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AUG 07 1979

MEMORANDUM FOR: John W. Hickey, Environmental Protection Standards Branch, PSD
FROM: J. Stewart Bland, Environmental Evaluation Branch, DOR
THRU: L. Barrett, Section Leader, Environmental Evaluation Branch,
DOR (signed) L. H. Barrett
SUBJECT: AMENDMENTS TO INCORPORATE 40 CFR 190 REQUIREMENTS

This memo is in response to your July 6, 1979 memo requesting comments on the draft Commission Paper on 40 CFR 190. It is my opinion that the use of the longer amendment to the NRC regulation would present a better overall regulatory approach to NRC's implementation of 10 CFR 190. The currently recommended shorter amendment lacks the substance and directness that I consider necessary to present a clear and straight-forward NRC implementation. The longer amendment has several advantages:

- 1) Places the substance of the EPA regulation directly in the NRC regulation, thereby making NRC interpretation and implementation more straight-forward;
- 2) Aids both NRC staff and NRC licensed facilities in perceiving the application of the regulations to different type facilities by the inclusion of applicable portions of the EPA standard in the appropriate sections of the NRC regulation;
- 3) Provides a better foundation for NRC enforcement of the standard with more direct guidance on method of determining compliance;
- 4) Provides the specific NRC implementation of the variance clause.

I hope that this discussion is of use in the discussion of alternatives in the Commission Paper.

(signed) J. S. Bland

J. Stewart Bland
Environmental Evaluation Branch
Division of Operating Reactors

cc: See page 2

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DATE	7/31/79	8/1/79	8/1/79	8/1/79

John W. Hickey

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AUG 07 1970

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