

AC16-2

Ref: SA/LAB

OCT 23 1986

MEMORANDUM FOR: Eric S. Beckjord, Director  
Office of Nuclear Regulatory Research

FROM: G. Wayne Kerr, Director  
Office of State Programs

SUBJECT: FINAL RULE AMENDMENTS TO 10 CFR PARTS 30, 40, 50, 61,  
70 and 72 REQUIRING LICENSEES TO NOTIFY NRC IN CASES OF  
BANKRUPTCY FILING

Our review of the subject document indicates the need for a change in the memo from you to Mr. Stello.

We believe that this rule is important in protecting the public health and safety and therefore, we are making it a matter of compatibility with regard to Agreement State regulations. Therefore item 5 on page 2 of the memo to Mr. Stello should indicate that the final rule is a matter of compatibility.

Original signed by  
G. Wayne Kerr

G. Wayne Kerr, Director  
Office of State Programs

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Victor Stello, Jr.

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following receipt of the notification, the Commission will assess the appropriate action to take in any bankruptcy proceeding involving the licensee. The purpose of this would be to seek to have available assets of the licensee applied to cover costs of site cleanup before they are disbursed elsewhere.

#### RECOMMENDATIONS AND NOTATIONS

Recommendations. It is recommended that you approve the final rule and publication of a notice in the Federal Register (see Enclosure A). It is also recommended that you certify that the final rule will not have a significant economic impact on a substantial number of small entities (see REGULATORY FLEXIBILITY CERTIFICATION in Enclosure A and the REGULATORY ANALYSIS, Enclosure B).

Notations. (1) The information collection requirements of this rule have been approved by the Office of Management and Budget (see Enclosure A). (2) Under 10 CFR 51.22(c)(3)(iii) preparation of an environmental impact statement or an environmental assessment is not necessary, since the eligibility criteria for categorical exclusion are met. (3) In accordance with 10 CFR 50.109, a backfit analysis has been performed which indicates that the direct and indirect costs of implementation of this rule are minimal and are considered justifiable and warranted to prevent a decrease in the level of protection considered available under current regulations. Information relevant to the backfit factors specified in 10 CFR 50.109(c) is set out as part of the Supplementary Information to the Final Rule (Enclosure A) and in the Regulatory Analysis (Enclosure B). (4) No additional NRC resource requirements are anticipated as a result of this action. (5) The Agreement States were informed of the proposed rulemaking. The final rules are not a matter of compatibility. (6) The Subcommittee on Nuclear Regulation of the Senate Environment and Public Works Committee, the Subcommittee on Energy and the Environment of the House Interior and Insular Affairs Committee, and the Subcommittee on Energy Conservation and Power of the House Energy and Commerce Committee will be notified of the Commission's action by letter such as Enclosure C. (7) Notification of the Commission of this action will be made in the Weekly Information Report (Enclosure D). (8) A public announcement, such as Enclosure E, will be issued at the same time the notice of final rulemaking is published in the Federal Register.

Eric S. Beckjord, Director  
Office of Nuclear Regulatory Research

Enclosures: As stated

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| FCardile:h | KSteyer | CZSerpan | LCShao  | GAArletto | JGDavis  | HDenton    | DGrimsley |
| 10/7/86    | 10/7/86 | 10/8/86  | 10/9/86 | 10/9/86   | 10/10/86 | 10/10/86   | 10/10/86  |
|            |         |          |         |           | RES:DD   | RES:DI     | OGC       |
|            |         |          |         |           | DEKerr   | ESBeckjord | WCParler  |
|            |         |          |         |           | 10/11/86 | 10/15/86   | 10/15/86  |