

Questions on Withdrawal of Regulatory Guide 7.3, “Procedures for Picking Up and Receiving Packages of Radioactive Material”

(1) What did the regulatory guide support?

Regulatory Guide (RG) 7.3, “Procedures for Picking Up and Receiving Packages of Radioactive Material,” was published in May 1975 to provide guidance on meeting the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) 20.205, “Procedures for Picking Up, Receiving, and Opening Packages.” RG 7.3 provided guidance to licensees for making arrangements for receipt, pickup, and monitoring of packages containing radioactive material and reporting when packages received showed evidence of leakage or excessive radiation levels. The U.S. Nuclear Regulatory Commission (NRC) staff proposes to withdraw this regulatory guide because the information it contained has been incorporated into Revision 1 of RG 7.7, “Administrative Guide for Verifying Compliance with Packaging Requirements for Shipment and Receipt of Radioactive Material.”

(2) What was the purpose of the regulatory guide? (Discuss the why the regulatory guide was originally developed.)

Regulatory Guide 7.3 was issued in 1975 as part of an immediately effective rulemaking by the Atomic Energy Commission (AEC) on May 22, 1974. The rulemaking and guidance were issued in response to two incidents resulting in excessive contamination and radiation exposure from improperly packaged radioactive material. Since radioactive material shipments were new to the transportation community, the AEC developed new regulations in 10 CFR 20.205 and issued RG 7.3 to provide licensees with guidance and processes the NRC staff found to be an acceptable method of demonstrating compliance with the requirements in 10 CFR 20.205.

In the 37 years since RG 7.3 was issued, the transportation community has had extensive experience with the shipment of radioactive materials and the regulations in 10 CFR 20.205 have been replaced with new regulations in 10 CFR 20.1906, “Procedures for Receiving and Opening Packages” additionally, the U.S. Department of Transportation has issued its own guidance for transporting radioactive material. Regulatory guide 7.3 has not been updated and, in light of the new guidance provided in revision 1 of RG 7.7, the NRC staff recommends withdrawing this RG instead of revising it.

(3) How was the Regulatory Guide used?

The guidance in RG 7.3 describes NRC staff approved handling procedures for picking up and receiving packages of radioactive material.

(4) Why is the Regulatory Guide no longer needed? (Reference any document that supersedes the regulatory guide.)

The guidance currently in RG 7.3 has been incorporated into Revision 1 of RG 7.7, “Administrative Guide for Verifying Compliance with Packaging Requirements for Shipments of Radioactive Materials” which was finalized in March 2012 and announced in the *Federal Register* (77 FR 18871) on March 28, 2012.

(5) What guidance is available once the Regulatory Guide is removed?

The guidance currently in RG 7.3 is obsolete. New guidance has been published in Revision 1 of RG 7.7.

(6) What are the possible “ripple effects” on other documents? (Identify documents that could be affected by the withdrawal.)

NUREG/CR-4775, “Guide for Preparing Operating Procedures for Shipping Packages,” issued December 1988, contains one reference to RG 7.3. However, the NUREG contains other outdated information, including multiple references to 10 CFR 20.205, which also has been withdrawn.

NUREG-1556, “Consolidated Guidance about Materials Licenses,” Vol. 12, “Program-Specific Guidance About Possession Licenses for Manufacturing and Distribution,” issued December 2000, lists RG 7.3 as one of the documents considered in the development of the NUREG. The NUREG does not identify any additional use of RG 7.3.

No other documents could be found that reference RG 7.3.

(7) What is the basis for believing that no guidance similar to that in the Regulatory Guide will ever be needed? (Verify that no licensee would be adversely affected by the withdrawal of the regulatory guide.)

The guidance in RG 7.3 is outdated. Rather than revise RG 7.3, the current information was incorporated into Revision 1 of RG 7.7, making RG 7.3 superfluous. RG 7.7 was issued as final in March 2012.

(8) Will generic guidance still be needed?

Yes, guidance is still needed. The guidance in RG 7.3 is outdated. New guidance has been developed and incorporated into revision 1 of RG 7.7 which was issued in March 2012.

(9) What is the rationale for withdrawing this Regulatory Guide instead of revising it? (Verify that the methods/techniques presented in the guide no longer provide an acceptable approach or does not otherwise provide useful information.)

Regulatory Guide 7.3 was published in 1975. It contains outdated guidance. Newer, more current guidance has been developed and incorporated into RG 7.7 which was issued as final in March 2012.

(10) Is the Regulatory Guide referenced in other documents?

Yes. NUREG/CR-4775 contains one reference to RG 7.3. However, the NUREG contains other outdated information, including multiple references to 10 CFR 20.205, which also has been withdrawn.

NUREG-1556, Vol. 12, lists RG 7.3 as one of the documents considered in the development of the NUREG. The NUREG does not identify any additional use of RG 7.3.

No other documents could be found that reference RG 7.3.

(11) Do other agencies rely upon the Regulatory Guide, e.g., the Agreement States, National Aeronautical and Space Administration, Department of Energy?

No. The guidance in RG 7.3 was issued in 1975 and is outdated. The NRC staff is unaware of any other agency that uses or relies on this outdated guidance. Newer guidance that describes the current practices and more modern methods has been incorporated into Revision 1 of RG 7.7, which was issued as final in March 2012.