

February 15, 2013

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS – SECY-12-0166 – PROPOSED RULE:
REVISIONS TO TRANSPORTATION SAFETY REQUIREMENTS
AND HARMONIZATION WITH INTERNATIONAL ATOMIC
ENERGY AGENCY TRANSPORTATION REQUIREMENTS
(RIN 3150-AI11)

The Commission has approved publication of the proposed amendments to 10 CFR Part 71, subject to the following comments and changes.

The staff should continue to work with DOT to eliminate the noted differences in the exemption of low-level materials for natural materials and ores. At the time of providing the final rule for approval, the staff should update the Commission on its efforts with DOT on this issue. The staff should clarify the plan(s) to update the rule in the future, including consideration of any future IAEA compatibility updates.

The staff should make the draft revision to Regulatory Guide 7.10 publicly available for comment concurrent with the publication of the proposed rule.

The following revisions should be made to the *Federal Register* Notice:

1. On page 2, 1st full paragraph, revise line 4 to read ‘ ... after this **these** dates will’
Revise line 5 to read ‘ ... before this **these** dates.’
2. On page 7, 1st full paragraph, revise line 1 to read ‘ ... IAEA **was formed by member nations to promote safe, secure, and peaceful nuclear technologies. It is authorized to establish** safety’
3. On page 7, 1st full paragraph, revise the last line to read ‘ ... commerce **and reflect knowledge gained in scientific and technical advances and accumulated experience.**’
4. On page 9, 1st full paragraph, revise line 9 to read ‘ ... that ~~are considered to~~ provide’
5. On page 16, 1st full paragraph, revise line 5 to read ‘ ... holders of a **10 CFR part 71, Subpart H** quality’ Insert a new sentence after the period in line 6 to read: This action would also affect holders of quality assurance program approvals under Appendix B of part 50 or subpart G of part 72 to the extent that those approvals apply to transport packaging as specified in 10 CFR 71.101(f), “*Previously approved programs.*”

6. On page 17, paragraph 5., revise line 1 to read ‘ ... reference International Organization for Standardization ISO document’ Revise line 4 to read ‘ ... and International Organization for Standardization ISO document’
7. On page 18, paragraph 10., revise line 4 to read ‘ ... Basic Radionuclide Values,’
8. On page 18, paragraph 12., revise line 1 to read ‘In appendix A, Table A-2, The’
9. On page 18, paragraph 13., revise the last line to read ‘ ... Basic Radionuclide Values,....’
10. On page 19, paragraph 14., revise line 2 to read ‘ ... descriptions in Table 3, “Basic Radionuclide Values for Unknown Radionuclides or Mixtures,” in TS-R-1 (2009 edition).’
11. On page 20, 1st full paragraph, revise line 3 to read ‘ ... radionuclides which that are’
12. On page 20, last paragraph, revise line 5 to read ‘ ... radionuclides which that are’
13. On page 36, 1st full paragraph, revise line 9 to read ‘ ... frequency be more appropriate for changes to an approved’ Revise the last line to read ‘ ... the NRC would be more appropriate?’
14. On page 45, revise line 3 from the top to read ‘ ... frequency would be more appropriate for’ Revise lines 4 and 5 from the top to read ‘ ... by the NRC, would be more appropriate?’
15. On page 47, 1st full paragraph, revise line 4 to read ‘ ... material which that is’
16. On page 48, 2nd full paragraph, revise line 1 to read ‘ ... objects which that have’
17. On page 54, 1st full paragraph, revise line 2 to read ‘ ... corrections to the equations and the accompanying text. In’
18. On page 68, 1st full paragraph, revise line 8 to read ‘ ... which that relate’
19. On page 75, paragraph (i), revise line 2 to read ‘ ... radionuclides which that are’
20. On page 85, revise lines 4 and 6 from the top to read ‘ ... requirements which that apply’
21. On page 87, paragraph (1), revise line 1 to read ‘ ... NRC which that is’
22. On page 88, revise line 3 from the top to read ‘ ... procedures which that establish’
23. On page 89, paragraph c., revise line 2 to read ‘ ... which that may’

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