

March 24, 1998

The Honorable Dan Schaefer, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The U.S. Nuclear Regulatory Commission has sent to the Office of the Federal Register, for publication, the enclosed copy of a Federal Register notice, announcing the termination of proposed rulemaking for Title 10, U.S. Code of Federal Regulations, Part 33, "Specific Domestic Licenses of Broad Scope for Byproduct Material." NRC has decided to terminate the proposed rulemaking because of overwhelmingly negative comments to the Advance Notice of Proposed Rulemaking.

Sincerely,

Original signed by DKRathbun

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Federal Register Notice

cc: Representative Ralph Hall

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NUCLEAR REGULATORY COMMISSION

10 CFR PART 33

RIN 3150-AF54

SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Advance Notice of Proposed Rulemaking: Withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission is withdrawing an Advance Notice of Proposed Rulemaking (ANPR) that discussed possible changes to the regulations governing specific domestic licenses of broad scope for byproduct material. Additionally, NRC is announcing plans to finalize draft guidance currently contained in Draft Regulatory Guide DG-0005, "Applications for Licenses of Broad Scope, Revision 2," as a NUREG.

FOR FURTHER INFORMATION, CONTACT: Torre Taylor, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, MS T8F5, Washington, DC 20555, Telephone (301) 415-7900.

SUPPLEMENTARY INFORMATION: On November 14, 1996 (61 FR 58346), the Commission published an ANPR for 10 CFR Part 33, "Specific Domestic Licenses of Broad Scope for Byproduct Material." In the ANPR, the Commission explained that it is considering amending these regulations to clarify the regulatory and health and safety basis of current licensing practices and to provide licensees with the flexibility to make certain types of changes to their radiation safety programs.

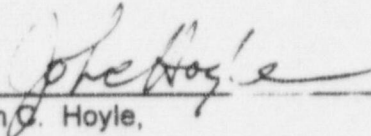
The comment period expired February 12, 1997. The Commission received 22 comments on the ANPR. The commenters were composed of broad scope academic and medical facilities; professional associations; private citizens; an Agreement State program; a Federal government agency; and private industry. The majority of commenters responded negatively to the ANPR. After reviewing the comments, NRC has decided to withdraw the ANPR.

NRC is announcing plans to finalize draft guidance currently contained in Draft Regulatory Guide DG-0005, "Applications for Licenses of Broad Scope, Revision 2," as a NUREG. This NUREG will update existing draft guidance and will be published for public comment. A notice of availability of the NUREG will be published in the Federal Register. This effort is part of an ongoing project to update and consolidate existing guidance. As part of this project, the NRC staff plans to evaluate the licensing process and license conditions for ways to provide greater flexibility for broad scope licensees to modify their program without seeking a license amendment within the constraints of the existing regulations in 10 CFR Part 33. All

comments received in response to the ANPR will be considered in the development of this NUREG.

Dated at Rockville, Maryland, this 19th day of March, 1998.

For the Nuclear Regulatory Commission.



John C. Hoyle,
Secretary of the Commission.