

September 1, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS -SECY-99-175 -PROPOSED RULE:
10 CFR PART 72 - CLARIFICATION AND ADDITION OF
FLEXIBILITY

The Commission has approved publication of the proposed changes to 10 CFR Part 72 described in SECY-99-175, subject to the following changes and the editorial corrections noted in the attachment.

1. The staff should continue working with its points of contact within the Department of Energy (DOE) to inform DOE of all Part 72 rulemakings and solicit comments from DOE on such rulemakings.
2. The staff should expand the discussion under "Environmental Impact" on page 13 of the Federal Register Notice to provide additional information to justify the categorical exclusions under 51.22(c)(2) and (3).

Attachment: Editorial Changes to the Proposed Rulemaking Package

cc: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS

Editorial Changes to the Proposed Rulemaking Package

1. Editorial changes to Congressional letters:
 - a. Line 5, add “more clearly” after “these entities to”
 - b. Line 8, add “being subject to” after “cask design without”
 - c. Line 9, delete “undergoing”, “;”, and “early”
 - d. Line 10, add “prior to NRC approval” at end of sentence
 - e. Line 14, add “and the right of the public to comment on cask designs would not be affected by this rulemaking” at end of sentence

2. Editorial changes to press release:
 - a. Page 1, line 1, add “in 10 CFR Part 72 for” after “regulations” and delete “on”
 - b. Page 1, line 2, delete “storage” before “cask manufacturers”
 - c. Page 1, line 3, delete “their” before “use” and add “of the cask” at end of sentence
 - d. Page 1, add the following as the last sentence of the first paragraph: “The proposed rule would require NRC approval of the quality assurance program before cask fabrication can commence.”
 - e. Page 2, line 8, add “a general licensee and their contractor and” after “current regulations prohibit”