

November 30, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-258

TITLE: ADVANCE NOTICE OF PROPOSED RULEMAKING: 10 CFR PARTS 71 AND 73 - "ADVANCE NOTIFICATION TO NATIVE AMERICAN TRIBES OF TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR WASTE"

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 30, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of November 30, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-258

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	11/16/99
COMR. DICUS	X				X	11/10/99
COMR. DIAZ	X					11/18/99
COMR. McGAFFIGAN	X				X	11/19/99
COMR. MERRIFIELD	X				X	11/9/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on November 30, 1999.

Commissioner Comments on SECY-99-258

Chairman Meserve

I approve the staff's proposal to publish the ANPR. In the next update of the semi-annual Rulemaking Activity Plan, the staff should provide the status and proposed schedule for submitting either a rulemaking plan or the analysis of comments which would support a recommendation to not proceed with rulemaking.

Commissioner Dicus

1. Draft Press Release, Page 2, first paragraph, second sentence. Replace the existing sentence with the following to appropriately reflect [10 CFR 73.37\(f\)\(2\)\(i\)\(ii\)](#) and (iii).

"The notification identifies the name, address, and telephone number of the shipper, carrier, and receiver, a description of the shipment, and a listing of routes to be used within the state".

2. Draft Press Release, Page 2, second paragraph, second sentence. Replace "departure time" with "date and time" to appropriately reflect [10 CFR 73.37\(f\)\(3\)\(i\)](#).

Commissioner Merrifield

I approve the staff's proposal to publish an advanced notice for proposed rulemaking (ANPR) for [10 CFR Parts 71 and 73](#). The proposal to modify our regulations to either require or permit advanced notification of Native American Tribes of transportation of certain types of nuclear waste is an important issue to address in a timely manner. The staff has identified appropriate questions to be addressed in the ANPR. However, the paper is silent on the proposed schedule once the public comment period ends. In the SRM, I would like a schedule from the staff for submitting either (a) a rulemaking plan or a proposed rule if the actual rule change is simple and does not require a rulemaking plan or (b) results of the ANPR which would cause the staff not to recommend proceeding with the rulemaking.