

October 18, 1996

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

John F. Cordes, Acting Director  
Office of Commission Appellate Adjudication

FROM: John C. Hoyle, Secretary /s/

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) (SECY Suspense: 11/29/96)

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)

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

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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,<sup>1</sup> 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

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<sup>1</sup> 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.