

November 19, 2004

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Andrew L. Bates, Acting Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-04-0178 - REGULATORY  
SOLUTION FOR 10 CFR PART 71 CHANGE AUTHORITY FOR  
DUAL-PURPOSE PACKAGE CERTIFICATE HOLDERS

The Commission has approved publication of a Federal Register notice announcing withdrawal of the proposed Subpart I of 10 CFR Part 71, subject to the comments and changes noted below. The staff should expeditiously develop Interim Staff Guidance to inform the NRC staff reviewers and stakeholders about the flexibility available under the current provisions of Part 71.

Comments and changes to the Federal Register notice in SECY-04-0178

1. The characterization of the industry comments after the last workshop as described in the Commission paper is considerably different than the description of the industry comments provided in the proposed Federal Register Notice for withdrawing the rulemaking. The staff should make appropriate changes in the draft Federal Register Notice.
2. On page 3, 1<sup>st</sup> full paragraph, revise line 2 to read ' ... stakeholders, were **generally overwhelmingly** against ...'
3. On page 3, last paragraph, revise line 2 to read ' ... to make certain **non-safety related** changes without ....'
4. On page 9, revise lines 7 and 8 from the top to read ' ... change authority would **have resulted in allow** for more attention to significant safety issues because **even if this proposal were finalized,** the existing standards of Part 71 would still **have been be** ....'
5. On page 9, 1<sup>st</sup> full paragraph, line 5, replace "COC" with "CoC".
6. On page 11, last paragraph, revise the last line to read ' ... which provides **s** support ....'

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
DOC  
OGC  
CFO  
OCA  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR