

NRC Byproduct Material Financial Assurance Update

**March 10, 2017
Phoenix, AZ**

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Objective

- Provide background on NRC's byproduct material financial assurance effort
- Summarize the results of a 2016 scoping study and subsequent rulemaking plan
- Discuss next steps



Background

- NRC's regulatory threshold in 10 CFR 30.35 for providing decommissioning financial assurance is higher than most Category 1 and 2 radioactive sealed sources (RSSs)
- For sources below the threshold, there is no requirement for financial assurance for decommissioning or end-of-life financial planning
- This does not relieve the licensee from the responsibility of proper end-of-life management
- Financial burden may be significant

Recent History

- Tasking to complete scoping effort arose from a September 2014 Commission briefing on radioactive waste issues
- Staff stressed the timeliness of completing the byproduct material scoping study citing:
 - March 2014 Report by the LLW Forum Disused Sources Working Group
 - August 2014 Radiation Source Protection and Security Task Force Report
- Resulting Staff Requirements Memorandum (SRM-M140918) directed staff to provide “...results of the *byproduct financial scoping study and recommendations on next steps*”

Scoping Study

- Federal Register Notice announcing the scoping study issued in August 2015.
- Purpose was to determine if additional financial planning requirements for some radioactive byproduct material, particularly RSSs, are needed.
- Public meeting and webinar held at NRC headquarters in October 2015.
- Scoping study is documented in SECY-16-0046 (ADAMS Accession No. ML16067A367) dated April 7, 2016.

Scoping Study Contents

- The NRC staff reviewed current regulations and guidance, relevant internal and external reports, and stakeholder feedback in areas such as:
 - Financial assurance methods and funding mechanisms
 - Consideration of disposition paths other than disposal
 - Compatibility with Agreement State requirements
- The NRC staff considered other relevant domestic and international activities such as:
 - RSS collection and management/disposal programs operated by DOE/NNSA and CRCPCD
 - Availability of disposal capacity and Type B containers
 - NRC's revised branch technical position on concentration averaging

Scoping Study Results

- The NRC staff recommended rulemaking to expand the financial assurance requirements in 10 CFR 30.35 to include all byproduct material Category 1 and 2 RSSs tracked in the National Source Tracking System
- This recommendation focuses on RSSs with the highest risk significance. Staff believes these additional requirements:
 - Should reduce the likelihood that some licensees will be unprepared for disposition costs
 - May help reduce the use of long-term storage as a management option consistent with Commission policy favoring disposal over storage
 - Would ensure that the full cost of using these RSSs is appropriately considered by licensees

Rulemaking Plan

- The NRC staff prepared a rulemaking plan SECY paper to further evaluate potential changes to 10 CFR 30.35, as required by SRM-SECY-15-0129, “Commission Involvement in Early Stages of Rulemaking”
- This plan is documented in SECY-16-0115 (ADAMS Accession No. ML16200A223) dated October 7, 2016.

Rulemaking Plan Contents

- Description and scope
- Estimated schedule for rulemaking
- Preliminary priority
- Relationship to the NRC's Strategic Plan
- Cost and benefits
- Agreement State considerations
- Staff recommendation

Rulemaking Plan Results

- The NRC staff concluded that the proposed rulemaking:
 - is the most effective way to ensure that adequate financial resources are available to disposition Category 1 and 2 byproduct material RSSs
 - would be a high priority based on its contribution to NRC Safety and Security Goals
 - would improve the effectiveness of the regulatory framework
 - would address issues identified by several internal and external groups
- The NRC staff recommended that the Commission approve the initiation of rulemaking to expand the financial assurance requirements in 10 CFR 30.35

Path Forward

- The Commission will decide whether to approve the staff's recommendation to initiate rulemaking after reviewing the rulemaking plan SECY paper
- If approved, staff will initiate work on the technical basis for the rulemaking based on available resources



Questions?

