

August 27, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-02-0116 - PROPOSED RULE:
10 CFR PARTS 30, 40, AND 70: FINANCIAL ASSURANCE
AMENDMENTS FOR MATERIALS LICENSEES

The Commission has approved publication of the proposed amendments to 10 CFR Parts 30, 40, and 70 in the Federal Register for a 75-day public comment period, subject to the comments and changes noted in the attachment.

(EDO)

(SECY Suspense:

9/20/02)

Attachment: Changes to the Federal Register Notice and Regulatory Analysis in
SECY-02-0116

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

Changes to the Federal Register Notice and Regulatory Analysis in SECY-02-0116

General Comments on the Federal Register Notice (FRN)

1. The Federal Register Notice (FRN) should solicit more expressly stakeholders' comments on the analysis of the estimated benefits and costs for each class of affected licensee.
2. Before publication of the proposed rule, the Implementation section of the FRN should be expanded to provide more detail on the agency's proposed plan for implementing the amended requirements. In order to receive useful comments from our stakeholders on the impact of this rulemaking, the FRN should clarify what is being proposed as "a reasonable period of time" to submit new decommissioning cost estimates and "different effective dates" for the revised financial assurance requirements. Even if specific details are not known at this time, the staff should provide stakeholders some idea of what the proposed implementation schedule might be.

Specific Changes to the FRN

3. On page 1, under "Summary", revise line 4 to read ' ... maintain adequate **financial** assurance so'
4. On page 3, paragraph 1, revise line 4 to read ' ... protection of the **public and the** environment during **and after**'
5. On page 4, revise lines 1 and 2 from the top to read ' ... brokers, special **circumstances** ~~considerations~~ exist that require **different** ~~more appropriate treatment~~ **financial assurance considerations.**'
6. On page 5, 2nd full paragraph, revise line 6 to read ' ... information that **was** ~~has been~~ used to' At the end of line 6, add a footnote to include specific information as to how to obtain this document.
7. On page 7, 2nd full paragraph, revise line 5 to read ' ... processing, **compacting**, ~~compaction~~, repackaging, or' Revise line 7 to read ' ... ~~about one half~~ **eight** require financial assurance' In line 7, add a footnote after the period which reads: "Assessment of the Financial Assurance Requirements for Waste Broker Material Licensees," ICF Consulting, 1999, p.6.
8. On page 9, revise line 11 from the top to read ' ... decommissioning costs **can be** ~~are~~ substantially'
9. On page 11, paragraph 1, line 3, move the footnote to after the period.
10. On page 12, 1st full paragraph, revise line 8 to read ' ... **facility-specific** decommissioning cost estimate'

11. On page 14, 1st full paragraph, revise line 4 to read ‘ ... is considering **establishing** having different effective’ Revise line 6 to read ‘ ... would not all **be filed** occur at one time causing problems for regulators.’
12. On page 15, paragraph 1, revise line 1 to read ‘ ... licensees possessing very large **numbers** quantities of’ The next to last sentence is unclear and requires revision.
13. On page 25, revise line 2 from the top to read ‘ ... processing, **compacting**, ~~compaction~~, repackaging, or’
14. On page 26, paragraph (2), revise line 2 to read ‘ ... section shall submit ~~, on or before July 27, 1990,~~ a decommissioning’
15. On page 29, next to last paragraph, revise line 2 to read ‘ ... section shall submit ~~, on or before July 27, 1990,~~ a decommissioning’
16. On page 31, paragraph (2), revise line 2 to read ‘ ... section shall submit ~~, on or before July 27, 1990,~~ a decommissioning’

Specific Changes to the Regulatory Analysis

17. On page 4, paragraph 3, line 4, move the footnote after the period.
18. On page 5, next to last paragraph, last line, move the footnote after the period.
19. On page 7, next to last paragraph, line 8, move the footnote after the period.
20. On page 8, 1st full paragraph, line 3, move the footnote after the period. In the last line, delete the extra space between “curie” and “level”.
21. On page 9, 1st sentence, the numbers do not appear to comport with the numbers on page 7.
22. On page 10, 1st full paragraph, lines 7 and 8, move the footnote after the period.
23. On page 11, revise line 4 from the top to read ‘ ... assurance costs for all ~~of~~’