

October 1, 1998

MEMORANDUM TO: Susan F. Shankman, Deputy Director
Licensing and Inspection Directorate
Spent Fuel Project Office, NMSS

FROM: M. Wayne Hodges, Deputy Director
Technical Review Directorate
Spent Fuel Project Office, NMSS

SUBJECT: URGENT RULEMAKING FOR PART 71

The 10 CFR Part 71 rule that became effective on April 1, 1996, is based upon IAEA regulations. Like IAEA regulations, the Part 71 rule specifies A_2 values for U (natural); U (enriched 5% or less); U (enriched more than 5%); and U (depleted). However, IAEA Safety Series 6, 1985 Edition (As Amended 1990) has a footnote for each of these materials, which was omitted from the NRC and DOT rules adopted in 1995. The footnote in IAEA regulations states that the A_2 values for uranium do not apply to reprocessed uranium.

We have discussed this with Mr. Michael Wangler, who was the cognizant DOT official at the time NRC and DOT regulations were published for comment. Mr. Wangler is certain that there was no intent that the A_2 values in NRC and DOT rules should be applied to reprocessed uranium.

We request that rulemaking be immediately initiated to correct this omission. The need for the correction is urgent, in that, without the explanatory footnote, the regulations are unnecessarily ambiguous, and apparently have been misinterpreted by some licensees. We request that the rulemaking be conducted on an expedited basis, and, if possible, as an administrative rule change.

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