



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 24, 1997

MEMORANDUM TO:

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

James Lieberman, Director  
Office of Enforcement

Richard L. Bangart, Director  
Office of State Programs

William J. Olmstead, Associate General Counsel  
for Licensing and Regulation  
Office of the General Counsel

Brenda Jo. Shelton, Chief  
Information and Records Management Branch  
Office of Information Resources Management

Jesse L. Funches  
Chief Financial Officer

Anthony J. Galante  
Chief Information Officer

FROM:

David L. Morrison, Director  
Office of Nuclear Regulatory Research

A handwritten signature in cursive script, reading "David L. Morrison", is written over the printed name and title.

SUBJECT:

OFFICE REVIEW AND CONCURRENCE ON A RULEMAKING PLAN FOR  
AMENDMENTS TO 10 CFR PARTS 30 AND 35 -- FINANCIAL ASSURANCE  
FOR TELETHERAPY AND KRYPTON-85 LICENSEES

Your concurrence is requested on the attached Commission paper and rulemaking plan. Also, the directors of the program offices should obtain input from the Regions on this rulemaking plan, if appropriate.

Background: The proposed amendments would allow teletherapy licensees a period of time for source exchange during which they could exceed specified possession limits without having to provide financial assurance. Currently, teletherapy licensees apply for exemptions in these cases, which are generally granted by NRC. Kr-85 licensees have only insignificant decommissioning costs and are also generally granted exemptions from financial assurance requirements. These amendments would remove Kr-85 as a radionuclide requiring financial assurance by licensees who possess it.

9704300124

XA

The following is a summary of this request:

1. Title: 10 CFR Parts 30 and 35 -- Financial Assurance for Teletherapy and Krypton-85 Licensees
2. RES Task Leader: Clark Prichard, RDB/DRA/RES - 415-6203
3. Cognizant Individuals: NMSS - Louis Bykoski  
OGC - Stephen Lewis  
OSP - Dennis Sollenberger
4. Compatibility for Agreement States: Yes
5. Requested Action: Review and concur in the rulemaking plan.
6. Requested Completion Date: Three weeks from the date of this memo.
7. Resources and Coordination: Estimated resources to develop this rule is 0.4 FTEs. Copies of this concurrence package have been forwarded to the Office of the Controller, ACRS, ACNW and IG for information.

Attachment:  
Commission Paper w/encls.

cc w/attachment:  
R. M. Scroggins, OC  
H. T. Bell, IG  
J. Larkins, ACRS & ACNW  
D. Ross, CRGR  
D. Meyer, ADM  
H. Miller, Regions I/ORA  
L. Reyes, Region II/ORA  
A. Beach, Region III/ORA  
J. Dyer, Region IV/ORA

## **COMMISSION PAPER**

FOR: The Commissioners

FROM: L. Joseph Callan  
Executive Director for Operations

SUBJECT: DRAFT RULEMAKING PLAN: AMENDMENTS TO 10 CFR PARTS 30 AND  
35 -- FINANCIAL ASSURANCE FOR TELETHERAPY AND KRYPTON-85  
LICENSEES

PURPOSE:

To inform the Commission of the staff's draft Rulemaking Plan for amending 10 CFR Parts 30 and 35, "Financial Assurance for Teletherapy and Krypton-85 Licensees."

BACKGROUND:

The proposed amendments would allow teletherapy licensees a period of time for source exchange during which they could exceed specified possession limits without having to provide financial assurance. Currently, teletherapy licensees apply for exemptions in these cases, which are generally granted by NRC. Kr-85 licensees have only insignificant decommissioning costs and are also generally granted exemptions from financial assurance requirements. These amendments would remove Kr 85 as a radionuclide requiring financial assurance by licensees who possess it.

AGREEMENT STATE IMPLEMENTATION ISSUES:

Financial assurance is Division 2 matter of compatibility. Agreement States must maintain similar or more stringent regulations. States would therefore have the option of either taking no action or promulgating rules similar to this rulemaking, which lessens the requirements for financial assurance.

CONTACT:

Clark Prichard, DRA/RDB  
(301) 415-6203

COORDINATION:

The Office of the General Counsel has no legal objection to the rulemaking plan. The Office of the Chief Financial Officer has no objection to the resources estimate contained in this paper. The Office of the Chief Information Officer has reviewed the rulemaking plan for information technology and information management implications and concurs in it.

L. Joseph Callan  
Executive Director  
for Operations

Enclosure:  
Rulemaking Plan

COORDINATION:

The Office of the General Counsel has no legal objection to the rulemaking plan. The Office of the Chief Financial Officer has no objection to the resources estimate contained in this paper. The Office of the Chief Information Officer has reviewed the rulemaking plan for information technology and information management implications and concurs in it.

L. Joseph Callan  
Executive Director  
for Operations

Enclosure:  
Rulemaking Plan

**RECORD NOTE:** A copy of this draft Rulemaking Plan was sent to  
OC and IG for information on: \_\_\_\_\_.

DOCUMENT NAME: o:\prichard\cp3035.cp

To receive a copy of this document, indicate in the box "C" = copy without attachment/enclosure, "B" = copy with attachment/enclosure, "N" = No copy

\*See previous concurrences

|         |           |          |            |           |          |
|---------|-----------|----------|------------|-----------|----------|
| OFFICE: | DRA/RDB*  | DRA/RDB* | D/DRA/RES* | D/RES*    | EDO      |
| NAME:   | CPrichard | SBahadur | BMorris    | DMorrison | LJCallan |
| DATE:   | 3/26/97   | 4/10/97  | 4/18/97    | 4/22/97   | 4/ /97   |

OFFICIAL RECORD COPY

RES FILE CODE NO.: \_\_\_\_\_

COORDINATION:

The Office of the General Counsel has no legal objection to the rulemaking plan. The Office of the Chief Financial Officer has no objection to the resources estimate contained in this paper. The Office of the Chief Information Officer has reviewed the rulemaking plan for information technology and information management implications and concurs in it.

RECOMMENDATION:

I intend to proceed with the development of the enclosed Rulemaking Plan unless otherwise directed by the Commission within 10 days from the date of this paper. This will include providing the draft Rulemaking Plan to the Agreement States for a 45-day comment period. If significant comments are received, I will provide the Commission with the staff's disposition of the Agreement State comments before I implement the Rulemaking Plan.

L. Joseph Callan  
Executive Director  
for Operations

Enclosure:  
Rulemaking Plan

**RECORD NOTE:** A copy of this draft Rulemaking Plan was sent to OC and IG for information on: \_\_\_\_\_.

DOCUMENT NAME: o:\prichard\cp3035.cp

To receive a copy of this document, indicate in the box "C" = copy without attachment/enclosure, "B" = copy with attachment/enclosure, "N" = No copy

\*See previous concurrences

| OFFICE: | DRA/RDB*  | DRA/RDB* | D/DRA/RES* | D/RES     | EDO      |
|---------|-----------|----------|------------|-----------|----------|
| NAME:   | CPrichard | SBahadur | BMorris    | DMorrison | LJCallan |
| DATE:   | 3/26/97   | 4/10/97  | 4/18/97    | 4/22/97   | 4/ /97   |

OFFICIAL RECORD COPY

RES FILE CODE NO.: \_\_\_\_\_

## **RULEMAKING PLAN**