

From: "Sarah M. Fields" <smfields@moci.net>
To: Dennis Sollenberger <DMS4@nrc.gov>
Date: 10/29/2003 11:59:20 AM
Subject: 68 Fed. Reg. 60885--October 24, 2003

Dear Mr. Sollenberger:

On October 24 (68 Fed. Reg. 60885), the NRC re-noticed 68 Fed. Reg. 51516. The new notice is entitled:

"State of Utah: NRC Staff Assessment of Utah's Proposed Alternative Standard to Use Utah's Existing Groundwater Regulation in Lieu of the Nuclear Regulatory Commission Regulations; Addition of Supplementary Information, Notice of Availability of Documents, and Extension of Comment Period."

You are listed as the contact person for "further information."

I need further information:

1. The October 24 Federal Register Notice (FRN) is published under the "Proposed Rule" section of the Federal Register. This is confusing because I cannot identify the specific rule or rules or Commission policy or policies that are being proposed. I do not understand why this notice is being published as a "Proposed Rule" pursuant to the Administrative Procedure Act and NRC Management Directive 6.3 (The Rulemaking Process).

Could you please identify what specific proposed rule(s) or proposed policy(ies) is being noticed in the October 24 "proposed rule"?

1. The FRN states:

"The Commission has the discretion to determine how to implement this requirement in Section 274o of the Act," and "the Commission has, in its discretion, adopted the notice and comment process in Subpart H of 10 CFR Part 2 to fulfill its notice and hearing requirement in Section 274o of the Act."

The FRN is published under the "Proposed Rule" section of the Federal Register.

Are the statements above an announcement of a proposed rule or regulation with respect the procedures will be used to implement the Alternate Standards Provision of Section 274o?

Are the statements above an announcement of a final rule or regulation with respect the procedures will be used to implement the Alternate Standards Provision of Section 274o?

Are the statements above an announcement of a Commission order with respect the procedures will be used to implement the Alternate

Standards Provision of Section 274o?

Are the statements above statements of general policy or interpretations of general applicability?

If they are none of these, what exactly are they?

2. If the statements above are not an announcement of a proposed or final rule or regulation, or an order, where has the Commission been given the discretion by statute to establish procedures to implement Section 274o without specifically issuing a rule, regulation, or order to that effect?

3. What is the statutory basis for the Commission's determination that it has complete discretion to determine how to implement the alternate standards notice and hearing provision in Section 274o of the Atomic Energy Act of 1954, as amended?

Thank you for your response to this inquiry,

Sarah Fields

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