

June 30, 1998

MEMORANDUM L. Joseph Callan
TO: Executive Director for Operations
FROM: John C. Hoyle, Secretary /s/
SUBJECT: STAFF REQUIREMENTS - SECY-98-113 - PROPOSED RULE: EXPAND APPLICABILITY OF 10 CFR PART 72 TO HOLDERS OF, AND APPLICANTS FOR, CERTIFICATES OF COMPLIANCE, AND THEIR CONTRACTORS AND SUBCONTRACTORS

The Commission has approved publication of the proposed rulemaking for a 75-day public comment period. The proposed language in 10 CFR 72.10(a) and (c) should be revised as follows, for clarity and to conform to other sections (e.g., 72.142 and 72.144):

"Discrimination by a Commission licensee, certificate holder, applicant for a Commission license or CoC, or a contractor or subcontractor of any of these"

Additional changes to the draft Federal Register notice, letters to Congress and press release are indicated in the attachment.

(EDO)

(SECY Suspense: 7/31/98)

Attachment: As stated

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
CIO
CFO
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS

SECY NOTE: THIS SRM, SECY-98-113, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

Changes to the Rulemaking Package in SECY-98-113

1. In the Federal Register notice, page 6, line 2, after the phrase 'representative of a cask user' insert 'used in these sections.' On page 24, last paragraph, line 1, move 'Certificate Holder' in front of 'Certificate of Compliance.'
2. In the Congressional letters, at the end of the first sentence, add ', "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste." ' In paragraph 2, lines 2 and 3, remove the commas and in lines 3 and 4, change the semicolons to commas. In paragraph 2, last line, insert 'an administrative action in the format' after 'issued' and at the end of the line, add 'which lacks the necessary enforcement sanctions to more effectively address performance problems that have occurred in the spent fuel storage industry.'
3. In the draft press release, at the end of paragraph 1, add 'These changes are necessary to more effectively address performance problems that have occurred in the spent fuel storage industry.' In paragraph 2, line 1, remove the commas and at the end of the sentence, add 'in Part 72.'