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November 13, 2002 (12:15PM)

Secretary
U. S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
Washington, D. C. 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

REF: RIN 3150-AG85
Financial Assurance Amendments for Materials Licensees

Gentlemen:

In reviewing the above referenced proposed rule change issued in the *Federal Register* on October 7, 2002, there is one area that could become very onerous for a number of materials licensees. I don't believe it was your intent to create this situation.

The proposed rule states that all waste broker licensees would be required to have financial assurance, and many waste broker licensees are engaged in other types of activities. This is true. The bind occurs with your definition of waste broker; i.e.

Waste Broker means any licensee that collects or accepts radioactive material from other entities for the purpose of processing, compacting, repackaging, or otherwise preparing it for disposal, or for storage.

This definition will inadvertently affect any number of licensees, including manufacturers who receive radioactive material from a supplier for storage and future use. It will affect service companies who are authorized to receive sources (radioactive material) from a supplier to be used for source exchanges. It will affect contractors who receive radioactive material in devices (usually generally licensed) as part of a turn key job, then place them in storage until they are turned over to the user.

As stated above, I don't believe it was your intent to be very punitive to a large number of materials licensees. Therefore, we believe the definition should read:

Waste Broker means any licensee that collects or accepts radioactive waste from other entities for the purpose of processing, compacting, repackaging, or otherwise preparing it for disposal, or for storage.

Thank you for your consideration.

Sincerely,
Doris C. Bryan
Doris C. Bryan, Manager
Licensing & Regulatory Affairs