Rulemaking Plan
10 CFR Part 40

DISTRIBUTION OF SOURCE MATERIAL TO EXEMPT PERSONS AND TO GENERAL LICENSEES AND REVISION OF 10 CFR PART 40.22 GENERAL LICENSE

REGULATORY ISSUE

Source material is used under specific license, general license, and various exemptions from licensing requirements in Title 10 of the Code of Federal Regulations, Part 40 (Part 40). Currently, however, there are no regulatory mechanisms for the Commission to ensure that products and materials distributed for use under a general license in § 40.22 or use under exemption are maintained within the applicable constraints of the requirements for these uses. Because the NRC staff cannot readily identify how these materials are being used and in what quantities, the NRC staff cannot fully assess the resultant risks to public health and safety.

Concerns regarding the exemptions from licensing in the Commission's regulation of byproduct and source material, prompted the Commission to consider the impacts of these exemptions. As a result, an assessment of potential and likely doses that might occur as a result of the exemptions including those in § 40.13 was conducted in draft NUREG-1717: "Systematic Radiological Assessment of Exemptions for Source and Byproduct Material." Based on this assessment using Part 20 methodology, it was found that the potential existed during certain exempt activities (e.g. thorium welding rod users) for doses to exceed 1 mSv/year (100 mrem/year). In addition, a Petition for Rulemaking (PRM) 40-28 was filed by Mr. David A. Barbour, Philotechnics, to raise specific concerns about the exemption for uranium in counterweights related to long-term storage and disposal. This followed the submission of PRM 40-27 from the State of Colorado and the Organization of Agreement States. The PRM 40-27 petitioners are concerned that § 40.22 general licensees are specifically exempted from meeting the requirements of Parts 19 and 20, despite the fact that situations exist where use of the material (or at sites contaminated by material from activities completed under general license) could result in exposures to workers above 1 mSv/year (100 mrem/year).

For this rulemaking effort, a working group consisting of staff from the NRC, the Organization of Agreement States, and the Conference of Radiation Control Program Directors, Inc., has been established. The working group held its first meeting in October 2000, and held two teleconference calls in November 2000. Members of the public have observed these meetings and participated, as appropriate.

EXISTING REGULATORY FRAMEWORK

Section 40.13 exempts persons from licensing requirements for the possession and use of a number of products and types of source material.

Section 40.22 provides a general license authorizing commercial and industrial firms, research, educational and medical institutions, and Federal, State, and local government agencies to use and transfer not more than fifteen (15) pounds of source material at any one time for research, development, educational, commercial or operational purposes. A person authorized to use or transfer source material under this general license, may not receive more than a total of 150 pounds of source material in any one calendar year. Persons using this general license are exempt from Parts 19, 20, and 21, unless such persons are also in possession of source material under a specific license.

Part 32 sets out requirements for distributors of byproduct material to exempt persons and to persons using a general license; however, Part 40 contains no similar requirement except in §§ 40.34 and 40.35 for applicants/licensees to distribute certain products and devices using depleted uranium for use under the general license in § 40.25.

RULEMAKING OPTIONS

OPTION 1: No Action.

This option would leave the provisions of § 40.13 and § 40.22(a) and (b) unchanged, including the exemption noted for Parts 19, 20, and 21. There would continue to be no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety, and no controls in place to ensure that products and materials distributed are maintained within the applicable constraints of the exemptions. PRM 40-27 and PRM 40-28 would be denied.

Advantages

- No resources would be required to perform or implement rulemaking.
- No new burden on licensees.

Disadvantages

- Part 40 would continue to allow uses which could result in exposures greater than 1 mSv (100 mrem).
- Concerns in PRM 40-27 and PRM 40-28 would not be resolved.
- No improvements to the control of distribution of source material would be made.
- Does not address concerns stemming from draft NUREG-1717 regarding source material exemptions.

OPTION 2: Address PRM 40-27 and PRM 40-28 only.

Under this option, the NRC staff would modify Part 40 to address the issues raised by the petitioners, as follows. No changes would be made to other aspects of Part 40.

In response to PRM 40-27, § 40.22(b) would be modified to require general licensees to follow the requirements of Parts 19, 20, and 21 if (1) their use of source material could exceed the occupational dose limits in § 20.1201 through § 20.1208; (2) their use of source material would require the use of personnel monitoring under § 20.1502; or (3) their operation would require posting under § 20.1902. Currently § 40.22 general licensees are exempted from the requirements of Parts 19, 20, and 21.

In response to PRM 40-28, the NRC staff would provide clarification to the exemption for depleted uranium aircraft counterweights in § 40.13(c)(5) to require specific licensing for long-term storage and uses other than those indicated in the exemption.

Advantages

- The time to develop a proposed rule to address the issues in the PRMs is likely to be less than the time it would take to complete a more comprehensive rulemaking.
- Limits expenditure of resources because of focused goal and decision to accept petitioner's recommended approach.

Disadvantages

- Implementation of the petitioner's proposal in PRM 40-27, by itself, would still not provide NRC staff adequate information to enforce any regulatory changes because general licensees would still not be readily identifiable.
- Increased costs associated with requiring all § 40.22 general licensees, even those using very small quantities, to become more knowledgeable of Part 20 requirements and to make dose assessments to determine if the requirements of Parts 19, 20, and 21 would apply to them.
- Increased burden on persons using uranium aircraft counterweights by potentially requiring general or specific licensing for long-term storage.
- No improvements to the control of distribution of source material would be made.
- Does not address concerns stemming from draft NUREG-1717 regarding source material exemptions.

OPTION 3: Revise Part 40 to establish requirements for distribution of source material to exempt persons and to persons operating under the general license provisions of § 40.22.

Under this option, a specific license for distribution would be required to initially transfer products containing source material to exempt persons and to commercially transfer source material to general licensees under § 40.22 and equivalent Agreement State provisions. Applicants for authorization to distribute would be required to provide information about the types of products or materials to be distributed, the expected useful life of any products, the methods used to dispose of these products after their useful life, and the type of information (e.g., instructions,

safety notices, etc.) to be included with products or materials. Material transfer reporting would be required of distributors. The reported data would be expected to include identification of products distributed, the amounts or concentrations of source material contained in each product, and the total amount of source material transferred in a reporting period. Reports from distributors to § 40.22 general licensees would also include information such as the identity and address of the general licensees. Details of these and any other additional requirements that may be placed on applicants and licensees for distribution authorization would be decided during the rulemaking process, but are expected to be similar to the requirements for distribution authorized in Parts 30 and 32.

This information would provide the NRC staff with a method of identifying many of the uses of source materials that are currently unknown. Because of the current lack of reporting requirements, the NRC staff has minimal knowledge of the use and amounts of source material currently under exemption or general license. As a result, the NRC staff is concerned that the actual impacts of this material to public and workers is not understood enough to determine the level of additional oversight necessary to make risk-informed regulatory changes. After approximately 2 years of data gathering on these uses, the NRC staff would recommend additional rulemaking based upon any identified impacts from the newly collected data. This would allow sufficient time to gather information characterizing industries that use or distribute products that contain source material, identify additional distributors and general licensees, better characterize the use of source material under exemptions, and review the collected data to evaluate the impacts. Resolution of PRM 40-27 and PRM 40-28 would be deferred until this new data is collected so that the NRC staff can evaluate it to better characterize the need and impact of the changes proposed in the PRMs.

Advantages

- NRC would focus specifically on one issue in rulemaking in the near term, allowing more timely resolution of the specific issue.
- Limits expenditure of NRC resources in the near term because of focused goal.
- Rulemaking, in the near term, would only impact a small category of persons (distributors of source material).
- No additional burden on most persons using source material under exemptions or general licenses.
- Additional collected data would allow the NRC staff to make future changes to Part 40 based upon a more complete and accurate data set for evaluating impacts to public and persons using source material resulting in a more effective, efficient, and realistic regulatory program.
- The Commission's ability to inform the public on the products distributed to the public
- and the resulting doses would be improved, thus improving public confidence.

Disadvantages

- PRM 40-27 and PRM 40-28 would not be resolved in a timely manner.
- Resolution of many other issues related to Part 40 (e.g., clarifications, draft NUREG-1717 data, etc.) would be deferred to a much later time.

- Additional regulatory burden is put on distributors of source material (primarily from new record keeping and reporting requirements).
- If only a small set of distributors can be identified, the information collected may not be representative of the actual impacts.
- May delay overall development of additional rulemaking activities associated with source material and result in a greater number of resources to take action on the possible multiple rulemakings.

OPTION 4: Revise Part 40 to establish requirements for distribution of source material to exempt persons and to persons generally licensed under § 40.22; revise certain of the exemptions; address PRM 40-27 and PRM 40-28; revise § 40.22 to create a two- (or more) tiered general license, applying increasing requirements potentially based upon quantity, activity, form, and/or concentration, while retaining the exemption to Parts 19, 20, and 21 for persons involved with smaller quantities; and revise § 40.25 to make it more broadly applicable (e.g., include depleted uranium shielding, etc.) to the regulatory program.

This option would modify § 40.22(a) by creating tiers of increasing requirements for general licensees, based upon risk, instead of maintaining the current general exemption to Parts 19, 20, and 21. These tiers would be developed using a risk-informed approach and could be based upon quantity, use, form, and/or concentration. This risk-informed evaluation could also result in some current general licensees moving into the specific license category or, possibly some specific licensees becoming general licensees. The actual tiers and the resulting requirements (e.g., applicability of portions or all of Parts 19, 20, and 21) would be developed during the rulemaking process and based upon evaluations of impacts to persons and the environment to ensure that resulting annual doses would be unlikely to exceed 1 mSv (100 mrem) under routine conditions, including disposal. One tier would continue to maintain the exemption to Parts 19, 20, and 21 (with possibly limited exceptions) if the amounts or form of source material used or transferred stayed within the redefined limits. One or more additional tiers would be developed to include the requirement to follow most or all of Parts 19, 20, and 21. This would address the concerns raised in PRM 40-27.

Additionally, a specific license for distribution would be required to initially transfer products containing source material to exempt persons and to commercially transfer source material to general licensees under § 40.22 and equivalent Agreement State provisions as presented in Option 3. The additional data gathered under these new reporting requirements for distributors would be evaluated to determine if any additional regulations or other changes to the new regulations would be required.

Consideration will also be given to the revision or removal of exemptions for source material in § 40.13, based on PRM 40-28, the dose estimates in draft NUREG-1717, and other considerations. Section 40.25, and related distributor requirements in §§ 40.34 and 40.35, would be revised to make them more risk-informed and reduce the regulatory burden associated with these parts. As part of these revisions, the application of § 40.25 to all new depleted uranium products (including depleted uranium shielding, which accounted for approximately 20 percent of Part 40 specific licenses in 1992) would be considered.

Additional clarifications would be made throughout Part 40.

Advantages

- There would be greater assurance that generally licensed source material is being used safely.
- Tiering of general licensees would allow for more risk-informed regulation, without adding additional costs of requiring general licensees to become specific licensees (as suggested in Option 5).
- The control of distribution of source material would be improved.
- The Commission's ability to inform the public on the products distributed to the public and the resulting doses would be improved thus improving public confidence.
- PRM 40-27 and PRM 40-28 would be addressed and resolved.
- For those who may be required to be specifically licensed, NRC would provide more oversight to specific licensees than to general licensees to ensure that Parts 19, 20, and 21 requirements are being met.
- Inconsistencies between Part 40 and Part 20 would be minimized through the review of exemptions and changes to § 40.22.
- Additional collected data would allow the NRC staff to make future changes to Part 40 based upon a more complete and accurate data set for evaluating impacts to public and persons using source material resulting in a more effective, efficient, and realistic regulatory program.
- Improved accountability for the control of depleted uranium products and devices.
- Would allow § 40.25 to be more broadly applicable to the regulatory program by reducing the regulatory burden currently associated with this section and making a general license available to some specific licensees (e.g., users of depleted uranium shielding).

Disadvantages

- More burden to many of those current general licensees who would have increased regulatory requirements.
- NRC staff workload would be increased in both regulatory development and implementation.
- Additional regulatory burden on distributors of source material (primarily from new record keeping and reporting requirements).
- Regulatory program may not be as efficient, effective, or realistic as one developed after collecting data as proposed under Option 3.
- Could potentially result in negative impacts to some industries because of changes to exemptions.
- Legitimate use of material may be discouraged because of increased costs (for example, users may substitute materials or methods that do not use source materials).

OPTION 5: Same as Option 4, except that § 40.22 would be revised to authorize a smaller quantity of source material for use under the general license and require persons using quantities above this revised limit to obtain a specific license.

This option is the same as Option 4, except, instead of creating a tiered approach, this option would modify § 40.22(a) by reducing the quantities of source material currently allotted under

the provisions of the general license, i.e., 15 pounds of source material at any one time and 150 pounds of source material in any one calendar year. The reduction in the allowable quantity of source material would be based on radiation protection considerations so that the new limit would ensure that resulting annual doses would be unlikely to exceed 1 mSv (100 mrem) under routine conditions, including disposal. Persons wanting to use or transfer amounts of source material greater than the new limit would be required to obtain a specific license, and would be subject to the full requirements of Parts 19, 20, and 21. This is different from Option 4, which would require the application of portions or all of Parts 19, 20, and 21, dependent upon quantity, form, use, and/or concentration, without the additional burdens (e.g., license applications) of specific licensing. Option 5 would still retain (with possibly limited exceptions) the provisions of § 40.22(b) regarding the exemption to Parts 19, 20, and 21 if the amounts of source material used or transferred are within the quantities specified by the revised limit. This would address the concerns raised in PRM 40-27.

Advantages

- There would be greater assurance that generally licensed source material is being used safely.
- NRC would provide more oversight to specific licensees than to general licensees to ensure that Parts 19, 20, and 21 requirements are being met.
- Licensing and annual fees would be applicable to the new specific licensees to offset increased NRC and Agreement State regulatory costs.
- The control of distribution of source material would be improved.
- The Commission's ability to inform the public on the products distributed to the public and the resulting doses would be improved thus improving public confidence.
- PRM 40-27 and PRM 40-28 would be addressed and resolved.
- Inconsistencies between Part 40 and Part 20 would be minimized through the review of exemptions and changes to § 40.22.
- Additional collected data would allow the NRC staff to make future changes to Part 40 based upon a more complete and accurate data set for evaluating impacts to public and persons using source material resulting in a more effective, efficient, and realistic regulatory program.
- Improved accountability for the control of depleted uranium products and devices.
- Would allow § 40.25 to be more broadly applicable to the regulatory program by reducing the regulatory burden currently associated with this section and making a general license available to some specific licensees (e.g., users of depleted uranium shielding).

Disadvantages

- Additional regulatory and financial burden on general licensees that are moved to specific licenses.
- NRC staff workload would be increased in both regulatory development and implementation.
- Regulatory program may not be as efficient, effective, or realistic as one developed after collecting data as proposed under Option 3.
- Additional regulatory burden on distributors of source material (primarily from new record keeping and reporting requirements).

- Could potentially result in negative impacts to some industries because of changes to exemptions.
- Legitimate use of material may be discouraged because of increased costs (for example, users may substitute materials or methods that do not use source materials).

RECOMMENDED APPROACH

OPTION 4: Revise Part 40 to establish requirements for distribution of source material to exempt persons and to persons generally licensed under § 40.22; revise certain of the exemptions; address PRM 40-27 and PRM 40-28; revise § 40.22 to create a two- (or more) tiered general license, applying increasing requirements potentially based upon quantity, activity, form, and/or concentration, while retaining the exemption to Parts 19, 20, and 21 for persons involved with smaller quantities; and revise § 40.25 to make it more broadly applicable to the regulatory program.

Implementation of Option 4 should result in more risk-informed regulation of general licenses through tiering, without adding as much regulatory burden as envisioned under Option 5. Further, revisions to Part 40 would be evaluated in terms of current Part 20 requirements to better maintain safety and protection of the environment. Finally, the control of distribution would be improved and would allow the Commission to better inform the public about the products being distributed, which should improve public confidence.

OPTION 5 is recommended as a close second choice, because the use of a specific license for persons required to meet the requirements of Parts 19, 20, and 21 would make it easier to identify those persons for oversight. However, the NRC staff recommends Option 4 over Option 5 primarily because it will likely have less impact on persons currently operating under a general license. As discussed under Option 3, the NRC staff does not have readily available information to specifically identify the impacts of these proposed regulatory changes to persons currently holding general licenses or operating under an exemption. Option 5 allows the NRC staff greater flexibility to limit the impact on these persons until more information can be collected and provides additional protections against potential impacts to the public, workers, and the environment.

THE OFFICE OF THE GENERAL COUNSEL (OGC) LEGAL ANALYSIS

The Office of the General Counsel (OGC) has reviewed the NRC staff's plans for a rulemaking to amend Part 40. The NRC staff has developed five options for consideration ranging from Option 1, which maintains the status quo, to Option 5, which addresses the distribution of source material to exempt persons and to general licensees and would also amend the provisions for a general license contained in § 40.22. In addition, Options 2, 4, and 5 of the rulemaking plan also address two pending petitions for rulemaking. The NRC staff recommends the development of Option 4.

Based on direction from the Commission in the March 9, 2000, SRM on SECY-99-259, the purpose of undertaking rulemaking activities to revise Part 40 would be to improve control of the distribution of source material to exempt persons and to general licensees. Option 4 is a comprehensive revision of Part 40 that includes establishing requirements for the distribution of

source material to exempt persons and to persons generally licensed under § 40.22. Section 40.22 would be amended to create a two-tiered general license using a risk-informed approach. Those authorized to use a smaller quantity of source material would still be exempt from the requirements of Parts 19, 20, and 21, while those using greater amounts under the general license would, appropriately so, be subject to those parts. The risk-informed evaluation could result in some current general licensees moving to the specific license category. In addition, this approach could also result in the availability of a general license to some specific licensees, e.g., users of depleted uranium shielding. Therefore, this option would address PRM 40-27 which raises concerns about the exposures to workers exempt from Parts 19 and 20 from the amounts of source material allowed under the general license in § 40.22. In addition, it would address PRM 40-28, which raises concerns about the control of exempted depleted uranium counterweights used in aircraft after the aircraft are no longer in service.

The development of a proposed rule would require the preparation of an environmental assessment (EA) to determine if there would be any significant impacts to the public health and safety or the environment, because it appears that there are no categorical exclusions in § 50.51(c) that are applicable. In addition, a proposed rule would require a regulatory analysis to examine the costs and benefits of the options considered by the NRC staff in this rulemaking plan; and, pursuant to the Regulatory Flexibility Act, whether the rule, if adopted, would have a significant impact on a substantial number of small entities.

The rulemaking plan adequately describes implementation issues associated with the Agreement States, i.e., the distribution of materials to persons exempt from licensing is reserved to the NRC and is, therefore, classified as compatibility Category “NRC” and would remain so. The general license in §40.22 and most of the provisions related to distribution of materials to general licensees are and would remain compatibility Category B. Consideration will be given to changing some or all of the provisions in §§ 40.25, 40.34, and 40.35 from Category C to Category B because of their significant transboundary implications.

Because a proposed rule would involve additional information collection requirements that are not provided for in the current Part 40, the NRC staff must prepare an Office of Management and Budget (OMB) package. In addition, as required by the Small Business Regulatory Enforcement Fairness Act, the NRC staff will confirm with OMB before issuing a final rule that this action does not constitute a “major rule.”

We do not believe a proposed rule would require a backfit analysis because this action would not be considered a backfit pursuant to the regulations in Parts 50, 72, and 76.

In conclusion, OGC has determined that there are no known bases for legal objection to proceeding with Option 4 as proposed in this rulemaking plan.

BACKFIT CONSIDERATIONS

None of the affected licensees come under requirements subject to the backfit requirements of §§ 50.109, 72.62, or 76.76.

AGREEMENT STATE IMPLEMENTATION ISSUES

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the *Federal Register* on September 3, 1997 (62 FR 46517), distribution of materials to exempt persons is classified as compatibility Category "NRC." The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act or provisions of Title 10 of the Code of Federal Regulations, Chapter I. The general license in § 40.22 and most of the provisions related to distribution of materials to general licensees are compatibility Category B. Category B means the provisions affect a program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC. The general license in § 40.25 is compatibility Category C. Category C means that the provisions affect a program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications, or gaps in the national program. The requirements for distributors to general licensees under § 40.25 contained in §§ 40.34 and 40.35 are a mix of Categories B, C, and D. Category D means that the provision does not have to be adopted as a matter of compatibility.

The proposed requirements for distributors of source material to exempt persons will be Category "NRC." The changes to § 40.22 and the new requirements for distribution of source material to § 40.22 general licensees will be Category B. Consideration will be given to changing some or all of the provisions in §§ 40.25, 40.34, and 40.35 from Category C to Category B, because of the significant transboundary implications.

SUPPORTING DOCUMENTS

This rulemaking would require a detailed regulatory analysis that the NRC staff believes would show a benefit to the public by maintaining safety and protecting the environment, while increasing public confidence. The information provided in the Regulatory Analysis for each change concerning the impact on small entities would be sufficient to support a Regulatory Flexibility Analysis or a certification that the proposed rule would not have a significant economic impact on a substantial number of small entities. A backfit analysis is not needed. An Office of Management and Budget (OMB) clearance package will be needed because the rulemaking will impose new record keeping and reporting requirements. An environmental assessment would be necessary to demonstrate that there are no significant impacts to the environment and public health and safety.

Consideration should be given to revising NUREG-1556, Vol. 8,"Consolidated Guidance About Materials Licenses; Program-Specific Guidance About Exempt Distribution Licenses;" NUREG-1556, Vol. 16, "Consolidated Guidance About Materials Licenses; Program-Specific Guidance About Licenses Authorizing Distribution to General Licenses to include guidance for source material distribution licenses;" and Regulatory Guide 10.4, "Guide for the Preparation of Applications for Licenses to Process Source Material, Rev. 2, December 1987."

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC believes that this action is not a "major rule" and, before issuing the final rule, will verify this with the Office of Information and Regulatory Affairs, OMB.

RESOURCES

The resource estimate to complete this rulemaking using Option 4 is:

Fiscal Year	FTEs	Technical Assistance
2001	1.0	$40,000
2002	3.0	$100,000
2003	1.5	$75,000

Resources for Option 5 are estimated to be about 4.75 full-time equivlanets (FTEs) and $190,000 for technical support spread across 3 fiscal years. This is slightly less than the resources estimated for Option 4 because regulations for specific licenses are already in place and would not require additional development. Under Option 4, regulations to each specific tier would require development. In both Options 4 and 5, significant work would be involved in determining where those tiers should be placed. However, the longer-term operating costs after implementation of Option 5 would be greater than Option 4 for both the Agency and the users due to the efforts required to develop and review the additional number of specific license applications.

The resource estimate for Option 3 is 2.7 FTEs and $90,000 spread over 2 fiscal years. Because Option 3 would not require any development or changes to general licenses or exemptions, except those related to changes for distributors, the resource estimate for Option 3 is less. Because it is expected that the regulatory changes envisioned under Option 3 would be modeled after the Part 30 design, these changes could be implemented in a shorter period of time than either Option 4 or 5. However, depending upon the results of data collected under Option 3, resources for implementing any further changes to Part 40, resulting from the evaluation of the collected data, would likely result in the use of a greater number of resources overall (due to the effort of developing additional rulemakings).

Estimates for Option 2 are 2.7 FTEs and $90,000 spread over 2 fiscal years. This estimate is similar to Option 3 because the steps to develop the rule would be equivalent.

Finally, Option 1 would result in the expenditure of no resources toward rulemaking.

LEAD OFFICE STAFF AND STAFF FROM SUPPORTING GROUPS

Staff Level Working Group	Concurring Official
Lead Office	
NMSS/IMNS - Gary Comfort Catherine R. Mattsen	Martin J. Virgilio
NMSS/DWM - Jean-Claude Dehmel	
NMSS/FCSS - Mike Fliegel	
NMSS/RGN I - Betsy Ullrich	
Supporting Offices	
OGC - Maria Schwartz	Stuart Treby
OSTP - Kevin Hsueh	Paul Lohaus
Agreement States	
Bill Sinclair, Utah	
CRCPD	
Steven Collins, Illinois	

STEERING GROUP

NMSS	Don Cool
OGC	Stuart Treby
STP	Paul Lohaus
CRCPD/OAS	Barbara Hamrick

ENHANCED PUBLIC PARTICIPATION

There is no need for enhanced public participation for this rulemaking at this time. This rulemaking plan and any subsequently published proposed rule would be placed in the NRC's rulemaking website. This website allows users to submit comments electronically as well as to review comments submitted by others. If public interest increases in the future regarding this rulemaking, the NRC staff will make arrangements to provide enhanced public participation by holding public meetings in locales determined at that time to provide the greatest efficiency in allowing public participation.

EDO OR COMMISSION ISSUANCE

This rulemaking would be issued by the Commission.

SCHEDULE

Establish expanded working group (Add OCFO, ADM, OCIO, OE)	1 month after approval of rulemaking plan.
Proposed rule to EDO	18 months after approval of rulemaking plan.
Public Comment Period	120 days because of the difficulty in identifying impacted parties
Final rule to EDO	9 months following expiration of public comment period.