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

October 12, 1999

The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee is a copy of a Federal Register notice concerning final amendments to 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste."

The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to expand the applicability of Part 72 to holders of certificates of compliance (i.e., a document issued by NRC that approves the design of spent fuel storage casks), and applicants for the certificates. Although these persons are already subject to certain provisions of Part 72; they are not yet explicitly subject to other provisions intended to apply to them. As a result, NRC has refrained from issuing Notices of Violations (NOVs) in instances when these persons failed to comply with the regulations. Instead, NRC has issued an administrative action in the format of a Notice of Nonconformance or Demand for Information which lacks the necessary enforcement sanctions to more effectively address performance problems that have occurred in the spent fuel storage industry. We are also adding to the NRC's Enforcement Policy, language that reflects these changes in the regulations.

These amendments will enhance the Commission's ability to take enforcement actions against certificate holders and applicants for certificates in the form of NOVs, when these persons fail to comply with the regulations. This will allow NRC to more effectively and efficiently carry out its responsibilities to protect public health and safety and the environment.

The Commission is forwarding the final amendments to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script that reads "Linda Portner".

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Federal Register Notice

cc: Senator Bob Graham

October 12, 1999

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Sincerely,

Original signed by LEPortner
for Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Federal Register Notice

cc: Senator Bob Graham Identical letter sent to The Hon. Joe Barton.

Distribution: O:\dipalo\congltrs.ino RGordon/RF IMNS/RF NMSS/RF Central File

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DATE:	9/19/99	9/23/99	1/ /99	10/12/99

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

October 12, 1999

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of
Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee is a copy of a Federal Register notice concerning final amendments to 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste."

The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to expand the applicability of Part 72 to holders of certificates of compliance (i.e., a document issued by NRC that approves the design of spent fuel storage casks), and applicants for the certificates. Although these persons are already subject to certain provisions of Part 72, they are not yet explicitly subject to other provisions intended to apply to them. As a result, NRC has refrained from issuing Notices of Violations (NOVs) in instances when these persons failed to comply with the regulations. Instead, NRC has issued an administrative action in the format of a Notice of Nonconformance or Demand for Information which lacks the necessary enforcement sanctions to more effectively address performance problems that have occurred in the spent fuel storage industry. We are also adding to the NRC's Enforcement Policy, language that reflects these changes in the regulations.

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The Commission is forwarding the final amendments to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis K. Rathbun" with a flourish below it.

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Federal Register Notice

cc: Representative Ralph M. Hall



24722

Submission of Federal Rules Under the Congressional Review Act

President of the Senate

Speaker of the House of Representatives

GAO

Please fill the circles electronically or with black pen or #2 pencil.

1. Name of Department or Agency

U.S. Nuclear Regulatory Commission

2. Subdivision or Office

Nuclear Material Safety and Safeguards

3. Rule Title

Expand Applicability of Part 72 to Holders of, and Applicants for, Certificates of Compliance, and Their Contractors and Subcontractors

4. Regulation Identifier Number (RIN) or Other Unique Identifier (if applicable)

RIN 3150-AF93

5. Major Rule Non-major Rule

6. Final Rule Other

7. With respect to this rule, did your agency solicit public comments?

Yes No N/A

8. Priority of Regulation (fill in one)

Economically Significant; or Significant; or Substantive, Nonsignificant

Routine and Frequent or Informational/Administrative/Other (Do not complete the other side of this form if filled in above.)

9. Effective Date (if applicable) August 1999

10. Concise Summary of Rule (fill in one or both)

attached stated in rule

Submitted by: Linda Fortuna (signature)

Name: Dennis K. Rathbun

Title: Director, Office of Congressional Affairs 10/12/99

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____

3/23/99

	Yes	No	N/A
A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. With respect to this rule, by the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. With respect to this rule, did your agency prepare a written statement under § 202 of the Unfunded Mandates Reform Act of 1995?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
D. With respect to this rule, did your agency prepare an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA)?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
E. Does this rule contain a collection of information requiring OMB approval under the Paperwork Reduction Act of 1995?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
F. Did you discuss any of the following in the preamble to the rule?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
● E.O. 12612, Federalism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 12866, Regulatory Planning and Review	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 12875, Enhancing the Intergovernmental Partnership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 12988, Civil Justice Reform	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
● Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify)			

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2. Subdivision or Office
Nuclear Material Safety and Safeguards

3. Rule Title
Expand Applicability of Part 72 to Holders of, and Applicants for, Certificates of Compliance, and Their Contractors and Subcontractors

4. Regulation Identifier Number (RIN) or Other Unique Identifier (if applicable)
RIN 3150-AF93

5. Major Rule Non-major Rule

6. Final Rule Other

7. With respect to this rule, did your agency solicit public comments? Yes No N/A

8. Priority of Regulation (fill in one)
 Economically Significant; or Significant; or Substantive, Nonsignificant
 Routine and Frequent or Informational/Administrative/Other (Do not complete the other side of this form if filled in above.)

9. Effective Date (if applicable) August 1999

10. Concise Summary of Rule (fill in one or both) attached stated in rule

Submitted by: Linda Portner (signature)

Name: Dennis K. Rathbun

Title: Director, Office of Congressional Affairs 10/12/99

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____

	Yes	No	N/A
A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
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● Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify) Not Applicable.			

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9. Effective Date (if applicable) August 1999

10. Concise Summary of Rule (fill in one or both) attached stated in rule

Submitted by: *Dennis K. Rathbun* (signature)

Name: Dennis K. Rathbun

Title: Director, Office of Congressional Affairs 10/12/99

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____



24722

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Not Applicable:			