

A F F I R M A T I O N V O T E

R E S P O N S E S H E E T

TC: John C. Hoyle, Secretary

FROM: COMMISSIONER MCGAFFIGAN

SUBJECT: SECY-96-258 - DIRECT FINAL RULEMAKING: USEC
PRIVATIZATION ACT - CONFORMING CHANGES AND
REVISION TO THE NRC ENFORCEMENT POLICY
(NUREG-1600)

Approved * with comment Disapproved _____ Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS:

See attached comments.

Edward M. Saffery, Jr.
SIGNATURE

1/8/97
DATE

Release Vote /X/

Withhold Vote / /

Entered on "AS" Yes X No _____

Commissioner McGaffigan's Comments on SECY-96-258

I approve this proposed direct final rulemaking, subject to the following comments --

1. I recommend that the Senate Energy and Natural Resources Committee and the Senate Appropriations Subcommittee on Energy and Water receive notices of these rules because of Senator Ford's and Senator Domenici's ongoing interest in this matter.
2. I believe that the Commission will benefit from executive branch views, as we do on export licensing matters, with regard to whether the privatized USEC meets the three criteria in the statute, now to be incorporated in 10 CFR 40.38 and 10 CFR 70.40. There has been an ongoing National Economic Council study of these issues in preparation for the privatization of the USEC, and the Commission should have the benefit of that analysis. In particular, the Commission should fully understand the executive branch's views on the privatized-USEC entity's role as the executive agent for the U.S.- Russia HEU agreement. Thus, I suggest that we direct the staff to communicate with, and obtain the views of, the executive branch on these USEC privatization issues. Since the receipt of the executive branch's views on these issues involves internal governmental matters and the NRC's efforts to gather information for use in making the determinations on the three criteria, I do not believe that the fact the Commission intends to solicit such views needs to be reflected in the subject rulemaking.



OFFICE OF THE
SECRETARY

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

January 15, 1997

IN RESPONSE, PLEASE
REFER TO: M970113B

MEMORANDUM FOR:

Hugh L. Thompson, Jr.
Acting Executive Director for Operations

FROM:

John C. Hoyle, Secretary

SUBJECT:

STAFF REQUIREMENTS - AFFIRMATION SESSION,
11:30 A.M., MONDAY, JANUARY 13, 1997,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-96-258 - Direct Final Rulemaking: USEC Privatization
Act - Conforming Changes and Revision to the NRC Enforcement
Policy (NUREG-1600)

The Commission approved a direct final rule which amends 10 CFR Parts 2, 40, 70, and 76 to bring these regulations into conformance with the new statutory requirements of the USEC Privatization Act. The Commission also approved an associated revision to the NRC Enforcement Policy (NUREG-1600).

The staff should inform the Senate Energy and Natural Resources Committee and the Senate Appropriations Subcommittee on Energy and Water of this final rulemaking. In implementing these changes, the staff should communicate with and obtain the executive branch views on USEC privatization issues, particularly on the privatized-USEC entity's role as the executive agent for the U.S.-Russia HEU agreement in determining whether the USEC meets the three criteria in the statute which are now incorporated in 10 CFR 40.38 and 10 CFR 70.40.

On page 22, in § 2.205 Civil Penalties, the Deputy Executive Director's title should be changed to "Deputy Executive Director for Regulatory Programs." Conforming changes to reflect the new EDO reorganization should also be made, as needed, throughout the document.

Following incorporation of these changes, the Federal Register notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense: 02/28/97)

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Attachment:
As stated

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
OCAA
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDP - Advance
DCS - P1-24