



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

AF31-2-52
PDR

September 18, 1996

OK

Mr. Edward Michlovich
Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Edward M. ...
9/24/96

Dear Mr. Michlovich:

Under the Congressional Review provisions of the Small Business Regulatory Enforcement Fairness Act ("the Act") (5 U.S.C. §§ 801-808), your office determines whether final agency actions are "major rules" for purposes of the Act. Enclosed you will find brief descriptions of final statements that the Nuclear Regulatory Commission may issue in the next 30 to 90 days. These are new actions which have not yet been submitted for your review. We believe that none of these actions is a "major rule" under the Act.

If you agree that these actions are not "major rules," please indicate your concurrence on this letter, and fax the letter to me at (301) 415-5144. You may also respond by return e-mail to MTL@nrc.gov.

If you have any questions about these actions, please feel free to call me at (301) 415-7163.

Sincerely,

Michael T. Lesar

Michael T. Lesar, Chief
Rules Review and Directives Branch
Division of Freedom of Information
and Publications Services
Office of Administration

Enclosures:

RIN 3150-AE41; 3150-AF57

RGs 1.149 Rev. 2, 1.82 Rev. 2, 4.7, and x.x - Constraint on Releases of Airborne
Radioactive Materials to the Environment for Licensees Other Than Power
Reactors

IMC 2690

MD 8.12

TACs No. M95279 & M95280

NUREGs No. 1540, 1544 & Supplement 2 to Nureg-0654/FEMA-REP-1

BIP-0017

Generic Letter 96-... Interim Guidance on Transportation of Steam Generators
SERs for EPRI Topical Reports TR-10232 and TR-103237



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

Action: ~~Morrison~~, RES/
Paperiello, NMSS

AF 31-253
PDR

Cys: Taylor
Milhoan
Thompson

October 18, 1996

IN RESPONSE, PLEASE
REFER TO: M961009

Blaha
Bangart, SP
Lieberman, OE
Miraglia, NRR
Meyer, ADM
Shelton, IRM
Raddatz, RES

MEMORANDUM FOR:

James M. Taylor
Executive Director for Operations
John F. Cordes, Acting Director
Office of Commission Appellate Adjudication

FROM:

John C. Hoyle
John C. Hoyle, Secretary

SUBJECT:

STAFF REQUIREMENTS - AFFIRMATION SESSION,
11:30 A.M., WEDNESDAY, OCTOBER 9, 1996,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

- I. SECY-96-172 - Final Rulemaking - Revision to 10 CFR Part 20, Constraint for Airborne Radioactive Effluents to the Environment from NRC Licensees Other than Power Reactors and Agreement State Licensees; and Revision of the General Statement of Policy and Procedures for NRC Enforcement Actions

The Commission approved a final rule which revises 10 CFR Part 20 to (1) provide assurance to EPA that future emissions from NRC licensees will not exceed dose levels that EPA has determined will provide an ample margin of safety; and (2) provide EPA a basis upon which to rescind its Clean Air Act regulations as defined in 40 CFR Part 61 for NRC licensed facilities (other than power reactors) and Agreement States licensees, thereby relieving these licensees from unnecessary dual regulation. The Commission also approved the proposed revision to the Enforcement Policy.

Following incorporation of the minor changes shown in the attachment, the Federal Register notice, including the revision to the Enforcement Policy, 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)~~ (RES)

(SECY Suspense: 11/29/96) 9400209

The staff should brief the Commission on the agency's overall approach to addressing the issues of dual regulation and sensible risk harmonization in NRC interactions with EPA.

~~(EDO)~~ (SECY)

(SECY Suspense: 1/24/97) 9200291

(NMSS)

9610210040 4AP

II. SECY-96-214 - Yankee Atomic Electric Company (Yankee Nuclear Power Station), Docket No. 50-029-DCOM

The Commission approved an order imposing a stay of certain proposed minor decommissioning activities at Yankee Rowe. The stay order was necessitated by Yankee Atomic Electric Company's (YAEC) letter of September 30, 1996, listing minor decommissioning activities it intended to commence on October 15.

The Commission approved the order directing that YAEC not undertake the activities described in its September 30 letter pending further order of the Commission.

(Subsequently, on October 9, 1996, the Secretary signed the Order.)

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)
PDR - Advance
DCS - P1-24

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

RIN 3150-AF31

Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials;
Clean Air Act

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to establish a constraint of 10 mrem (0.1 mSv) per year total effective dose equivalent (TEDE) for dose to members of the public from air emissions of radionuclides from NRC licensed facilities other than power reactors. This action is necessary to: (1) provide assurance to the Environmental Protection Agency (EPA) that future emissions from NRC licensees will not exceed dose levels that EPA has determined will provide an ample margin of safety; and (2) to provide EPA a basis upon which to rescind its Clean Air Act (CAA) regulations as defined in 40 CFR Part 61 for NRC licensed facilities (other than power reactors) and Agreement State licensees, thereby relieving these licensees from unnecessary dual regulations.

By separate notice in the Federal Register, the Commission is modifying its "General Statement of Policy and Procedures for NRC Enforcement Actions"

Regulatory Analysis for the NRC Constraint Rule on
Radionuclide Air Emissions from NRC and Agreement State
Licensees Other than Nuclear Power Reactors

1. Statement of Problem

Radionuclide air emissions from Nuclear Regulatory Commission (NRC) licensees other than power reactors, and NRC Agreement State licensees are currently regulated by both the NRC (or the Agreement State) and the Environmental Protection Agency (EPA). The NRC and Agreement State regulations have been issued under the authority of the Atomic Energy Act (AEA). The EPA regulations have been issued under the authority of the Clean Air Act (CAA). The purpose of this Regulatory Analysis is to evaluate a final NRC rulemaking that provides assurance to the EPA that future emissions from NRC licensees will not exceed levels that EPA has determined would provide an ample margin of safety. This action is expected to be the final step in providing EPA with a basis upon which to rescind 40 CFR Part 61 "National Emission Standards for Hazardous Air Pollutants" (NESHAPS), Subpart I, as it applies to NRC licensed facilities other than power reactors,¹ thereby relieving these NRC licensees from unnecessary dual regulation.

The EPA's regulations, 40 CFR Part 61, Subpart I, are currently in effect for all NRC and Agreement State licensees, except power reactors. The dose standard contained within this regulation is not consistent with those of NRC in 10 CFR Part 20. The EPA dose standard in Subpart I is 10 mrem

¹ EPA has rescinded Subpart I for power reactors based on requirements contained in 10 CFR Part 50, Appendix I, and a history of over 20 years of reported air emissions from power reactors resulting in doses well below 10 mrem/yr to the maximally exposed member of the public.