



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 8, 2021

SECRETARY

MEMORANDUM TO: Daniel H. Dorman
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-16-0115 – RULEMAKING PLAN
ON FINANCIAL ASSURANCE FOR DISPOSITION OF
CATEGORY 1 AND 2 BYPRODUCT MATERIAL RADIOACTIVE
SEALED SOURCES

The Commission has approved the staff's recommendation to initiate a rulemaking to expand the NRC's financial assurance requirements in Title 10 of the *Code of Federal Regulations* 30.35, "Financial Assurance and Recordkeeping for Decommissioning," to require financial assurance for disposition of Category 1 and 2 byproduct material Radioactive Sealed Sources (RSS) tracked in the National Source Tracking System.

In SECY-16-0115, the staff noted that the proposed rulemaking would result in increased regulatory costs, and its implementation would require additional NRC and Agreement State resources. Also, increased regulatory costs could potentially affect beneficial uses of radioactive material. Therefore, the staff should carefully explore options to mitigate potential adverse impacts on existing and future licensees, particularly medical users, and those who benefit from the use of these radioactive materials.

As part of this rulemaking, the staff should consider and seek public comment on whether financial assurance requirements should also be extended to Category 3 sources.

The staff should develop a risk-informed basis for establishing financial assurance for the disposition of RSS. The staff should seek public comment when developing this basis and consider factors such as the overall risk and total cost of disposal when determining the appropriate requirements.

cc: Chairman Hanson
Commissioner Baran
Commissioner Wright
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP
PDR