Room.

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