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December 17, 2007

The Honorable Barbara Boxer
Chairman
The Honorable James M. Inhofe
Ranking Minority Member
Committee on Environment and Public Works
United States Senate

The Honorable John D. Dingell
Chairman
The Honorable Joe Barton
Ranking Minority Member
Committee on Energy and Commerce
House of Representatives

Subject: *Nuclear Regulatory Commission: Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Nuclear Regulatory Commission (NRC), entitled "Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent" (RIN: 3150-AH40). We received the rule on December 4, 2007. It was published in the *Federal Register* as a final rule on December 4, 2007, with a stated effective date of January 3, 2008. 72 Fed. Reg. 68,043.

The final rule amends the definition of Total Effective Dose Equivalent and limits the routine reporting of annual doses to those workers whose annual dose exceeds a specific dose threshold or who request a report. This final rule also modifies the labeling requirements for certain containers holding licensed material within posted areas in nuclear power facilities. Further, this rule removes the requirement that licensees attempt to obtain cumulative exposure records for workers unless those workers are being authorized to receive planned special exposure.

Enclosed is our assessment of the NRC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. The Congressional Review Act requires major rules to take effect no earlier than 60 days from the later of the rule's publication in the *Federal Register* or receipt by Congress. 5 U.S.C. § 801(a)(3)(A). This rule was published and received on

December 4, 2007. The rule has a stated effective date of January 3, 2008. This rule does not have the required 60-day delay in the effective date. Our review indicates that NRC complied with all other applicable requirements.

If you have any questions about this report, please contact Michael R. Volpe, Assistant General Counsel, at (202) 512-8236. The official responsible for GAO evaluation work relating to the subject matter of the rule is Robert Robinson, Managing Director, Natural Resources and Environment. Mr. Robinson can be reached at (202) 512-3841.

signed

Robert J. Cramer
Associate General Counsel

Enclosure

cc: Rebecca L. Schmidt
Office Director
Office of Congressional Relations
Nuclear Regulatory Commission

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
NUCLEAR REGULATORY COMMISSION
ENTITLED
"OCCUPATIONAL DOSE RECORDS, LABELING CONTAINERS, AND
THE TOTAL EFFECTIVE DOSE EQUIVALENT"
(RIN: 3150-AH40)

(i) Cost-benefit analysis

The Nuclear Regulatory Commission (NRC) prepared a regulatory analysis of this final rule. NRC determined that the total implementation cost to NRC of this final rule will be \$68,000. NRC estimates that the total operating impact on the NRC will be between \$650,000 and \$980,000 and on Agreement States will be between \$1.9 million and \$2.7 million. NRC concluded that the net present value of this rule is between \$135 million and \$237 million. NRC also estimated that the total reduction in the annual burden as a result of this rule will be 132,000 hours.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603–605, 607, and 609

NRC determined that this final rule will not have a significant impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

As an independent regulatory agency, NRC is not subject to title II of the Unfunded Mandates Reform Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

NRC promulgated this rule under the notice-and-comment procedures found in the Administrative Procedures Act. 5 U.S.C. § 553. NRC published a proposed rulemaking on September 22, 2006. 71 Fed. Reg. 55,382. NRC received 16 comment letters, to which it responded in the final rule. 72 Fed. Reg. 68,045–49.

Paperwork Reduction Act, 44 U.S.C. §§ 3501–3520

This final rule contains information collection requirements subject to review by the Office of Management and Budget (OMB) under the Act. OMB approved the

requirements with OMB numbers 3150-0044, 3150-0014, 3150-0011, and 3150-0005. NRC expects this final rule to reduce the paperwork burden.

Statutory authorization for the rule

NCR promulgated this final rule under the authority found in sections 2014, 2021, 2021b, 2073, 2093, 2095, 2111, 2131–35, 2138, 2201, 2232, 2233, 2235, 2236, 2239, 2282, 2297f, 4332, 5841, 5842, 5846, 5851, and 5891 of title 42, United States Code, and section 3504 note of title 44, United States Code.