

May 21, 1997

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

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

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

The Division of Waste Management staff has reviewed the Commission Paper entitled "Draft Rulemaking Plan: Amendments to 10 CFR Parts 30 and 35 - Financial Assurance for Teletherapy and Krypton-85 Licensees." The Regions and IMNS were also surveyed for comments. We have attached our comments and concur if these comments are incorporated into the Rulemaking Plan. Our comments have been discussed with Clark Prichard, of your staff, and we understand that he finds them acceptable.

Attachment: As stated

CONTACT: Louis M. Bykoski, NMSS/DWM
415-6754

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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Office of Nuclear Material Safety
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NMSS Comments on Rulemaking Plan: Amendments to
10 CFR Parts 30 and 35 -- Financial Assurance for
Teletherapy and Krypton -85 Licensees

DWM COMMENT

The rulemaking plan should evaluate the costs of decontaminating Kr-85 gas handling systems. Note that NMSS issued Information Notice 96-51, "Residual Contamination Remaining in Krypton-85 Handling System after Venting," indicating that Kr-85 contamination can remain in gas handling systems following decommissioning. If the costs to remediate the gas handling systems are a few thousand dollars, these nominal decommissioning costs would justify eliminating Kr-85 as a nuclide for which decommissioning financial assurance is required.

IMNS COMMENTS

Cost Factor Estimates:

1. Teletherapy

- a. One hour of staff time to process an exemption appears to be low. It is better compared with the cost of processing an amendment - based on Fees in Part 170, about \$440 or 3.5 staff hours.
- b. NRC staff annual labor costs seem low. We suggest OC be asked the annual labor cost per material person.
- c. We believe that most teletherapy licenses already have a condition which allows this exemption and therefore no cost savings would be realized. To the contrary the cost of removing these conditions would result in 3.5 staff hours additional costs per license.

2. Krypton-85

- a. The 8 hours stated it would take to do a Kr-85 exemption appears to be high. We recommend that it be compared with the cost of processing an amendment as mentioned in 1a, above.
- b. The suggested NRC hourly labor rate (\$375) in the paper seems to be twice what we charge licensees.

Preferred Option

Because all medical rulemaking issues are controversial, we recommend not using the direct rulemaking approach.

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comments and concur in the Rulemaking Plan.

CONTACT: Timothy C. Johnson, NMSS/DWM
415-7299

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