



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 27, 1993

MEMORANDUM FOR: Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

FROM: James M. Taylor
Executive Director for Operations

SUBJECT: DEFERRAL OF ADMINISTRATIVE RULEMAKING
RELATING TO EXEMPTIONS FROM FINANCIAL
ASSURANCE REQUIREMENTS FOR TELETHERAPY
LICENSEES AND FOR KR-85

This memorandum is in response to your August 19, 1993 memorandum in which you propose to initiate the subject rulemaking. In light of the rather low priority that could presently be given to this administrative rulemaking and of the potentially shrinking magnitude of the problem, I am deferring this rulemaking activity.

It is my understanding that there are only a few licensees possessing quantities of krypton-85 that would require financial assurance. In addition, recent surveys of teletherapy manufacturers and distributors indicate a decline in the sale of teletherapy machines. Given that NMSS has requested that this action be given only a medium priority, that most teletherapy licensees have been granted exemptions, and that you indicated that it could only be worked on intermittently, I believe that at this time we could better utilize the Office of Nuclear Regulatory Research resources on matters that are of more significance from a health and safety perspective. The other reason for completing this rulemaking would be to save the Agreement States from having to grant numerous exemptions. Discussions with the Office of State Programs indicates that most states have not adopted financial assurance regulations at this time and that they would contact the States to include such exemption in their rulemaking efforts.

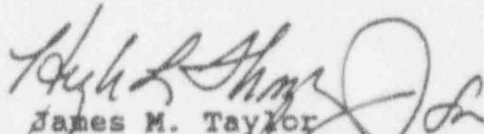
In an SRM dated June 28, 1993, regarding "Financial Assurance for Cleanup of Accidents for all Materials Licenses with Potential for Significant Accidental Contamination," the Commission states that "the staff's conclusion that no rulemaking is appropriate is premature and perhaps wrong. The Commission believes that this issue needs to be more fully considered, and that rulemaking may very well be in order for some categories and sizes of materials licensees." If rulemaking is warranted for the above issue, then I believe it would be reasonable at that time, requiring little additional resources, to incorporate the administrative rule changes originally discussed.

Eric S. Beckjord

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Please feel free to discuss this matter with Hugh Thompson if you so desire.


James M. Taylor
Executive Director
for Operations

cc: H. Thompson, DEDS
J. Sniezek, DEDR
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