

July 25, 2002

MEMORANDUM TO: Stephen D. Dingbaum
Assistant Inspector General for Audits
Office of the Inspector General

FROM: Patricia G. Norry **/RA by Paul E. Bird Acting For.**
Deputy Executive Director for Management Services

SUBJECT: ISSUANCE OF SUPPLEMENT 1 TO NUREG/BR-0053, REV. 5
IMPLEMENTING OIG RECOMMENDATIONS MADE IN OIG-01-A-11

In Carl Paperiello's memorandum to you, dated July 26, 2001, responding to the audit report "Review of NRC's Dry Cask Storage Program" (OIG-01-A-11), he indicated that the Office of Administration (ADM) would incorporate appropriate changes to the NRC Regulations Handbook (NUREG-0053, Rev. 5) to implement recommendations concerning NRC's application of the direct final rule process.

ADM has issued Supplement 1 to NUREG/BR-0053, Rev. 5, which revises Part 9 - Direct Final Rules and makes conforming changes to appropriate sample documents. The recommendations of OIG-01-A-11 are implemented as follows:

- Recommendation 1 ("Revise the *NRC Regulations Handbook* to recommend the use of the direct final rule for new cask certifications") - Section 9.3(c)(1) now lists the issuance of a Certificate of Compliance (CoC), as well as the amendment of a CoC, as a type of NRC rulemaking for which the direct final rule process may be appropriate.
- Recommendation 2 ("Revise the *NRC Regulations Handbook* to clarify the definition of 'noncontroversial' as it pertains to the use of the direct final rule") - Section 9.3(a) sets out criteria for determining when a proposed rulemaking action is noncontroversial.
- Recommendation 3 ("Publish the criteria for significant adverse comments in each direct final rule package") has already been addressed by including the criteria for significant adverse comments in each *Federal Register* notice for a direct final rule. See Sample Document 19.6.

This completes staff action on the recommendations made in OIG-01-A-11.

Supplement 1 also includes editorial and clarifying changes. Supplement 1 has been reviewed and approved by NRC's Rulemaking Coordinating Committee consisting of representatives from the offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, Administration, and the General Counsel.

Attachment: Supplement 1 to NUREG/BR-0053, Rev. 5

CONTACT: Michael T. Lesar, ADM/DAS/RDB
(301) 415-7163

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