

August 20, 1996

MEMORANDUM TO: David L. Morrison, Director
Office of Nuclear Regulatory Research

FROM: Carl J. Paperiello, Director (ORIGINAL SIGNED BY)
Office of Nuclear Material Safety
and Safeguards

SUBJECT: CANCELLATION OF REQUEST FOR RULEMAKING

The purpose of this memorandum is to request that the Office of Nuclear Regulatory Research terminate its efforts, requested in my July 12, 1995, memorandum to you, to revise financial assurance requirements for uranium recovery licensees. The requested rulemaking was intended to address two perceived deficiencies in Criterion 9 of Appendix A to 10 CFR Part 40. The rulemaking would have revised Criterion 9 to: 1) allow the Nuclear Regulatory Commission to obtain financial assurance for proposed revisions to reclamation plans prior to NRC approval of the revision; and 2) require that a standby trust be incorporated into licensee financial sureties.

By memorandum to you dated June 7, 1996, Stuart A. Treby stated that in the opinion of the Office of the General Counsel (OGC), Criterion 9 allows the staff to require increased financial surety from a licensee at the time a revised reclamation plan is submitted. OGC therefore did not support the first part of the rulemaking.

Although we continue to support the second part of the proposed rulemaking, to require standby trusts, we conclude that a separate rulemaking to correct this deficiency is not warranted in terms of the effort it would entail.

We are in the early stages of preparing a user need memorandum requesting a comprehensive revision to the uranium recovery aspects of Part 40 and will include the standby trust requirement in that request.

CONTACT: Myron Fliegel, NMSS/DWM
415-6629

DISTRIBUTION: File Center PUBLIC NMSS r/f RTurtill DO/NMSS/RF
URB r/f AGarcia MBell JSurmeier
JMate, RES

DOCUMENT NAME: S:\DWM\URB\MHF\RULMKG.TRM CP/PROOFED/AUGUST 20, 1996
*see previous concurrence

OFC	URB*		URB*		DWM*		NMSS		NMSS <i>CP</i>	
NAME	MFliegel		JHolonich		MFederline		JGreeves		CPaperiello	
DATE	8/14/96		8/14/96		8/15/96		8/ /96		8/20/96	

OFFICIAL RECORD COPY

9608270457 960820
PDR WASTE
WM-3 PDR

96-89
WM-3
216.4

NMSS
1/0

MEMORANDUM TO: David L. Morrison, Director
Office of Nuclear Regulatory Research

FROM: Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: CANCELLATION OF REQUEST FOR RULEMAKING

The purpose of this memorandum is to request that the Office of Nuclear Regulatory Research terminate its efforts, requested in my July 12, 1995, memorandum to you, to revise financial assurance requirements for uranium recovery licensees. The requested rulemaking was intended to address two perceived deficiencies in Criterion 9 of Appendix A to 10 CFR Part 40. The rulemaking would have revised Criterion 9 to: 1) allow the Nuclear Regulatory Commission to obtain financial assurance for proposed revisions to reclamation plans prior to NRC approval of the revision; and 2) require that a standby trust be incorporated into licensee financial sureties.

By memorandum to you dated June 7, 1996, Stuart A. Treby stated that in the opinion of the Office of the General Counsel (OGC), Criterion 9 allows the staff to require increased financial surety from a licensee at the time a revised reclamation plan is submitted. OGC therefore did not support the first part of the rulemaking.

Although we continue to support the second part of the proposed rulemaking, to require standby trusts, we conclude that a separate rulemaking to correct this deficiency is not warranted in terms of the effort it would entail.

We are in the early stages of preparing a user need memorandum requesting a comprehensive revision to the uranium recovery aspects of Part 40 and will include the standby trust requirement in that request.

Contact: Myron Fliegel, NMSS/DWM
415-6629

DISTRIBUTION : File Center PUBLIC NMSS r/f RTurtill
URB r/f AGarcia MBell JSurmeier
JMate, RES Dwmrif Dcrlf R.Fonner, OGC

DOCUMENT NAME: S:\DWM\URB\MHF\RULMKG.TRM

OFC	URB	URB	DWM	E	NMSS	NMSS
NAME	MFliegel	JHolonich	MFederline	JGreeves	CPaperiello	
DATE	8/14/96	8/14/96	8/15/96	8/ /96	8/ /96	

OFFICIAL RECORD COPY

BL 8/15