



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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

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 a final rule that deletes all references to Appendix C, of 10 CFR Part 2. Appendix C "General Statement of Policy and Procedures for Enforcement Actions," was removed from the Code of Federal Regulations because it is a Policy Statement, not a regulation, and the enforcement policy was published as a Policy Statement on June 25, 1995. This final rule also provides that the NRC may use discretion when determining whether to require a written explanation or statement in reply to a notice of violation. When the NRC believes that the licensee or other person who receives the notice of violation has already adequately addressed all the issues contained in that notice, at the discretion of the NRC, further written responses may not be required. The NRC's discretion on requiring reports responding to a notice of violation will reduce the burden of preparing unnecessary reports by the licensees and of reviewing these reports by the NRC without compromising public health and safety.

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, which is being transmitted to the Office of the Federal Register for publication. A Regulatory Flexibility Certification has not been prepared for this minor, nonsubstantive amendment which has no economic impact on NRC licensees or the public. This final rule is scheduled to become effective 60 days after publication in the Federal Register.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Final Rule

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

The Honorable Newt Gingrich
Speaker of the United States
House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

The Honorable Al Gore
President of the United
States Senate
Washington, DC 20510

Dear Mr. President:

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We have determined that this rule is not a "major rule" as defined in 5 U.S.C. § 54(2). We have confirmed this determination with the Office of Management and Budget.

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Notices:

A notice to the Commission that the EDO has signed this rule is attached for inclusion in the next Daily Staff Notes (Attachment 2).

Coordination:

The Offices of Administration, Nuclear Material Safety and Safeguards, Nuclear Reactor Regulation, Information Resource Management, Office of Enforcement concur in these amendments. The Office of General Counsel has no legal objection. Prior to publication of the rule, the NRC staff will obtain from the Office of Management and Budget a determination whether this final rule is a "major rule" under the Small Business Regulatory Enforcement Fairness Act. No resources required for implementation of this final rule.

Attachments:

1. Federal Register Notice of Final Rulemaking + 3 Copies & Diskette
2. Daily Staff Notes Item
3. Approved for Publication
4. Congressional Review Letters
(Regulatory Enforcement Fairness Act of 1996)

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