

DEC 16 1991

MEMORANDUM FOR: James R. Wolf, Senior Attorney
Rulemaking and Fuel Cycle
Office of the General Counsel

FROM: Phil Altomare,
Senior System Analyst
Repository Licensing & Quality Assurance
Project Directorate
Division of High-Level Waste Management
Office of Nuclear Material Safety and Safeguards

SUBJECT: REGULATORY UNCERTAINTIES FOR MINOR RULEMAKING

The report, "Systematic Regulatory Analysis, Regulatory and Institutional Uncertainty Reduction Recommendations," dated March 29, 1991, recommended minor rulemaking for the reduction of a number of identified regulatory uncertainties. As a member of the team preparing this report, you suggested that the Office of the General Counsel (OGC), with the Office of Nuclear Material Safety and Safeguards (NMSS) assistance, could prepare these uncertainties as a package for Office of Nuclear Regulatory Research (RES) rulemaking. The list of regulatory uncertainties that would be included in this package are as follows:

Uncertainty Reference Number(1)	Abbreviated Uncertainty Statement
2.	"Environmental Report" vs. "EIS"
5.	Responsibility for Public Document Room
6.	Consideration of performance confirmation during construction authorization

(1) See table 1 of the above noted report.

These uncertainties were "-- of the nature of an obsolete title or citation, a minor error, an inadvertent omission, or a similar minor problem in the text of the rule." Further, corrective language for the rule was provided in the report. Accordingly, these are considered minor rule changes.

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If OGC agrees, it is suggested that we proceed to obtain RES concurrence. A proposed schedule of activities is as follows:

NMSS/OGC Completes Draft Federal Register Notice"	4/92
Div. Director Approves Draft FRN Package	6/92
PMDA Submits Draft FRN to RES	8/92
RES Submits Rulemaking Package to ACNW	9/92
RES Briefs ACNW (if requested)	10/92
RES Submits Approval Package to to EDO	12/92
Receive EDO Approval	01/93

I would appreciate receiving your comments and OGC concurrence within the next few weeks.

Isf

Philip Altomare,
Senior Systems Analyst
Repository Licensing and Quality Assurance
Project Directorate
Division of High-Level Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: John Randall, RES

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Date:12/16/91 :12/ /91 : : : :