

January 2, 1979

UNITED STATES  
NUCLEAR REGULATORY COMMISSION 78-613A

CONSENT CALENDAR ITEM

For: The Commissioners

From: William J. Dircks, Director  
Office of Nuclear Material Safety and Safeguards

Through: Executive Director for Operations *[Signature]*

Subject: RESPONSE TO NATURAL RESOURCES DEFENSE COUNCIL, INC. (NRDC)  
PETITION FOR RULEMAKING (PRM-20-7) REVISION 1

Purpose: To revise a previous staff paper (SECY-78-613) to incorporate staff comments of the Office of Policy Evaluation and the Office of the General Counsel.

Category: Routine matter requiring Commission consideration.

Value Impact Statement: None required.

Discussion: The proposed Federal Register notice (Enclosure 3 of SECY-78-613) has been revised to incorporate the Office of Policy Evaluation and the Office of the General Counsel staff comments. The NRC staff position has been expanded to address the legal arguments raised by NRDC to require a moratorium on licensing of new or enlarged burial sites (pp. 18-19). The staff position has been expanded to address the legal arguments raised by NRDC to require a Generic Environmental Impact Statement (GEIS) on low-level waste disposal (pp. 26-27). A discussion of the Environmental Impact Statement (EIS) planned by the staff to support the proposed low-level waste management regulation has been included to support the staff's position that the NRC regulatory development effort will obviate the need for a GEIS (pp. 27-28). A discussion of the planned EIS on the proposed low-level waste management was deleted from the background section of the notice to eliminate repetition (p. 13).

Contact:  
M. J. Bell, NMSS  
G. W. Roles, NMSS  
427-4240

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310 334

Recommendation: The staff recommends that the Commission approve publication of the revised Federal Register notice.

Coordination: The Office of State Programs concurs in the content of this paper. The Office of the Executive Legal Director has no legal objections. Staff comments of the Office of the General Counsel and the Office of Policy Evaluation have been incorporated into the revised Federal Register notice.

Scheduling: For affirmation at an open Commission meeting.



William J. Dircks, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
Proposed FR Notice

SECY NOTE: This paper replaces the FRN recommended for publication in Recommendation #1 of SECY-78-613 and attached as Enclosure 3 in that paper. Commissioners should indicate their consent and or comments on both papers on the response sheet for this paper.

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Tuesday, January 16, 1979.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT January 10, 1979, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of January 22, 1979. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

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