

# A F F I R M A T I O N   V O T E

## RESPONSE SHEET

RELEASED TO THE PDR

6/1/93

date

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initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ROGERS

SUBJECT: SECY-92-351 - FINAL AMENDMENTS TO 10 CFR  
PART 61, "LICENSING REQUIREMENTS FOR LAND  
DISPOSAL OF RADIOACTIVE WASTE"

APPROVED <sup>WITH</sup> COMMENTS <sub>KL</sub> DISAPPROVED \_\_\_\_\_ ABSTAIN \_\_\_\_\_

NOT PARTICIPATING \_\_\_\_\_ REQUEST DISCUSSION \_\_\_\_\_

COMMENTS: SEE ATTACHMENT.  
KCH

040103

Kenneth C. Rogers  
SIGNATURE

RELEASE VOTE

☒

WITHHOLD VOTE

☐

January 29, 1993  
DATE

ENTERED ON "AS" YES ☒ No \_\_\_\_\_

Commissioner Rogers' Comments on SECY-92-351:

I approve the staff's recommendation. However, I think that the definition of "Land Disposal Facility" proposed by Commissioner deFlanque is clearer than the definition proposed in SECY-92-351 and should be substituted for it. Also, the characterization of the public comment about increased regulatory uncertainty for above-ground disposal (on page 8 of Enclosure 1) and the response (on page 9) are not consistent. As characterized, the comment is concerned with the potential for legal uncertainty that could arise from differences between criteria developed by the states in the absence of NRC criteria. The response focusses on whether Agreement States may set more stringent criteria than the NRC -- a different issue. If the comment has been mischaracterized, that should be corrected. Otherwise, the response should be revised to be more to the point.

KCR