

From: Patricia Holahan
To: Tim McGinty
Date: Wed, Aug 2, 2000 5:08 PM
Subject: Re: Action Items as a result of Maine Yankee Meeting on 7/28

Tim

I had a lengthy conversation with David Meyer on the use of direct final rules. He will have Mike Lesar work with us on the working group to identify what "criteria" could be used. However, Mike is out until 8/14 as is Neil Jensen from OGC who would also be on the working group. Therefore, I would suggest that we separate out the specific issue for NAC amend 1 from the more generic issue of DFR's in general. That way, we can make the decision for the NAC based on all our facts and then work with OGC and ADM on the bigger issue. Allen was also going to discuss this approach with Eric.

Thanks, Trish

>>> Tim McGinty 08/02 10:44 AM >>>
Trish,

I talked to Allen for a bit. He was hoping that Merri would be able to participate, and Merri has a conflict with the time I suggested. So, I am waiting to hear back from Allen/Merri, and I plan on moving the time for sitting down together to accomodate that.

Keep that in mind with respect to your discussions with Mr. Meyer, please.

Tim

>>> Patricia Holahan 08/02 10:41 AM >>>
Yes, I will contact David Meyer.

>>> Tim McGinty 08/02 9:45 AM >>>
We (SFPO) don't typically interface with Admin with respect to rulemakings. Will you be contacting them to solicit their participation?

Tim

>>> Allen Howe 08/02 8:23 AM >>>
Tim -

We are talking to OGC today on the criteria for a CoC amendment to go as a direct final. For the meeting and the action on time frames for when things happen e.g. effective immediately, Admin should also be involved. We are also considering the idea of the generic schedule and what the implications are for publishing such a schedule.

Thanks - Allen

C/8/1

>>> Tim McGinty 8/1/00 4:43:10 PM >>>

Allen (IMNS), Dorothy (OGC), Earl, Jack and Phil (SFPO) - or Working Group:

As a result of the Maine Yankee public meeting on 7/28, and additional discussions between Wayne Hodges and Bill Kane, we have 3 action items in the near term. **I propose that we form a working group (with IMNS, SFPO and OGC representatives) to develop a strategy to complete the action items, and that the group meet on 8/3, from 10-11 a.m., in O11-B-2.**

I am just trying to get the ball rolling here, and I'm certainly open to any ideas. However, I think the NMSS Office Director is expecting us to take action in the near term on these issues. **I have CC'd your managers** so they are aware that I am invading your time and proposing a working group on these issues (see below).

The action items are:

(1) Develop, and post on the NRC web-site, a **generic "rulemaking"** template that would be applicable to a) normal rulemaking, and b) direct final rulemaking. This is in response to the Maine Yankee observation that once the staff has forwarded a proposed SER and CoC on a cask for rulemaking, the remaining time to complete the action appears to be a "black box"...they do not understand why it takes so long.

(2) **Develop criteria** to be used for a decision as to whether a Part 72 amendment can and should be processed via **direct final or the normal rulemaking process**. This is an action item from the Kane pre-brief of the Maine Yankee meeting on 7/28...SFPO has the lead. This is also related to a Maine Yankee request to be apprized, as soon as possible, if the staff will pursue direct final rulemaking for the NAC-UMS Maine Yankee amendment. I think that upon identifying the appropriate criteria, this would also be useful to post on the web-site for all to see. A separate letter to NAC/Maine Yankee on this topic would appear to be warranted.

(3) NAC International has two requests that are related: (a) That the normal 75 day NAFTA public comment period be reduced to 30 days for Part 72 cask amendments, and (b) that the 30 day delay in effectiveness of a normal final rule be changed to be effective immediately. It would seem to me that in developing the information for the web-site, we may be able to communicate the basis of these time periods, although a separate letter to NAC is also probably warranted.

Thanks in advance for your time.

Tim McGinty

CC: Allen Howe, Eric Leeds, Merri Horn, Stephanie B...