



**Duratek™**

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

December 20, 2002

**DOCKET NUMBER  
PROPOSED RULE 30.40+70  
(67FR 62403)**

Secretary  
Nuclear Regulatory Commission  
Washington DC 20555-0001  
Attn: Rulemakings and Adjudications Staff

Dear Sirs:

Duratek, Inc. offers the comments below regarding the Nuclear Regulatory Commission's proposed rulemaking regarding Financial Assurance Amendments for Materials Licensees published in the Federal Register Volume 67, Number 194, Monday, October 7, 2002. These comments are offered for key sections of the proposed regulations.

First, Duratek, Inc. believes that additional consideration should be given to the definition for waste broker in section 10 CFR 30.4. The definition as proposed appropriately covers waste processors. However, waste collectors are not specifically included. There are certain licensees that have the principal purpose to collect and consolidate packaged radioactive waste from others and transfer it to waste processors or disposal facilities. Facilities for interim storage of waste should have adequate financial assurance to cover decommissioning whether the licensee is a collector or a processor.

Second, Duratek, Inc. believes that the changes suggested for 10 CFR 30.35 provide the needed specific guidance to make decommissioning planning effective and the categories of licensees clearly discernable.

Third, Duratek, Inc. has historically developed and updated specific decommissioning plans and financial assurance instruments in place for its facilities in Tennessee and Barnwell, South Carolina. As a routine matter of license renewal, these plans are updated periodically. This revised regulation will make these requirements clear and uniformly applicable. Duratek is in favor of this uniformity of regulation:

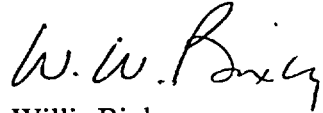
Finally, the increases in financial assurance requirements and the associated costs of maintaining financial instruments appear necessary and appropriate to maintain the resources to decommission facilities properly.

Template = SECY-067

SECY-02

Duratek is in agreement with these proposed improvements to strengthen financial assurance requirements. We appreciate the opportunity to provide comments on these proposed revisions to the regulations.

Sincerely

A handwritten signature in cursive script, appearing to read "W. W. Bixby".

Willis Bixby  
Vice President  
Environment Safety and Health and Quality Assurance