

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

March 20, 1997

Dear Mr. Murphy:

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1966, 5 U.S.C. 801, the U. S. Nuclear Regulatory Commission (NRC) is submitting the enclosed Agreement with the Commonwealth of Massachusetts.

Under Section 274 of the Atomic Energy Act of 1954, as amended, the NRC is authorized to enter into agreements with the Governor of any State, whereby the State is authorized, as an Agreement State, to regulate the use of reactor-produced isotopes (byproduct materials), source materials, special nuclear materials in quantities not sufficient to form a critical mass, uranium and thorium mill tailings, and the disposal of low-level radioactive waste. On March 28, 1996, Governor William F. Weld requested that the Commission enter into such an Agreement with the Commonwealth of Massachusetts. Under the Agreement, the Commonwealth of Massachusetts will assume regulatory authority over the activities listed above, except for the regulation of mill tailings. The NRC periodically reviews each Agreement State program and actions taken by the State under its Agreement to ensure compliance with Section 274 of the Act.

We have determined that this Agreement 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.

The enclosed Agreement will be effective March 21, 1997, and will be published in the Federal Register within 30 days after this Agreement is signed by NRC Chairman Jackson and Governor Weld.

Sincerely,

Original signed by/

9704170362 970320
PDR STPRG ESQGEN
PDR

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
As stated

*Identical letter sent to: The Honorable Al Gore and The Honorable Newt Gingrich

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