

August 6, 2007

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA by J. Samuel Walker
Acting For/**

SUBJECT: STAFF REQUIREMENTS - COMGBJ-07-0002 - CLOSING OUT
TASK RE: RULEMAKING ON TABLES S-3 AND S-4

The Commission has approved the close out of the task item for a rulemaking to update Tables S-3 and S-4 of 10 CFR Part 51 (WITS #199100146) for the reasons described below.

The rulemaking to revise Tables S-3 and S-4 was considered in response to a petition for rulemaking. A majority of the petitioner's issues with Table S-3 were effectively addressed in the table's revision in response to the petition; however, the petition remained open for a long period over a revised Rn-222 value. The resolution of the remaining issues can be addressed by an applicant providing site-specific data for Table S-3 and a full environmental analysis for transportation in place of Table S-4.

The Commission recognizes that the staff has an existing process to annually evaluate rulemaking activities and their associated priorities and resources. Updating Tables S-3 and S-4 should be part of the staff's Planning, Budgeting, and Performance Management process.

With respect to the related petition for rulemaking, although the staff has not formally communicated their intention to close the petition, based on the reasons stated above and subject to the concurrence of the Office of the General Counsel, the decades-old Petition for Rulemaking should be closed. The staff, in close coordination with the Office of the General Counsel, should formally communicate closure of this petition and its basis to the current sponsor of the petition.

Lastly, the staff should consider developing a process for dispositioning a petition in a more effective and efficient manner so that existing petitions that are deemed old can be closed out in a more timely manner and prevent future petitions from remaining open for periods longer than necessary.

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Jaczko
Commissioner Lyons

OGC

CFO

OCA

OPA

Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

PDR