

(STP-03-087, December 2003, Program, Chronology of NRC Amendments)

December 9, 2003

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

REVISION OF CHRONOLOGY OF NRC AMENDMENTS (STP-03-087)

Enclosed is the latest addition to the Chronology of the Nuclear Regulatory Commission (NRC) Amendments, RATS ID 2003-1, Financial Assurance for Materials Licensees – Parts 30, 40, 70, and the Summary of Change for this amendment. The chronology follows the amendment in its entirety and includes final regulations adopted through December 4, 2003 as maintained by the Office of State and Tribal Programs. The chronology is for your use to plan rulemaking actions that are needed to satisfy the compatibility and health and safety category designations of the NRC regulations. This document will also be used by the Integrated Materials Performance Evaluation Program (IMPEP) teams during upcoming program reviews.

If you have any questions regarding this correspondence, please contact me or the individual named below.

POINT OF CONTACT: John Zabko
TELEPHONE: (301) 415-2308

INTERNET: JGZ@NRC.GOV
FAX: (301) 415-3502

/RA/

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

Summary of Change for Amendment 2003-1

**Financial Assurance for Materials Licensees – Parts 30, 40, 70
(68 FR 57327, October 3, 2003)
RATS ID 2003-1 Effective December 3, 2003
Due for State adoption on December 3, 2006**

Change to NRC Section	Title	Comparability Category	Summary of Change to CFR
30.35	Financial assurance and recordkeeping for decommissioning	D--paragraphs (c), (e), (f) H&S--paragraphs (a), (b), (d), and (g).	<p>In Sec. 30.35, paragraphs (a), (c)(2), (d), and (e) are revised and a new paragraph (c)(5) is added to read as follows:</p> <p>(a)(1) Each applicant for a specific license authorizing the possession and use of unsealed byproduct material of half-life greater than 120 days and in quantities exceeding 10^5 times the applicable quantities set forth in appendix B to part 30 shall submit a decommissioning funding plan as described in paragraph (e) of this section. The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10^5 is greater than 1 (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in appendix B to part 30. (2) Each holder of, or applicant for, any specific license authorizing the possession and use of sealed sources or plated foils of half-life greater than 120 days and in quantities exceeding 10^{12} times the applicable quantities set forth in appendix B to part 30 (or when a combination of isotopes is involved if R, as defined in Sec. 30.35(a)(1), divided by 10^{12} is greater than 1), shall submit a decommissioning funding plan as described in paragraph (e) of this section. The decommissioning funding plan must be submitted to NRC by December 2, 2005. * * * * *</p> <p>(c) * * *</p> <p>(2) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (a) of this section shall submit a decommissioning funding plan as described in paragraph (e) of this section or a certification of financial assurance for decommissioning in an amount at least equal to \$1,125,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal. * * * * *</p> <p>(5) Waste collectors and waste processors, as defined in 10 CFR part 20, Appendix G, must provide financial assurance in an amount based on a decommissioning funding plan as described in paragraph (e) of this section. The decommissioning funding plan must include the cost of disposal of the maximum amount (curies) of radioactive material permitted by license, and the cost of disposal of the maximum quantity, by volume, of radioactive material which could be present at the licensee's facility at any time, in addition to the cost to remediate the licensee's site to meet the license termination criteria of 10 CFR part 20. The</p>

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			<p>decommissioning funding plan must be submitted by December 2, 2005.</p> <p>(d) Table of required amounts of financial assurance for decommissioning by quantity of material. Licensees required to submit the \$1,125,000 amount must do so by December 2, 2004. Licensees required to submit the \$113,000 or \$225,000 amount must do so by June 2, 2005. Licensees having possession limits exceeding the upper bounds of this table must base financial assurance on a decommissioning funding plan.</p> <p>Greater than 10⁴ but less than or equal to 10⁵ times the applicable quantities of appendix B to part 30 in unsealed form. (For a combination of isotopes, if R, as defined in Sec. 30.35(a)(1), divided by 10⁴ is greater than 1 but R divided by 10⁵ is less than or equal to 1).....\$1,125,000</p> <p>Greater than 10³ but less than or equal to 10⁴ times the applicable quantities of appendix B to part 30 in unsealed form. (For a combination of isotopes, if R, as defined in Sec. 30.35(a)(1), divided by 10³ is greater than 1 but R divided by 10⁴ is less than or equal to 1).....\$225,000</p> <p>Greater than 10¹⁰ but less than or equal to 10¹² times the applicable quantities of appendix B to part 30 in sealed sources or plated foils. (For a combination of isotopes, if R, as defined in Sec. 30.35(a)(1), divided by 10¹⁰ is greater than, 1, but R divided by 10¹² is less than or equal to 1).....\$113,000</p> <p>(e) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. Cost estimates must be adjusted at intervals not to exceed 3 years. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.</p> <p>* * * * *</p>
40.36	Financial assurance and recordkeeping for decommissioning	D--paragraphs (c) and (e). H&S--paragraphs (a), (b), (d), and (f).	<p>In Sec. 40.36, paragraphs (b)(2), (c)(2), and (d) are revised to read as follows:</p> <p>* * * * *</p> <p>(b) * * *</p> <p>(2) Submit a certification that financial assurance for decommissioning has been provided in the amount of \$225,000 by June 2, 2005 using one of the methods described in paragraph (e) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section must be submitted to NRC prior to receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section.</p> <p>(c) * * *</p>

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			<p>(2) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (a) of this section shall submit a decommissioning funding plan as described in paragraph (d) of this section or a certification of financial assurance for decommissioning in an amount at least equal to \$1,125,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal. Licensees required to submit the \$1,125,000 amount must do so by December 2, 2004.</p> <p>*****</p> <p>(d) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph</p> <p>(e) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. Cost estimates must be adjusted at intervals not to exceed 3 years. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section.</p> <p>*****</p>
70.25	Financial assurance and recordkeeping for decommissioning	<p>D--paragraphs (c), (e), and (f)</p> <p>NRC--paragraph (a)</p> <p>H& S--paragraphs (b), (d), and (g).</p>	<p>In Sec. 70.25, paragraphs (c)(2), (d), and (e) are revised to read as follows:</p> <p>*****</p> <p>(c) ***</p> <p>(2) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (a) of this section shall submit a decommissioning funding plan as described in paragraph (e) of this section or a certification of financial assurance for decommissioning in an amount at least equal to \$1,125,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.</p> <p>*****</p> <p>(d) Table of required amounts of financial assurance for decommissioning by quantity of material. Licensees required to submit the \$1,125,000 amount must do so by December 2, 2004. Licensees required to submit the \$225,000 amount must do so by June 2, 2005. Licensees having possession limits exceeding the upper bounds of this table must base financial assurance on a decommissioning funding plan.</p> <p>Greater than 10⁴ but less than or equal to 10⁵ times the applicable quantities of appendix B to part 30. (For a combination of isotopes, if R, as defined in Sec. 70.25(a), divided by 10⁴ is greater than 1 but R divided by 10⁵ is less than or equal to 1.).....\$1,125,000</p> <p>Greater than 10³ but less than or equal to 10⁴ times the applicable quantities of appendix B to part 30. (For a combination of isotopes, if R, as defined in Sec. 70.25(a), divided by 10³ is greater than 1 but R divided by 10⁴ is less than or equal to 1.)..... \$225,000</p>

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			<p>(e) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. Cost estimates must be adjusted at intervals not to exceed 3 years. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.</p> <p>* * * * *</p>

Chronology of NRC Amendments

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767; 59 FR 65243; 60 FR 322; (1/1/98)	1995-1
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5

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Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535; (none)	1998-2
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1
Revision of the Skin Dose Limit-Part 20	67 FR 16298; 4/5/05	2002-1
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 4/24/05	2002-2
Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327 12/3/06	2003-1