

June 22, 2010

MEMORANDUM TO: Stephen G. Burns
General Counsel

FROM: Andrew L. Bates, Acting Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-10-0018 – PROPOSED
RULEMAKING TO REVISE THE DEFINITION OF
CONSTRUCTION IN 10 CFR PARTS 30, 36, 39, 40, 51, 70, AND
150

The Commission has approved for publication, in the Federal Register, the proposed amendments to 10 CFR Parts 30, 36, 39, 40, 51, 70, and 150, subject to the attached comments and changes.

(OGC)

(SECY Suspense: 7/16/10)

The staff should review stakeholder comments closely in order to identify any unintended consequences that might arise from implementation of the proposed amendments.

Attachment: Changes to the Proposed Rule in SECY-10-0018

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
EDO
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

Changes to the Proposed Rule in SECY-10-0018

1. On page 1, 1st full paragraph, revise line 10 to read '... action to conform its regulations to the scope of its regulatory authority under the Atomic Energy Act of 1954, as amended, to improve....'
2. On page 5, paragraph 1, revise line 2 to read '... from the U.S. Environmental'
3. On page 6, 1st full paragraph, revise line 2 to read '... is granted, either a specific license to conduct such activities under Part 40, or an exemption' [WCO] Revise line 6 to read '... for long-term'
4. On page 6, last paragraph, revise the last line to read '... under an LWA;'
5. On page 7, revise line 9 from the top to read '... does not authorize the NRC to require an'
6. On page 7, last paragraph, revise line 2 to read '... power plants arises in the'
7. On page 8, paragraph 1, in line 2 insert a space between 'and' and '52.'
8. On page 8, last paragraph, revise line 8 to read '... for materials licenses'
9. On page 10, paragraph 1, revise line 6 to read '... NEPA, essentially a procedural'
10. On page 10, last paragraph, revise line 4 to read '... definition and the NRC's authority under the AEA. Given'
11. On page 11, last paragraph, revise lines 2 and 3 to read '... exemption process. But given the agency's position on the scope of its AEA authority, the NRC believes that the regulatory provisions themselves should be reconciled, furthering regulatory efficiency and economy. but the NRC believes that the regulatory efficiency and economy would dictate that the regulatory provisions themselves be reconciled. Accordingly,' Revise line 5 to read '... establish a consistent uniform definition' Revise line 7 to read '... healthy and'
12. On page 12, 1st full paragraph, revise lines 1, 3, 7, and 9 to read '... an LWA'
13. On page 12, last paragraph, revise line 3 to read '... an LWA'
14. On page 13, revise lines 3 and 9 from the top to read '... an LWA'
15. On page 13, 1st full paragraph, revise line 2 to read '... the regulations, including being the' Revise line 6 to read '... amendment, or'
16. On page 15, revise line 5 from the top to read '... do not, affect, as'
17. On page 20, revise line 1 from the top to read '... D, NRC, or' Revise line 3 from the top to read '... labels, or terms'

18. On page 25, paragraph 1, revise line 6 to read ' ... addressing **ing** the'
19. On page 25, paragraph 2, revise line 1 to read ' ... Parts 30, **36**, 39,'
20. On page 25, delete the last paragraph (With respect to ... considered)
21. On page 26, delete from the top of the page to the start of Section IX. (... as construction for ... NRC-2010-xxxx.)
22. On page 30, last paragraph, revise the last line to read ' ... this part that has **a reasonable nexus to**:'
23. On page 31, revise line 1 from the top to read ' ... (1) ~~A reasonable nexus to r~~**R**adiological'
24. On page 31, revise line 2 from the top to read ' ... (2) ~~A reasonable nexus to the e~~**C**ommon'
25. On page 31, 1st full paragraph, revise line 2 to read ' ... system, **l** or component' Revise line 3 to read ' ... part that are **related to radiological** safety or security ~~related~~. The'
26. On page 32, paragraph (9), revise to read ' ... action **that** ~~which~~ has no'
27. On page 34, paragraph 1, revise line 2 to read ' ... this part that has **a reasonable nexus to**:'
28. On page 34, revise paragraph (1) to read ' ... (1) ~~A reasonable nexus to r~~**R**adiological'
29. On page 34, revise paragraph (2) to read ' ... (2) ~~A reasonable nexus to the e~~**C**ommon'
30. On page 34, 2nd full paragraph, revise line 2 to read ' ... system, **l** or component' Revise line 3 to read ' ... part that are **related to radiological** safety or security ~~related~~. The'
31. On page 35, paragraph (9), revise to read ' ... action **that** ~~which~~ has no'
32. On page 38, paragraph 1, revise line 2 to read ' ... this part that has **a reasonable nexus to**:'
33. On page 38, revise paragraph (1) to read ' ... (1) ~~A reasonable nexus to r~~**R**adiological'
34. On page 38, revise paragraph (2) to read ' ... (2) ~~A reasonable nexus to the e~~**C**ommon'
35. On page 38, 2nd full paragraph, revise line 1 to read ' ... means **the installation of production wells**, the' Revise line 2 to read ' ... system, **l** or component' Revise line 3 to read ' ... part that are **related to radiological** safety or security ~~related~~. The'

36. On page 39, paragraph (9), revise to read ‘ ... action ~~that which~~ has no’
37. On page 44, paragraph (2), revise line 2 to read ‘ ... 70, ~~that which~~ has a’
38. On page 44, paragraph (ii), revise line 1 to read ‘ ... action ~~that which~~ has no’
39. On page 45, paragraph 1 in section 70.4, revise line 2 to read ‘ ... this part that has ~~a reasonable nexus to~~:’
40. On page 45, revise paragraph (1) to read ‘ ... (1) ~~A reasonable nexus to r~~Radiological’
41. On page 45, revise paragraph (2) to read ‘ ... (2) ~~A reasonable nexus to the e~~Common’
42. On page 45, last paragraph, revise line 2 to read ‘ ... system, or component’ Revise line 3 to read ‘ ... part that are ~~related to radiological~~ safety or security ~~related~~. The’
43. On page 46, paragraph (9), revise to read ‘ ... action ~~that which~~ has no’
44. On page 49, paragraph (B), revise line 2 to read ‘ ... system, or component’ Revise line 3 to read ‘ ... part that are ~~related to radiological~~ safety or security ~~related~~. The’