

U.S. Nuclear Regulatory Commission (NRC)
Advisory Committee on the Medical Uses of Isotopes (ACMUI)

Final Report

Subcommittee Review and Comments on
Financial Assurance Requirements for Disposition of Category 1–3 Byproduct Material
Radioactive Sealed Sources

Submitted: September 10, 2024

Subcommittee Membership

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Charge

On April 8, 2024, the ACMUI Chair created a subcommittee to update the regulations in 10 CFR 30.35 that deal with financial assurance for Category 1 and Category 2 material. The Financial Assurance Requirements for Disposition of Category 1–3 Byproduct Material Radioactive Sealed Sources subcommittee's charge is to review and comment on the NRC staff's regulatory basis document. A joint NRC / Agreement State working group has drafted this document in accordance with Commission Direction.

Background

The U.S. Nuclear Regulatory Commission (NRC) is considering revising the requirements in Title 10 of the Code of Federal Regulations (10 CFR) 30.35, "Financial Assurance and Recordkeeping for Decommissioning." The rulemaking would establish new decommissioning financial assurance (DFA) requirements for the disposition of Category 1–3 byproduct material radioactive sealed sources (RSSs).

The NRC's regulations in 10 CFR 30.35 require a fixed dollar amount of financial assurance or a decommissioning funding plan (DFP) for licensees possessing byproduct material with a half-life greater than 120 days and at activity levels above certain thresholds. However, the thresholds for sealed byproduct material are such that many licensees possessing Category 1–3 byproduct material RSSs are not required to provide financial assurance for decommissioning.

The Commission approved initiation of this rulemaking in Staff Requirements Memorandum (SRM) SECY-16-0115, "Staff Requirements - SECY-16-0115—Rulemaking Plan on Financial Assurance for Disposition of Category 1 and 2 Byproduct Material Radioactive Sealed Sources,"

dated December 8, 2021. The next step in the NRC's rulemaking process is the development of a regulatory basis that serves as a precursor to the proposed rule. This regulatory basis document summarizes the current regulatory framework, describes the regulatory issues, and evaluates alternatives for establishing financial assurance requirements. This regulatory basis also includes a cost benefit analysis that considers impacts to the NRC, Agreement States, and industry (i.e., licensees) for each alternative.

General Comments:

1. The general opinion of the subcommittee members was that the regulatory basis document was well developed, and effectively outlined the regulatory alternatives.
2. The subcommittee supports the recommendation that the agency conduct rulemaking as described in Alternative 6b of this regulatory basis.
3. A historical review of how financial assurance requirements have changed prior to the current regulations in place.
4. A table of examples would be helpful to licensees and regulators.

Specific Comments on the Regulatory Basis Document:

1. A definition should be provided for a "self shielded irradiator"

Respectfully submitted on August 8th, 2024,
Subcommittee on Financial Assurance Requirements for Disposition of Category 1–3 Byproduct Material Radioactive Sealed Sources
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The ACMUI unanimously approved this report as presented during its public meeting on August 29, 2024.