



OFFICE OF THE SECRETARY

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

November 30, 1999

RELEASED TO THE PDR 11/30/99 date OKW Initials

MEMORANDUM TO: William D. Travers Executive Director for Operations FROM: Annette Vietti-Cook, Secretary SUBJECT: STAFF REQUIREMENTS - SECY-99-258 - ADVANCE NOTICE OF PROPOSED RULEMAKING: 10 CFR PARTS 71 AND 73 - "ADVANCE NOTIFICATION TO NATIVE AMERICAN TRIBES OF TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR WASTE"

The Commission has approved the staff's proposal to publish the Advance Notice of Proposed Rulemaking in the Federal Register. (EDO) (SECY Suspense: 12/17/99)

In the next update of the semi-annual Rulemaking Activity Plan, the staff should provide the status and proposed schedule for submitting either a rulemaking plan or the analysis of comments which would support a recommendation to not proceed with rulemaking.

The staff should make the following editorial changes to the Press Release:

- a. On page 1, paragraph 1, revise the 1st sentence to read '... Regulatory Commission is issuing an advance notice of proposed rulemaking to seek seeking public comments on a proposal which would require its licensees to notify Federally recognized Native American Tribes' b. On page 2, paragraph 1, replace the 2nd sentence with the following to appropriately reflect 10 CFR 73.37(f)(2)(i)(ii) and (iii): "The notification identifies the name, address, and telephone number of the shipper, carrier, and receiver, a description of the shipment, and a listing of routes to be used within the state." c. On page 2, paragraph 2, revise the 2nd sentence to read 'This includes the estimated departure time date and time of the shipment' to appropriately reflect 10 CFR 73.37(f)(3)(i). d. On page 2, paragraph 3, revise the 1st sentence to read '... similar notification to Federally recognized Native American Tribes.' Revise the 2nd sentence to read 'However, before preparing a proposed rule, in developing the proposal, the agency is seeking'

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- e. On page 2, revise the 1st bullet to read 'developing and updating a list of ...;'
- f. On page 2, after the 4th bullet, add a new paragraph as follows: "If the proposed rule is developed by the Commission, there will be another opportunity for additional public comment in connection with that proposed rule."

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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