

# PUBLIC SUBMISSION

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**Docket:** NRC-2015-0182  
Financial Planning for Management of Radioactive Byproduct Material

**Comment On:** NRC-2015-0182-0001  
Financial Planning for Management of Radioactive Byproduct Material

**Document:** NRC-2015-0182-DRAFT-0002  
Comment on FR Doc # 2015-18891

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RULES AND DIRECTIVES  
ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

## Submitter Information

**Name:** Greg Lovato

## General Comment

See attached corrected comments from Nevada Division of Environmental Protection dated October 15, 2015. Please disregard comments associated with comment tracking number 1jz-8lp7-4cpd

## Attachments

NDEP NRC Financial Assurance 10-15-2015F

8/3/2015  
@FR 46057

(1)

SUNSI Review Complete

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Add= R. Whited (ARWT)

J. Stoffner (JAS11)



NEVADA DIVISION OF  
**ENVIRONMENTAL  
PROTECTION**

**STATE OF NEVADA**  
Department of Conservation & Natural Resources

Brian Sandoval, Governor  
Leo M. Drozdoff, P.E., Director  
David Emme, Administrator

October 15, 2015

Ms. Cindy Bladey  
Office of Administration  
Mail Stop: OWFN-12-H08  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: Docket ID NRC-2015-0182, August 3, 2015 Federal Register Notice  
Financial Planning for Management of Radioactive Byproduct Material**

Dear Ms. Bladey:

Under agreement with the US Department of Energy (DOE), the Nevada Division of Environmental Protection (NDEP) provides oversight of low level radioactive waste disposal at the Nevada National Security Site (NNSS) (formerly the Nevada Test Site) located in Nye County, Nevada. We are writing to support the placement of effective financial assurance requirements on generators of sealed sources, including those containing cobalt-60 and cesium-137.

Nevada plays an important role in supporting national security and environmental protection efforts related to the management of sealed sources. This includes disused sealed sources collected by the DOE Offsite Source Recovery Project within the National Nuclear Security Administration Office of Radiological Security. Our work includes coordination of transportation planning with DOE and local governments, as well as technical review of waste profile information for sealed sources designated for disposal at NNSS.

While we recognize the need to manage existing orphan sealed sources in a safe and secure manner, we believe that reasonable steps should be taken to reduce or eliminate generation of sealed sources. These reductions will in turn reduce environmental and human health risk associated with sealed source transportation and disposal in the United States. Requiring the user community to bear the cost of financial assurance for packaging, transport, and disposal is likely to both reduce the generation of disused sealed sources and make the cost of sealed sources more comparable to non-radiosiotopic alternative technologies. Additionally, financial assurance requirements will increase the availability of commercial disposal options, thereby reducing the need for use of the NNSS in Nevada as a default location for disposal of sealed sources containing cobalt-60 and cesium-137.

Ms. Cindy Bladley  
October 15, 2015  
Page 2 of 3

Nevada also participates in the Low-Level Radioactive Waste Forum (LLRWF). The LLRWF Disused Sources Working Group (DSWG) produced a March 2014 Report on disused sources (<http://www.disusedsources.org/wp-content/uploads/2014/12/DSWG-Report-March-2014.pdf>). Among the significant findings presented in that Report, the DSWG determined that:

*"[t]he economics of sealed sources possession do not motivate licensees to plan or budget for the management and disposal of sources they possess or plan to purchase...Current NRC financial assurance requirements for sealed sources – including those for Category 1 and 2 sources – do not reflect the full cost of packaging, transport and disposal."*

NDEP concurs with recommendation 7 contained in the Report:

*"[t]o encourage timely disposal, the NRC should develop robust financial assurance requirements for all licensees with sources that pose a threat to national security (Categories 1 through 3). The financial assurance requirements should be adequate to cover the entire cost of packaging, transport, and disposal."*

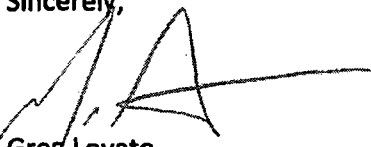
Regarding the specific eight questions identified by NRC staff in the Request for Comments, we would like to offer comments regarding questions 3 and 5.

Question 3 regards timeliness in declaring disused sources, noting that NRC does not require licensees to declare licensed sources as disused. Such a requirement might help motivate licensees to plan in advance for the eventual disposal of disused sources, as recommended by DSWG. The NRC financial scoping study should evaluate the effectiveness and financial impacts of the two year period suggested by NRC staff.

Question 5 regards compatibility with Agreement State requirements. NRC staff should directly contact each individual Agreement State regulator, and request their views regarding any decision to proceed to rulemaking, and their views regarding impacts on Agreement States and establishment of compatibility levels.

NDEP appreciates the opportunity to provide comment on this important rulemaking effort. Please contact me at [glovato@ndep.nv.gov](mailto:glovato@ndep.nv.gov) or 775-687-9373 to discuss this matter further.

Sincerely,



Greg Lovato  
Deputy Administrator

**Ms. Cindy Bladley**  
**October 15, 2015**  
**Page 3 of 3**

**ec:**

**Scott Wade, Assistant Manager EM, NNSA Nevada Field Office**  
**Leo Drozdoff, Director, NV Department of Conservation and Natural Resources**  
**Dave Emme, Administrator, NDEP**  
**Chris Andres, Chief, Bureau of Federal Facilities, NDEP**  
**Robert Halstead, Executive Director, Nevada Agency for Nuclear Projects**  
**Cody Phinney, Administrator, Nevada Division of Public and Behavioral Health**