

NOTATION VOTE

RESPONSE SHEET

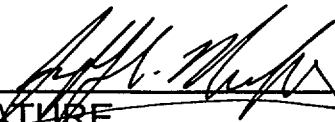
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-99-258 - ADVANCE NOTICE OF PROPOSED
RULEMAKING: 10 CFR PARTS 71 AND 73 - "ADVANCE
NOTIFICATION TO NATIVE AMERICAN TRIBES OF
TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR
WASTE"**

Approved ^{w/ comment} Disapproved Abstain

Not Participating

COMMENTS:

- See attached comments.



SIGNATURE

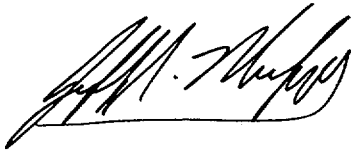
11/9/99

DATE

Entered on "AS" Yes No

Comments from Commissioner Merrifield on SECY-99-258:

I approve the staff's proposal to publish an advanced notice for proposed rulemaking (ANPR) for 10 CFR Parts 71 and 73. The proposal to modify our regulations to either require or permit advanced notification of Native American Tribes of transportation of certain types of nuclear waste is an important issue to address in a timely manner. The staff has identified appropriate questions to be addressed in the ANPR. However, the paper is silent on the proposed schedule once the public comment period ends. In the SRM, I would like a schedule from the staff for submitting either (a) a rulemaking plan or a proposed rule if the actual rule change is simple and does not require a rulemaking plan or (b) results of the ANPR which would cause the staff not to recommend proceeding with the rulemaking.



11/9/99



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

November 30, 1999

OFFICE OF THE
SECRETARY

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary *Annette Vietti-Cook*

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'

- 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
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
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