

DISUSED SOURCES WORKING GROUP

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May 22, 2017

Kristine L. Svinicki
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Jeff Baran
Commissioner
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Stephen G. Burns
Commissioner
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Svinicki, Commissioner Baran and Commissioner Burns:

As you may be aware, the Disused Sources Working Group (DSWG) of the Low-Level Radioactive Waste Forum (LLW Forum) and our organizational liaisons—including the Conference of Radiation Control Program Directors (CRCPD), the Health Physics Society (HPS) and the Organization of Agreement States (OAS)—have been working together to explore issues associated with the proper management and disposition of radioactive sealed sources and devices.

After careful review and deliberation, we are pleased to jointly submit this letter to support the recommendation by U.S. Nuclear Regulatory Commission (NRC) staff as contained in SECY-16-0115 (ADAMS Accession No. ML16200A223) dated October 7, 2016 to proceed with rulemaking to expand the financial assurance requirements in 10 CFR 30.35 to include all byproduct material Category 1 and 2 radioactive sealed sources (RSSs) that are tracked in the National Source Tracking System (NSTS).

We agree with the NRC staff's conclusion this is an important issue that merits further consideration that should be appropriately explored with all interested stakeholders as part of the rulemaking process.

Chairman Kristine L. Svinicki
Commissioner Jeff Baran
Commissioner Stephen G. Burns
May 22, 2017
Page Two

Background

The purpose of the proposed rulemaking is to broaden and strengthen the current financial planning and the financial assurance regulations. 10 CFR 30.35 currently requires a fixed dollar amount of \$113,000 for financial assurance or a Decommissioning Funding Plan (DFP) for RSS licensees possessing byproduct material with a half-life greater than 120 days and at activity levels above certain thresholds.

The activity thresholds for RSSs are set at such a high level that most licensees possessing Category 1 and 2 RSSs are exempt from the financial assurance or the DFP requirements. Additionally, where financial assurance is required in 10 CFR 30.35, it is mainly focused on decommissioning of the site, not on the actual costs associated with the end-of-life management of disused RSSs. In practice, however, RSS disposition costs can be significant when you factor in the associated cost for long-term management, storage, conditioning, packaging, transportation, and disposition/disposal.

The proposed rulemaking would explore whether changes to 10 CFR 30.35 are necessary to ensure RSS licensees have planned appropriately and set aside adequate financial assurance to cover all costs associated with the disposition of RSSs.

Proposed Rulemaking

In SECY-16-0115, NRC staff determined 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; and,
- 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. Alternatives to rulemaking and the specifics of the rule would be explored as part of the rulemaking process with input from all interested stakeholders.

Chairman Kristine L. Svinicki
Commissioner Jeff Baran
Commissioner Stephen G. Burns
May 22, 2017
Page Three

On behalf of the CRCPD, DSWG, HPS and OAS, we support the NRC staff recommendation contained in SECY-16-0115 and request that the Commission work closely with the Agreement States and other interested stakeholders to achieve a satisfactory resolution to financial assurance requirements for Category 1 and 2 RSSs.

If you have questions or require additional information, please contact DSWG Project Director Todd D. Lovinger, Esq. at (754) 779-7551 or at LLWForumInc@aol.com.

Thank you in advance for your consideration of this request.


Sincerely,



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Chair
Disused Sources Working Group
Assistant Director
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Conference of Radiation Control
Program Directors
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