




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
March 29, 1999

PDR
AG 15-1

MEMORANDUM TO: Anthony DiPalo
Rulemaking and Guidance Branch
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards

FROM: 
Brenda Jo. Shelton, Chief
Records Management Branch
Information Management Division
Office of the Chief Information Officer

SUBJECT: OFFICE REVIEW AND CONCURRENCE IN 10 CFR PART 72,
"CLARIFICATION AND ADDITION OF FLEXIBILITY," PROPOSED RULE

The Office of the Chief Information Officer (OCIO) has reviewed the subject proposed rule for compliance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The rule modifies information collection requirements which must be submitted to the Office of Management and Budget (OMB) for their review and approval. Because the changes are minimal and are expected to result in a burden reduction, we will work with you to prepare an NRC Form 670, "Information Required for Making an Insignificant Burden Determination," for submittal to OMB for approval. If OMB does not approve the NRC Form 670 request, it will be necessary for you to prepare an OMB clearance package for submittal to OMB no later than the date the rule is published in the Federal Register. Publication of the rule has been placed on hold with the Office of Administration pending OMB approval of the NRC Form 670.

In addition, please change the Paperwork Reduction Act Statement to Attachment 1 and change Note 3.e. under "Recommendations" in the Commission paper to the following statement: ✓

The proposed rule contains amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.) that must be submitted to OMB for its review and approval. ✓

We also suggest for your consideration, the following rule changes:

- The preamble refers to "general licensees" in several areas. We suggest that for clarity the first occurrence should refer to "Part 50 general licensees," if these are the intended general licensees, to avoid confusion with other materials general licensees.
- The rule references sections that are included in uncodified rulemakings. Either the rule should be changed to reference the currently codified text, or the Commission paper should be modified to reflect the order in which the related Part 72 rules must be published to avoid confusion about the references. Because this will also be the case for the final rules, we suggest that the related rules be combined.

A. DiPalo

- On page 9, under section 72.86, first sentence, change "criminal sanctions" to "criminal penalties" which is clearer and also agrees with the section title on page 11. In addition, the AEA sections cited in the last sentence to this paragraph do not agree with the sections as cited under "Criminal Penalties" on page 11 and the incorrect citations should be revised.
- Both the preamble and the rule text use the term "CoC" throughout. For clarity, we suggest you use "Certificate of Compliance," as currently used in the regulations.

If you have questions or require further assistance, please contact Beth St. Mary at 415-5878 or e-mail BCS.

cc: D. Meyer, ADM

Attachment: As stated

Paperwork Reduction Act Statement

This proposed rule decreases the burden on licensees by eliminating the requirement to request an exemption to begin cask design before a license is issued, and by allowing all licensees to reference previously approved QA programs. The public burden reduction for this information collection is estimated to average _____ hour(s) per request. Because the burden for this information collection is insignificant, Office of Management and Budget (OMB) clearance is not required. Existing requirements were approved by the Office of Management and Budget, approval number 3150-0132.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.