

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:

Office of Nuclear Regulatory Research Aburit

SUBJECT:

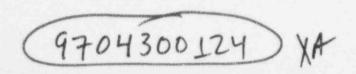
OFFICE REVIEW AND CONCURRENCE ON A RULEMAKING PLAN FOR

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.



The following is a summary of this request

- 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
- NMSS Louis Bykoski 3. Cognizant Individuals: OGC - Stephen Lewis OSP - Dennis Sollenberger
- Compatibility for Agreement States: Yes 4
- 5. Requested Action: Review and concur in the rulemaking plan.
- 6. Requested Completion Date: Three weeks from the date of this memo.
- 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

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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

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*See previous concurrences

OFFICE:	DRA/RDB*	DRA/RDB*	DIORAIRES.	D/RES	EDO
NAME:	CPrighard	SBahadur	& Morris	DMorrison	LJCallan
DATE:	3/26/97	4/10/97	4/18/97	4/22/97	4/ /97

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RULEMAKING PLAN