

Mr. Robert P. Murphy
General Counsel
General Accounting Office
Room 7175
441 G Street, NW.
Washington, DC 20548

Handwritten: Draft #9

Dear Mr. Murphy:

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U. S. C. 801, the Nuclear Regulatory Commission (NRC) is submitting final amendments to the Commission's rules in 10 CFR Parts 50 and 70. The NRC is amending its regulations to allow persons licensed to construct or operate a light-water nuclear power reactor to have the option of either meeting the criticality accident requirements of paragraph (a) of 10 CFR 70.24 in handling and storage areas for special nuclear material (SNM), or electing to comply with certain requirements that would be incorporated into a new section in Part 50. In addition, paragraph (d) of 10 CFR 70.24 is being revised because it is redundant to 10 CFR 70.14(a). This rulemaking was initially published in the Federal Register on December 3, 1997 (62 FR 63825), as a direct final rule with opportunity to comment. Significant adverse comments were received from the public which caused the staff to withdraw the direct final rule. This rulemaking is a reissuance of the direct final rule with the comments addressed. Minor clarification changes have been made in the final rule as a result of the public comments.

We have determined that this rule is not a "major rule" as defined in 5 U. S. C. 804(2). We have confirmed this determination with the Office of Management and Budget.

Enclosed is a copy of the final rule that is being transmitted to the Office of the Federal Register for publication. This final rule will become effective when it is published in the Federal Register.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Final Rule

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