



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

PDR  
AF 93-2

June 7, 1999

MEMORANDUM TO: Donald A. Cool, Director  
Division of Industrial and Medical Nuclear Safety, NMSS

FROM: James Lieberman, Director  
Office of Enforcement

A handwritten signature in black ink, appearing to be "J. Lieberman", written over the printed name.

SUBJECT: COMMENTS ON EXPANSION OF PART 72 RULEMAKING

The Office of Enforcement concurs on the Part 72 applicability expansion final rulemaking package forwarded by your memo of May 12, 1999, with the following comments:

1. In the Commission paper, delete the last sentence of the second paragraph under Discussion, concerning evidence to support further action, in light of the Commission's decision regarding repetitive violations and regulatory significance.
2. In the next paragraph, second sentence, after "...permit the NRC to issue" substitute "Notices of Violation" for "violations".
3. In the last paragraph prior to the Coordination section, discussing sequencing of the several pending rules, it is not clear which language refers to this rule, as it mentions "Expanding the Scope of Part 72," while the FRN for the rule states "Expand Applicability of Part 72 ...". We suggest using the word "applicability," and for further clarity, after the phrase "...be published before" insert "the attached rule".
4. On the first page of the FRN, under Summary, substitute "clarify the obligations of" for "expand the applicability of its regulations to".
5. On page 2 of the FRN, first paragraph, last full line, delete "under the current NRC Enforcement Policy".
6. On page 4 of the FRN, delete the last sentence of the first full paragraph, to be consistent with the change in the Commission paper noted in item 1 above.
7. On page 12 of the FRN, in the Response to Comment 3, third line, following "...expansion of the" insert "use of".
8. On page 25 of the FRN, delete the last clause at the bottom of the page, consistent with item 1 above.
9. On page 27 of the FRN, delete the last sentence of the first full paragraph, consistent with item 1 above.
10. In attachment 4, draft Congressional letters, there is no mention of the change to the Enforcement Policy. While that change is small, it has been Commission practice to inform the oversight committees of changes to the Policy. Therefore, to avoid separate letters, we

suggest including a sentence such as: "We are also adding to the NRC's Enforcement Policy, language that reflects these changes in the regulations."

Other editorial comments are being provided directly to A. DiPalo, NMSS.

cc: M. Knapp, DEDE