



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

Item #3
FOIA-2003-0374

DEC 03 1984

MEMORANDUM FOR: Regional Administrators

Branch Chiefs
Division of Fuel Cycle and Material Safety

SUBJECT: POLICY AND GUIDANCE DIRECTIVE 84-20; IMPACT OF
REVISION OF 10 CFR PART 51 ON MATERIAL LICENSING
ACTIONS

The purpose of this directive is to inform you of recent changes in 10 CFR Part 51 as they relate to material licensing actions outside the fuel cycle.

On March 12, 1984, 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," was completely revised with an effective date of June 7, 1984 (49 FR 9352, see also 49 FR 24512, June 14, 1984).

The basic policy on environmental assessments, environmental statements, and findings of no significant impact (formerly called negative declarations) remains unchanged; that is, most non-fuel cycle licensing actions are covered by "categorical exclusions" in Sections 51.22 (c)(10) and (14) and therefore do not require environmental analyses.

However, licensing actions for the following activities are not covered by categorical exclusions:

1. Use of radioactive tracers in field flood studies involving secondary and tertiary oil and gas recovery.
2. Performance of field studies in which licensed material is deliberately released directly into the environment for purposes of the study. (The use of tracers in well-logging is specifically covered by the categorical exclusion in Section 51.22(c)(14)(xi).)
3. Processing of source material for extraction of rare earth and other metals (currently licensed in Headquarters only).
4. Waste brokers who are authorized to store waste more than 180 days, or possess more than 50 curies of radioactive material.
5. Any commercial waste disposal (currently licensed in Headquarters only).

Applicants for new licenses, renewals, and certain amendments involving activities Nos. 1 and 3 above will be required to submit environmental reports in accordance with Section 51.60.

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Any new license, amendment, or renewal application received after June 6, 1984, which involves an activity not covered by a categorical exclusion, will require an environmental assessment in accordance with Section 51.21. Any such application received by the Regions should be identified to Headquarters as soon as possible so that specific guidance can be provided for meeting this requirement.

Any pending application received before June 7, 1984, which does not appear to be covered by a categorical exclusion, should be identified to Headquarters for guidance. NMSS and ELD will review the specific case to determine how the new Part 51 applies.

Note that Sections 51.22 (c)(11) and (c)(14)(xvi) provide generic categorical exclusions. The Commission has indicated that there should be careful documentation in cases where these exclusions are applied. For such cases, an explanatory memorandum, signed by the appropriate Division Director or his delegate, should be included in the license file. (See Enclosure for more details.)

Also note that Sections 51.20, 51.21, and 51.22 provide that NRC may prepare an environmental assessment or statement on any case as it deems appropriate, regardless of whether it is covered by a categorical exclusion.

Questions regarding 10 CFR Part 51 as it applies to non-fuel cycle licensees may be directed to Vandy Miller (FTS-427-4002).


Richard E. Cunningham, Director
Division of Fuel Cycle and
Material Safety

Enclosure:
Memo to Multiple Addressees fm
DBMausshardt dtd 3/1/84



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

MAR 1 1984

MEMORANDUM FOR: Division Directors, Deputy Directors,
and Branch Chiefs, NMSS

FROM: Donald B. Mausshardt, Deputy Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: REVISION TO 10 CFR PART 51 - SECY-83-286

The attached memorandum from the Office of the Secretary is provided for your review and information. The Commission has requested that special procedures be followed in implementing Section 51.22 (c)(9), (c)(11), and (c)(14)(xvi) of the revised rule. A copy of revised Section 51.22, as approved by the Commission, is attached for your reference.

The written memoranda referred to in the SECY memo should be signed by the appropriate NMSS Division Director and entered into the permanent docket or other record concerning each action eligible for categorical exclusion under 51.22 (c)(9), (c)(11), or (c)(14)(xvi).

Please ensure that these procedures are followed in all eligible actions.


Donald B. Mausshardt, Deputy Director
Office of Nuclear Material Safety
and Safeguards

Attachments: As stated

ENCLOSURE



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

REC'D 11:33 - ACTION
Cys: Dircks DeYoung
Roe Minoque
Pehm Kerr, SP
Stello
Gunningham

February 28, 1984
R E V I S E D

MEMORANDUM FOR: William J. Dircks, Executive Director
for Operations
FROM: *U. Bate* Samuel J. Chilk, Secretary
SUBJECT: SECY-83-286 - REVISION TO 10 CFR PART 51
AND RELATED CONFORMING AMENDMENTS -
IMPLEMENTATION OF CEQ NEPA REGULATIONS

In approving SECY-83-286 the Commission (with Commissioner Roberts disapproving) agreed that in implementing Section 51.22(c) (9), (c) (11), and (c) (14) (xvi) of the revised rules the following will apply:

"For each action eligible for categorical exclusion under paragraphs (c) (9), (c) (11) or (c) (14) (xvi) of 10 CFR 51.22, the appropriate NRC staff director will prepare a written memorandum explaining why the action qualifies for the categorical exclusion selected. The written memorandum shall include a discussion of the factors listed in the selected subsections and shall become part of the permanent docket or record relating to that action."

You should assure that the above requirement is implemented by the staff.

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
OGC
OPE
PDR - Advance

Rec'd OM. EDO
Date..... 2-29-84
Time..... 8:12