

**RESPONSES TO
ALL AGREEMENT STATES LETTER
FSME-06-111**

ALABAMA		X
ARIZONA		X
ARKANSAS		X
CALIFORNIA		X
COLORADO		X
FLORIDA		X
GEORGIA	X 2/21/2007	
IOWA		X
ILLINOIS	X 1/5/2007	
KANSAS		X
KENTUCKY		X
LOUISIANA	X 12/15/2006	
MAINE		X
MARYLAND		X
MASSACHUSETTS	X 12/18/2006	
MINNESOTA		X
MISSISSIPPI		X
NEBRASKA	X 1/10/2007	
NEVADA		X
NEW HAMPSHIRE	X 2/20/2007	
*NEW JERSEY		X
NEW MEXICO	X 12/21/2006	
NYS DOH		X
NY DOL		X
NY DEC	X 2/20/2007	
NYC DOH	X 2/16/2007	
NORTH CAROLINA	X 1/5/2007	
NORTH DAKOTA		X
OHIO	X 1/10/2007	
OKLAHOMA	X 12/19/2006	
OREGON	X 2/20/2007	
*PENNSYLVANIA		X
RHODE ISLAND		X
SOUTH CAROLINA		X
TENNESSEE	X 1/22/2007	
TEXAS		X
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION		X
UTAH	X 2/16/2007	
*VIRGINIA		X
WASHINGTON	X 1/10/2007	
WISCONSIN	X 2/20/2007	



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

December 13, 2006

ALL AGREEMENT STATES, NEW JERSEY, PENNSYLVANIA, VIRGINIA

**INFORMATION REQUEST: STATES USE OF ESCROW ACCOUNTS OR GUARANTEES
AS MECHANISMS FOR DECOMMISSIONING FINANCIAL ASSURANCE (FSME-06- 111)**

As stated in the September 18, 2006, All Agreement States Letter STP-06-087, the United States Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to reduce the likelihood that a licensee will have insufficient funds to decommission its facility in accordance with 10 CFR 20, Subpart E, Radiological Criteria for License Termination. A regulatory change under consideration is to eliminate the escrow account as an approved financial assurance mechanism, and to require collateral for the unsecured Parent Company Guarantee and the unsecured Self-Guarantee financial assurance mechanisms. Reliance on these financial assurance mechanisms without regulatory change may increase the likelihood of future legacy sites due to the mechanisms ineffectiveness in bankruptcy actions.

At this time the License Termination Rule (LTR)-Prevention of Future Legacy Sites Working Group (WG) is in the process of completing the technical basis for this proposed rule. In order to complete this task, the WG is requesting the Agreement States to provide information on the use of the escrow account, Parent Guarantee, and Self-Guarantee as decommissioning financial assurance mechanisms in each State, whether these mechanisms are being used by the States, and the approximate total dollar value of each mechanism within those States.

This information should be provided to Kevin O'Sullivan, FSME/DILR, within 30 days of the date of this letter. Mr. O'Sullivan can be reached at 301-415-8112, or at e-mail: KRO2@NRC.GOV.

If you have any questions regarding this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Osiris Siurano
TELEPHONE: (301) 415-2307

INTERNET: OSP@NRC.GOV
FAX: (301) 415-3502

/RA/

Dennis K. Rathbun, Director
Division of Intergovernmental Liaison and Rulemaking
Office of Federal and State Materials and
Environmental Management Programs

This information request has been approved by OMB 3150-0029, expiration 06/30/07. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

LS 12/15/06
MA 12/18
OK 12/19
TX 12/21
NC 1/5/07
IL 1/5
NE 1/10
OH 1/10
WA 1/10
NYC 2/16
UT 2/16
TN 1/22
WI 2/19
OR 2/20
NM 3/6/07
AZ 2/22/07

Kevin O'Sullivan - FSME-06-111

From: "Ann Troxler" <Ann.Troxler@LA.GOV>
To: <KRO2@NRC.GOV>
Date: 12/15/2006 12:11 PM
Subject: FSME-06-111
CC: "Richard Penrod" <Richard.Penrod@LA.GOV>, "Brad Schexnayder" <Brad.Schexnayder@LA.GOV>, "Karen "Antie" Ratcliff" <Karen.Ratcliff@LA.GOV>, "Jeff Meyers" <Jeff.Meyers@LA.GOV>

Louisiana does not use escrow accounts nor Self-Guarantees as a way of submitting Financial Assurance in Louisiana. They are not mentioned in our regulations.

Thanks

Ann M. Troxler
Environmental Scientist Manager
Emergency and Radiological Services Division
Surveillance-Enforcement-Licensing

225-219-3634
225-219-3154 FAX

Mail Envelope Properties (4582D72F.A6B : 8 : 10859)

Subject: FSME-06-111
Creation Date Fri, Dec 15, 2006 12:10 PM
From: "Ann Troxler" <Ann.Troxler@LA.GOV>

Created By: Ann.Troxler@LA.GOV

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

LA.GOV

Jeff.Meyers CC (Jeff Meyers)

Karen.Ratcliff CC (Karen Antie Ratcliff)

Brad.Schexnayder CC (Brad Schexnayder)

Richard.Penrod CC (Richard Penrod)

Post Office**Route**

nrc.gov

LA.GOV

Files**Size****Date & Time**

MESSAGE

328

Friday, December 15, 2006 12:10 PM

TEXT.htm

1163

Mime.822

3823

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled
Block List is not enabled

From: "Barbara Youngberg" <bayoungb@gw.dec.state.ny.us>
To: <kro2@nrc.gov>
Date: Tue, Feb 20, 2007 11:15 AM
Subject: Agreement States letter FSME-06-111

The following is our response to FSME-06-111, INFORMATION REQUEST: STATES USE OF ESCROW ACCOUNTS OR GUARANTEES AS MECHANISMS FOR DECOMMISSIONING FINANCIAL ASSURANCE.

New York's Agreement State Program is divided among the State Department of Health, the New York City Department of Health and Mental Hygiene, and the State Department of Environmental Conservation (DEC). DEC does not issue radioactive materials licenses, but our agency does require financial assurance for hazardous waste facilities, under RCRA.

The New York State DEC's hazardous waste program does not use the escrow account as a financial assurance mechanism. We do use the financial test and corporate guarantee; however, we have no collateral requirement for either. Instead, the company or the guarantor must pass the financial test. We have been generally satisfied with the reliability of these mechanisms.

The approximate dollar value for the financial assurance we hold through the financial test is \$267,044,230, and through corporate guarantee, \$84,308,170.

If you have any questions, please contact me.

Barbara Youngberg
Chief, Radiation Section
New York State Department of Environmental Conservation
518-402-8572

CC: "Gene Miskin" <GMiskin@health.nyc.gov>, "Steve Gavitt" <smg03@health.state.ny.us>, "Alyse Petersen" <alp@nyserda.org>

Mail Envelope Properties (45DB1E80.302 : 0 : 58114)

Subject: Agreement States letter FSME-06-111
Creation Date Tue, Feb 20, 2007 11:14 AM
From: "Barbara Youngberg" <bayoungb@gw.dec.state.ny.us>
Created By: bayoungb@gw.dec.state.ny.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

nyserda.org

alp CC (Alyse Petersen)

health.state.ny.us

smg03 CC (Steve Gavitt)

health.nyc.gov

GMiskin CC (Gene Miskin)

Post Office**Route**

nrc.gov

nyserda.org

health.state.ny.us

health.nyc.gov

Files

MESSAGE

Mime.822

Size

1210

2643

Date & Time

Tuesday, February 20, 2007 11:14 AM

Options**Expiration Date:**

None

Priority:

Standard

ReplyRequested:

No

Return Notification:

None

Concealed Subject:

No

Security:

Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

Kevin O'Sullivan - Oklahoma response to FSME-06-111

From: "Broderick, Mike" <Mike.Broderick@deq.state.ok.us>
To: "Linda McLean" <MLM1@nrc.gov>, <kro2@nrc.gov>
Date: 12/19/2006 3:20 PM
Subject: Oklahoma response to FSME-06-111

Oklahoma has no licensees using escrow accounts, parent guarantees, or self-guarantees as decommissioning financial assurance mechanisms.

Mike Broderick
Oklahoma DEQ

Mail Envelope Properties (45884994.2C6 : 12 : 8902)

Subject: Oklahoma response to FSME-06-111
Creation Date Tue, Dec 19, 2006 3:20 PM
From: "Broderick, Mike" <Mike.Broderick@deq.state.ok.us>

Created By: Mike.Broderick@deq.state.ok.us

Recipients

nrc.gov

MLM1 (Linda McLean)

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office**Route**

nrc.gov

nrc.gov

Files	Size	Date & Time
MESSAGE	173	Tuesday, December 19, 2006 3:20 PM
TEXT.htm	2125	
Mime.822	4086	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: "Carpenito, Anthony (DPH)" <Anthony.Carpenito@state.ma.us>
To: <KRO2@nrc.gov>
Date: Mon, Dec 18, 2006 10:54 AM
Subject: RE: FSME-06-111 Information Request

Kevin O'Sullivan
FSME/DILR
301-415-8112
KRO2@NRC.GOV

Dear Mr. O'Sullivan,

This is in response to Information Request : States Use of Escrow Accounts or Guarantees as Mechanisms for Decommissioning Financial Assurance (FSME-06-111) dated December 13, 2006.

The Commonwealth of Massachusetts does allow the use of Escrow Accounts, Parent Guarantees and Self-Guarantees as decommissioning financial assurance mechanisms by its radioactive materials licensees.

Currently, our database indicates there are eleven (11) licensees using the escrow option, two (2) licensees using the parent guarantee, and three (3) licensees are self-guaranteed.

The eleven escrow accounts range from \$150,000 to \$15,000,000 and total \$19,650,000.

The two parent guarantees are \$225,000 and \$24,591,000 which total \$24,816,000.

All three self-guarantees are for \$750,000 to total \$2,250,000.

The total dollar value of all three types of decommissioning financial assurance mechanisms is \$46,716,000.

Please contact the undersigned if there any questions regarding the submitted information.

Sincerely,

Tony Carpenito
MA Radiation Control Program
T: 617-242-3035 x 2024
F: 617-242-3457
Anthony.Carpenito@state.ma.us

CC: "Traegde, Kenath (DPH)" <Kenath.Traegde@state.ma.us>, "Walker, Bob (DPH)" <Bob.Walker@state.ma.us>, "Dakubu, Salifu (DPH)" <Salifu.Dakubu@state.ma.us>, "Gallagher, Robert (DPH)" <Robert.Gallagher@state.ma.us>

Mail Envelope Properties (4586B99C.F62 : 1 : 40802)

Subject: RE: FSME-06-111 Information Request
Creation Date Mon, Dec 18, 2006 10:55 AM
From: "Carpenito, Anthony (DPH)" <Anthony.Carpenito@state.ma.us>
Created By: Anthony.Carpenito@state.ma.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

state.ma.us

Robert.Gallagher CC (Robert (DPH) Gallagher)

Salifu.Dakubu CC (Salifu (DPH) Dakubu)

Bob.Walker CC (Bob (DPH) Walker)

Kenath.Traegde CC (Kenath (DPH) Traegde)

Post Office**Route**

nrc.gov

state.ma.us

Files	Size	Date & Time
MESSAGE	1209	Monday, December 18, 2006 10:55 AM
Mime.822	3690	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled

Block List is not enabled

Kevin O'Sullivan - UPDATED: Ohio's Response to FSME-06-111

From: "Chuck McCracken" <Chuck.McCracken@odh.ohio.gov>
To: <KRO2@NRC.GOV>
Date: 01/12/2007 8:00 AM
Subject: UPDATED: Ohio's Response to FSME-06-111

UPDATED INFO BELOW.

From: Chuck McCracken
Sent: Wednesday, January 10, 2007 2:55 PM
To: 'KRO2@NRC.GOV'
Cc: Marcia Howard
Subject: Ohio's Response to FSME-06-111
Importance: High

01.10.06

Kevin:

In response to FSME-06-111, ODH offers the following responses:

- (1) Current Ohio Department of Health rules do permit licensees to use the **escrow account**, the **parent guarantee**, and the **self-guarantee** mechanisms to establish and maintain decommissioning financial assurance.
- (2) The breakdown in total dollars for each of these mechanisms currently in use is:

Escrow Account	\$ 2,500.00	1 licensee
Parent Guarantee	\$ 250,000.00	1 licensee
Self Guarantee	\$ 42,698,302.00	TOTAL of 10 licensees included in this category

[PLUS: We have 4 State Colleges that have submitted Self-Guarantees that do specifically state an estimated \$ amount. They just commit to funding the clean up and back it up with a sworn statement.]

If you have any other questions, I can be contacted at 614.466.5136.

Thanks,

Chuck McCracken, Supervisor
 Ohio Department of Health,
 Bureau of Radiation Protection,
 Nuclear Materials Safety Section,
 Decommissioning, Waste & Safeguards

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Mail Envelope Properties (45A78646.49B : 12 : 33947)

Subject: UPDATED: Ohio's Response to FSME-06-111
Creation Date Fri, Jan 12, 2007 7:59 AM
From: "Chuck McCracken" <Chuck.McCracken@odh.ohio.gov>

Created By: Chuck.McCracken@odh.ohio.gov

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office**Route**

nrc.gov

Files	Size	Date & Time
MESSAGE	1323	Friday, January 12, 2007 7:59 AM
TEXT.htm	11263	
Mime.822	15352	

Options

Expiration Date: None
Priority: High
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

Kevin O'Sullivan - Ohio's Response to FSME-06-111

From: "Chuck McCracken" <Chuck.McCracken@odh.ohio.gov>
To: <KRO2@NRC.GOV>
Date: 01/10/2007 2:55 PM
Subject: Ohio's Response to FSME-06-111
CC: "Marcia Howard" <Marcia.Howard@odh.ohio.gov>

01.10.06

Kevin:

In response to FSME-06-111, ODH offers the following responses:

- (1) Current Ohio Department of Health rules do permit licensees to use the **escrow account**, the **parent guarantee**, and the **self-guarantee** mechanisms to establish and maintain decommissioning financial assurance.
- (2) The breakdown in total dollars for each of these mechanisms currently in use is:

Escrow Account	\$	2,500.00
Parent Guarantee	\$	250,000.00
Self Guarantee	\$	42,698,302.00

If you have any other questions, I can be contacted at 614.466.5136.

Thanks,

Chuck McCracken, Supervisor
Ohio Department of Health,
Bureau of Radiation Protection,
Nuclear Materials Safety Section,
Decommissioning, Waste & Safeguards

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Mail Envelope Properties (45A54497.A6E : 18 : 60014)

Subject: Ohio's Response to FSME-06-111
Creation Date Wed, Jan 10, 2007 2:55 PM
From: "Chuck McCracken" <Chuck.McCracken@odh.ohio.gov>

Created By: Chuck.McCracken@odh.ohio.gov

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

odh.ohio.gov

Marcia.Howard CC (Marcia Howard)

Post Office**Route**

nrc.gov

odh.ohio.gov

Files**Size****Date & Time**

MESSAGE

798

Wednesday, January 10, 2007 2:55 PM

TEXT.htm

7289

Mime.822

10663

Options

Expiration Date:

None

Priority:

High

ReplyRequested:

No

Return Notification:

None

Concealed Subject:

No

Security:

Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

Kevin O'Sullivan - Reply to FSME-06-111

From: "Craig Jones" <cwjones@utah.gov>
To: <kro2@nrc.gov>
Date: 02/16/2007 12:03 PM
Subject: Reply to FSME-06-111
CC: "Dane Finerfrock" <DFINERFROCK@utah.gov>, "John Hultquist" <JHULTQUIST@utah.gov>, "Loren Morton" <LMORTON@utah.gov>

Hi Mr. O'Sullivan,

I am replying on behalf of the Utah Division of Radiation Control to a request for information. The request deals with States use of Escrow Accounts or Guarantees as Mechanisms for Decommissioning Financial Assurance (FSME-06-111). Here is the information you need from us:

Escrow Account This financial assurance mechanism is available for Utah licensees. There are currently 3 licensees using this mechanism. The approximate total dollar amount is \$174,000.

Parent Guarantee This financial assurance mechanism is available for Utah licensees. There are no licensees using this mechanism.

Self-Guarantee This financial assurance mechanism is available for Utah licensees. There are no licensees using this mechanism.

If you have questions about this information, you may telephone me at (801) 536-4250.

Craig Jones, Program Manager
Utah Division of Radiation Control

Mail Envelope Properties (45D5E3E4.348 : 10 : 17224)

Subject: Reply to FSME-06-111
Creation Date Fri, Feb 16, 2007 12:02 PM
From: "Craig Jones" <cwjones@utah.gov>

Created By: cwjones@utah.gov

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

utah.gov

LMORTON CC (Loren Morton)

JHULTQUIST CC (John Hultquist)

DFINERFROCK CC (Dane Finerfrock)

Post Office**Route**

nrc.gov

utah.gov

Files	Size	Date & Time
MESSAGE	917	Friday, February 16, 2007 12:02 PM
TEXT.htm	1456	
Mime.822	3894	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled

Block List is not enabled

From: "Cynthia Sanders" <CSanders@dnr.state.ga.us>
To: <KRO2@NRC.Gov>, "Osiris Siurano-Perez" <OSP@nrc.gov>
Date: Wed, Feb 21, 2007 3:43 PM
Subject: Re: All AS Letter FSME-06-111, December 13, 2006

The following is the state of Georgia response to FSME-06-111.

The following licensees have filed Self-Guarantee, Letter of Credit:

1. JM Huber Corporation for \$2,250,000
2. Unitech Services Group, Inc. for \$644,541
3. Imerys USA, Inc., for \$853,230
4. Emory University for \$750,000
5. Theragenics Corporation for \$735,000
6. Nuclear Technology Services for \$5,000

The following licensee has filed a Self-Guarantee, CD:

1. Analytics, Inc. for \$22,036.64

Please let me know if you need anything further.

Cynthia Sanders
Program Manager
Georgia Radioactive Materials Program

>>> "Osiris Siurano-Perez" <OSP@nrc.gov> 02/15/07 2:55 PM >>>
** High Priority **

Hi!

This is a reminder regarding all Agreement States letter FSME-06-111,
INFORMATION REQUEST: STATES USE OF ESCROW ACCOUNTS OR GUARANTEES AS
MECHANISMS FOR DECOMMISSIONING FINANCIAL ASSURANCE, dated December 13,
2006.

You are receiving this e-mail because we have not received a response
from your state on this information request.

If you have planned to provide a response please provide it as soon as
possible. The information you provide is very important for
completing
the technical basis for this proposed rule. Please provide your
response to Mr. Kevin O'Sullivan, FSME/DILR/RBA, at KRO2@NRC.GOV.

The all AS letter can be accessed at
<http://nrc-stp.ornl.gov/asletters/other/sp06111.pdf>

Please contact me if you have any questions.

Thanks.

Osiris Siurano
Health Physicist
FSME/DILR/RBA

CC: "Cynthia Sanders" <CSanders@dnr.state.ga.us>

Mail Envelope Properties (45DCAEF8.700 : 15 : 26368)

Subject: Re: All AS Letter FSME-06-111, December 13, 2006
Creation Date Wed, Feb 21, 2007 3:42 PM
From: "Cynthia Sanders" <CSanders@dnr.state.ga.us>

Created By: CSanders@dnr.state.ga.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

OSP (Osiris Siurano-Perez)

dnr.state.ga.us

CSanders CC (Cynthia Sanders)

Post Office**Route**

nrc.gov

dnr.state.ga.us

Files	Size	Date & Time
MESSAGE	1474	Wednesday, February 21, 2007 3:42 PM
Mime.822	3020	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

Kevin O'Sullivan - Agreement states letter FSME-06-111

From: "Dan Hayes" <Dhayes@health.nyc.gov>
To: <KRO2@NRC.GOV>
Date: 02/16/2007 10:37 AM
Subject: Agreement states letter FSME-06-111

Dear Mr. O'Sullivan:

The New York City Department of Health & Mental Hygiene is the Agreement State for New York City.

In response to "Information Request: States Use of Escrow Accounts or Guarantees as Mechanisms for Decommissioning Financial Assurance (FSME-06-111)," the following information is being supplied for our jurisdiction:

Escrow Accounts: None in our jurisdiction.

Parent Company Guarantees (unsecured): One (1) in our jurisdiction in the amount 750 Thousand Dollars.

Self-Guarantees (unsecured): Five (5) in our jurisdiction. Total values: 2.55 Million Dollars. There are three (3) Self-Guarantees for 750 Thousand Dollars apiece, and two (2) Self-Guarantees for 150 Thousand Dollars apiece.

I am given to understand that "unsecured" means that no collateral was supplied.

Sincerely,

Daniel P. Hayes
Scientist
Radioactive Materials Division
Office of Radiological Health
New York City Department of Health & Mental Hygiene
2 Lafayette Street
New York, NY 10007

The New York City Department of Health & Mental Hygiene is now offering information important for the health of all New Yorkers. To sign up for these new and valuable updates, log-on to our website at <http://www.nyc.gov/health/email> and select the NYC DOHMH updates you'd like to receive.

IMPORTANT NOTICE: This email is meant only for the use of the intended recipient. It may contain confidential information that is legally privileged or otherwise protected by law. If you have received this communication in error, please notify me immediately by replying to this message and please delete it from your computer. Thank you for your cooperation.

Mail Envelope Properties (45D5CFA3.B03 : 18 : 15107)

Subject: Agreement states letter FSME-06-111
Creation Date Fri, Feb 16, 2007 10:36 AM
From: "Dan Hayes" <Dhayes@health.nyc.gov>

Created By: Dhayes@health.nyc.gov

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office**Route**

nrc.gov

Files	Size	Date & Time
MESSAGE	1759	Friday, February 16, 2007 10:36 AM
TEXT.htm	8009	
Mime.822	12973	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

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This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: "Eddie Nanney" <Eddie.Nanney@state.tn.us>
To: "Kevin O'Sullivan" <KRO2@nrc.gov>, "Osiris Siurano-Perez" <OSP@nrc.gov>
Date: Fri, Feb 16, 2007 4:32 PM
Subject: Re: All AS Letter FSME-06-111, December 13, 2006

Osiris, Kevin,

I have attached the reply I received from Kevin, which contains TN's response and his acknowledgment of its receipt. I hope this will resolve any questions regarding this issue.

Regards,
Lawrence E. Nanney, Director
Division of Radiological Health
Tennessee Department of Environment and Conservation
615-532-0360
Eddie.Nanney@state.tn.us

>>> "Osiris Siurano-Perez" <OSP@nrc.gov> 02/15/07 1:55 PM >>>
** High Priority **

Hi!

This is a reminder regarding all Agreement States letter FSME-06-111,
INFORMATION REQUEST: STATES USE OF ESCROW ACCOUNTS OR GUARANTEES AS
MECHANISMS FOR DECOMMISSIONING FINANCIAL ASSURANCE, dated December 13,
2006.

You are receiving this e-mail because we have not received a response
from your state on this information request.

If you have planned to provide a response please provide it as soon as
possible. The information you provide is very important for
completing
the technical basis for this proposed rule. Please provide your
response to Mr. Kevin O'Sullivan, FSME/DILR/RBA, at KRO2@NRC.GOV.

The all AS letter can be accessed at
<http://nrc-stp.ornl.gov/asletters/other/sp06111.pdf>

Please contact me if you have any questions.

Thanks.

Osiris Siurano
Health Physicist
FSME/DILR/RBA

CC: <schmips@dhfs.state.wi.us>

Mail Envelope Properties (45D622DC.16B : 0 : 24939)

Subject: Re: All AS Letter FSME-06-111, December 13, 2006
Creation Date Fri, Feb 16, 2007 4:31 PM
From: "Eddie Nanney" <Eddie.Nanney@state.tn.us>

Created By: Eddie.Nanney@state.tn.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

OSP (Osiris Siurano-Perez)

dhfs.state.wi.us

schmips CC

Post Office**Route**

nrc.gov

dhfs.state.wi.us

Files	Size	Date & Time
MESSAGE	1248	Friday, February 16, 2007 4:31 PM
Mail		
Mime.822	6223	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: "Eddie Nanney" <Eddie.Nanney@state.tn.us>
To: <KRO2@NRC.GOV>
Date: Mon, Jan 22, 2007 3:07 PM
Subject: Re: FSME-06-111, Information Request:

Mr. O'Sullivan,

"State Regulations for Protection Against Radiation" (SRPAR) 1200-2-10-.12(4)(d) specifies the various mechanisms which may be employed by licensee(s) to meet the SRPAR requirement for Financial Assurance (FA). The "escrow account" is not an approved FA mechanism in SRPAR. The Tennessee Division of Radiological Health currently has no licensees using either the Financial Test (a.k.a. "Self-Guarantee") specified in SRPAR 1200-2-10-.12(4)(d)6.(i) or the Corporate Guarantee (a.k.a. "Parent Guarantee") specified in SRPAR 1200-2-10-.12(4)(d)6.(viii).

Regards,
Lawrence E. Nanney, Director
Division of Radiological Health
Tennessee Department of Environment and Conservation
615-532-0360

>>> "Gwendolyn Davis" <GXD@nrc.gov> 12/14/06 4:46 PM >>>

FSME-06-111, Information Request: States Use
of Escrow Accounts
or Guarantees as Mechanisms for
Decommissioning Financial Assurance

All Agreement States Letter FSME-06-111 is contained in the
attached file, and can be located in ADAMS at: ML063480635.

All FSME Agreement States letters are posted at the following
web site at: <http://nrc-stp.ornl.gov/>.

The PDF version is provided for your convenience.

Thank you.

CC: "Debra Shults" <BG32012.1910NG07.Metro@state.tn.us>, "Robert Young"
<BG32015.1910NG07.Metro@state.tn.us>, "Johnny Graves" <BG32018.1910NG07.Metro@state.tn.us>

Mail Envelope Properties (45B5196E.C84 : 15 : 15492)

Subject: Re: FSME-06-111, Information Request:
Creation Date Mon, Jan 22, 2007 3:05 PM
From: "Eddie Nanney" <Eddie.Nanney@state.tn.us>

Created By: Eddie.Nanney@state.tn.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

state.tn.us

BG32018.1910NG07.Metro CC (Johnny Graves)

BG32015.1910NG07.Metro CC (Robert Young)

BG32012.1910NG07.Metro CC (Debra Shults)

Post Office**Route**

nrc.gov

state.tn.us

Files	Size	Date & Time
MESSAGE	1246	Monday, January 22, 2007 3:05 PM
Mime.822	2688	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: <howard.shuman@hhss.ne.gov>
To: "Kevin O'Sullivan" <KRO2@nrc.gov>
Date: Thu, Jan 18, 2007 10:48 AM
Subject: Re: Decommissioning Financial Assurance

Kevin:

I have gone back and pulled the financial mechanisms for our licensees. Of the six licensees in our State that are required to have financial mechanisms for Decommissioning Financial Assurance, five are surety bonds through insurance companies. The only other one is a State owned institution (University of Nebraska Medical Center) and only uses a Statement of Intent. (Is this a self/parent guarantee?) I don't know since it is part of the State Government. Are federally owned institutions self/parent guaranteed by the federal government?

Howard Shuman, Health Physicist
Radioactive Control Program
HHS Regulation & Licensure
Telephone: (402) 471-0304
Fax: (402) 471-0169
howard.shuman@hhss.ne.gov

"Kevin
O'Sullivan"
<KRO2@nrc.gov>
01/18/2007 08:51
AM

To
<howard.shuman@hhss.ne.gov>
cc

Subject
Re: Decommissioning Financial
Assurance

Thanks a lot for the reply. It sounds like Nebraska allows Escrow Accounts and the Self and Parent Guarantees, but that none of the licensees use these financial mechanisms for decommissioning assurance. I understand that from your response for the Guarantees, but am I right on the Escrows that you have none? Sorry to ask this last question of you. Kevin O'Sullivan

Mail Envelope Properties (45AF96C1.BDE : 21 : 7134)**Subject:** Re: Decommissioning Financial Assurance**Creation Date** Thu, Jan 18, 2007 10:48 AM**From:** <howard.shuman@hhss.ne.gov>**Created By:** howard.shuman@hhss.ne.gov**Recipients**

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office**Route**

nrc.gov

Files	Size	Date & Time
MESSAGE	2306	Thursday, January 18, 2007 10:48 AM
Mime.822	3547	

Options

Expiration Date:	None
Priority:	Standard
ReplyRequested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: <howard.shuman@hhss.ne.gov>
To: "Kevin O'Sullivan" <KRO2@nrc.gov>
Date: Thu, Jan 18, 2007 9:36 AM
Subject: Re: Decommissioning Financial Assurance

Hi Kevin:

I guess I have egg on my face! I am definitely not an expert on financial assurance for decommissioning and did not know how to interpret what our regulations mean as far as financial instruments that can be used. Upon further investigation I find that you are correct and that we have allowed escrow accounts as financial mechanisms for current licenses. To my knowledge, we have not had licensees use parent or self guarantees, but they seem to be allowed. I think that is where my confusion came from. Sorry for my earlier misstatements.

Howard Shuman, Health Physicist
Radioactive Control Program
HHS Regulation & Licensure
Telephone: (402) 471-0304
Fax: (402) 471-0169
howard.shuman@hhss.ne.gov

"Kevin
O'Sullivan"
<KRO2@nrc.gov> To
<howard.shuman@hhss.ne.gov>
01/11/2007 09:56 cc
AM "Osiris Siurano-Perez"
<OSP@nrc.gov>
Subject
Re: Decommissioning Financial
Assurance

Dear Howard:

Thanks for your reply and sending the attached PDF file. I looked in your Section 018, and it looked to me like your regulations do allow the escrow (as a Prepayment), and either a Parent Guarantee or Self Guarantee if the licensee passes the financial tests. Did you mean that none of the licensees in Nebraska currently use these financial mechanisms to provide decommissioning funding assurance? Thanks for clearing me up on this when you get the chance, Kevin O'Sullivan

Mail Envelope Properties (45AF85CF.2AB : 16 : 4779)

Subject: Re: Decommissioning Financial Assurance
Creation Date Thu, Jan 18, 2007 9:35 AM
From: <howard.shuman@hhss.ne.gov>

Created By: howard.shuman@hhss.ne.gov

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office**Route**

nrc.gov

Files	Size	Date & Time
MESSAGE	2503	Thursday, January 18, 2007 9:35 AM
Mime.822	3735	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: <howard.shuman@hhss.ne.gov>
To: <KRO2@NRC.GOV>
Date: Wed, Jan 10, 2007 11:00 AM
Subject: Decommissioning Financial Assurance

Dear Kevin:

Ms. Julia Schmitt, our Program Manager, asked me to respond to your inquiry on decommissioning financial assurance. I am including a pdf file of our Chapter 3 of the Radiation Regulations for your review. Section 018 addresses decommission financial assurance. We do not allow the use of an escrow account, Parent Guarantee or Self-Guarantee for our licensees. You may contact me if you have any further questions.

Sincerely,
Howard Shuman, Health Physicist
Radioactive Control Program
HHS Regulation & Licensure
Telephone: (402) 471-0304
Fax: (402) 471-0169
howard.shuman@hhss.ne.gov

(See attached file: Chapter-3.pdf)

CC: <julia.schmitt@hhss.ne.gov>

Mail Envelope Properties (45A50D82.04E : 5 : 53326)

Subject: Decommissioning Financial Assurance
Creation Date Wed, Jan 10, 2007 10:59 AM
From: <howard.shuman@hhss.ne.gov>

Created By: howard.shuman@hhss.ne.gov

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

hhss.ne.gov

julia.schmitt CC

Post Office**Route**

nrc.gov

hhss.ne.gov

Files**Size****Date & Time**

MESSAGE

636

Wednesday, January 10, 2007 10:59 AM

Chapter-3.pdf

345871

Mime.822

475469

Options

Expiration Date:

None

Priority:

Standard

ReplyRequested:

No

Return Notification:

None

Concealed Subject:

No

Security:

Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

From: "J. M. Eaddy III" <marion.eaddy@ncmail.net>
To: <kro2@nrc.gov>
Date: Fri, Jan 5, 2007 9:33 AM
Subject: Response to FSME-06-111

Mr. O'Sullivan:

Attached, please find N.C.'s response. Please let me know if you have additional questions.

Thanks,
Marion

Mail Envelope Properties (459E61B1.4C0 : 2 : 33984)

Subject: Response to FSME-06-111
Creation Date Fri, Jan 5, 2007 9:32 AM
From: "J. M. Eaddy III" <marion.eaddy@ncmail.net>

Created By: marion.eaddy@ncmail.net

Recipients

nrc.gov
KRO2 (Kevin O'Sullivan)

Post Office

Route
nrc.gov

Files	Size	Date & Time
MESSAGE	126	Friday, January 5, 2007 9:32 AM
FSME_06_111_response.doc	47104	
marion.eaddy.vcf	286	
Mime.822	66864	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

Kevin O'Sullivan - FSME-06-111 States Use of Escrow Accounts or Guarantees as Mechanisms for Decommissioning Financial Assurance

From: "McCandless, Gary" <McCandless@iema.state.il.us>
To: <KRO2@NRC.GOV>
Date: 01/05/2007 4:39 PM
Subject: FSME-06-111 States Use of Escrow Accounts or Guarantees as Mechanisms for Decommissioning Financial Assurance
CC: "Klinger, Joe" <Klinger@iema.state.il.us>, "Allen, Rich" <R_Allen@iema.state.il.us>

Kevin,
Per our discussion, following are the Illinois Emergency Management Agency, Division of Nuclear Safety (Agency) comments.

1. Agency regulations do not provide the option of an escrow account arrangement to satisfy financial assurance for qualifying licensees.
2. Agency regulations do allow a Parent Company Guarantee and Self-Guarantee arrangements provided the licensee meets the initial requirements and continues to pass annual financial tests established for the particular arrangement. Of the 71 licensees that have posted financial assurance with the Agency, only one Parent Company Guarantee for nearly \$35,000,000 has been filed.
3. With regard to NRC's consideration to require collateral for the unsecured Guarantees as a trust against bankruptcy actions, it is unclear as to the value of this proposal since failure of the annual tests provided for in the regulations should provide a trigger requiring posting of an alternate arrangement before a bankruptcy occurs. If collateral is required to support a Guarantee, then it is questionable whether the administrative costs associated with a Guarantee in addition to some form of secured funding provides any advantage to the operations of the licensee.

Feel free to give me a call if you have questions, Gary

Gary W. McCandless, P.E. Manager
Low Level Waste and Site Decommissioning
Division of Nuclear Safety, Bureau of Environmental Safety
Illinois Emergency Management Agency
phone: 217-782-1329
fax: 217-785-9977

Mail Envelope Properties (459EC577.4C6 : 0 : 42182)

Subject: FSME-06-111 States Use of Escrow Accounts or Guarantees as Mechanisms for Decommissioning Financial Assurance

Creation Date Fri, Jan 5, 2007 4:38 PM

From: "McCandless, Gary" <McCandless@iema.state.il.us>

Created By: McCandless@iema.state.il.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

iema.state.il.us

R_Allen CC (Rich Allen)

Klinger CC (Joe Klinger)

Post Office**Route**

nrc.gov

iema.state.il.us

Files**Size****Date & Time**

MESSAGE

1505

Friday, January 5, 2007 4:38 PM

TEXT.htm

2515

Mime.822

6368

Options

Expiration Date: None

Priority: Standard

ReplyRequested: No

Return Notification: None

Concealed Subject: No

Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

Kevin O'Sullivan - RE: FSME-06-111

From: "Myers, Kevin, NMENV" <kevin.myers@state.nm.us>
To: "Kevin O'Sullivan" <KRO2@nrc.gov>
Date: 03/06/2007 3:51 PM
Subject: RE: FSME-06-111

Kevin,

Please see the attached link to a report by MMD.

If you skip down to page 41, Appendix 2, Table 12, there is a table that summarizes most of the FA instruments. There are some instruments held exclusively by NMED that MMD does not include. However, the number is relatively few.

There have been some changes since the report was issued, namely that Tyrone has added some collateral and reduced some existing instruments.

It will take some work to tally the amounts of FA per instrument type. This is MMD's report, so I am not sure if a spreadsheet exists already. I send an email and forward the results.

<http://www.emnrd.state.nm.us/MMD/MARP/Documents/AnnualMARP2006.pdf>

Hope that the information is useful.

Kevin

From: Kevin O'Sullivan [mailto:KRO2@nrc.gov]
Sent: Tuesday, March 06, 2007 12:37 PM
To: Myers, Kevin, NMENV
Subject: Re: FSME-06-111

Hi Kevin Myers !

Yes, NRC would consider an Escrow Account held as financial assurance to be different than a Trust Agreement with all cash.

It would be helpful to us if you could identify the number of Parent Guarantees, Self Guarantees, Escrow Accounts and Line of Credit mechanisms used as decommissioning financial assurance (Line of Credit not "Letter of Credit"). And the total dollar amount for each if New Mexico has any of the above. We use that info to calculate average values of each among the States, for the Regulatory Analysis in the proposed rule. Kevin O'Sullivan

>>> "Myers, Kevin, NMENV" <kevin.myers@state.nm.us> 03/06/2007 1:14 PM >>>
Kevin,

As a clarification, does the NRC consider escrow distinct from cash trust agreements?

My apologize for missing your deadline for comment.

For mining sites in New Mexico, the Environment Department and Mining & Minerals Division use a variety of financial assurance instruments that include guarantees, collateral, surety bonds, cash trust agreements, letters of credit and other instruments.

We have written letters expressing our concern about parent company guarantees. The State limits guarantees from covering the entire financial assurance amount because of their risk. Collateral requires a great deal of staff time to evaluate properties, which must be discounted for various reasons. The prospect of a lot of collateral properties arriving on the market at the same time raises concerns about flooding a market without a demand when raising cash quickly may be important. Some surety bond companies have required that net present value calculations be excluded, thereby raising the amount of the surety. Cash instruments are preferred, and even then the terms still require careful scrutiny as well to protect the money from other creditors during a bankruptcy.

Is there a timeline for your proposed amendments on the escrow and guarantees as financial assurance mechanisms?
Please send a copy, especially if it is not part of the list serve notices.

Kevin Myers
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department
P. O. Box 26110
Santa Fe, NM 87502
505-476-3506

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This inbound email has been scanned by the MessageLabs Email Security System.

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Mail Envelope Properties (45EDD437.CDD : 20 : 3293)

Subject: RE: FSME-06-111
Creation Date Tue, Mar 6, 2007 3:48 PM
From: "Myers, Kevin, NMENV" <kevin.myers@state.nm.us>
Created By: kevin.myers@state.nm.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office**Route**

nrc.gov

Files	Size	Date & Time
MESSAGE	4374	Tuesday, March 6, 2007 3:48 PM
TEXT.htm	10541	
Mime.822	17692	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

Kevin O'Sullivan - FSME-06-111

From: "Myers, Kevin, NMENV" <kevin.myers@state.nm.us>
To: <kro2@nrc.gov>
Date: 03/06/2007 1:16 PM
Subject: FSME-06-111

Kevin,

As a clarification, does the NRC consider escrow distinct from cash trust agreements?

My apologize for missing your deadline for comment.

For mining sites in New Mexico, the Environment Department and Mining & Minerals Division use a variety of financial assurance instruments that include guarantees, collateral, surety bonds, cash trust agreements, letters of credit and other instruments. We have written letters expressing our concern about parent company guarantees. The State limits guarantees from covering the entire financial assurance amount because of their risk. Collateral requires a great deal of staff time to evaluate properties, which must be discounted for various reasons. The prospect of a lot of collateral properties arriving on the market at the same time raises concerns about flooding a market without a demand when raising cash quickly may be important. Some surety bond companies have required that net present value calculations be excluded, thereby raising the amount of the surety. Cash instruments are preferred, and even then the terms still require careful scrutiny as well to protect the money from other creditors during a bankruptcy.

Is there a timeline for your proposed amendments on the escrow and guarantees as financial assurance mechanisms? Please send a copy, especially if it is not part of the list serve notices.

Kevin Myers
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department
P. O. Box 26110
Santa Fe, NM 87502
505-476-3506

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Mail Envelope Properties (45EDAFF.713 : 17 : 63251)

Subject: FSME-06-111
Creation Date Tue, Mar 6, 2007 1:14 PM
From: "Myers, Kevin, NMENV" <kevin.myers@state.nm.us>
Created By: kevin.myers@state.nm.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office**Route**

nrc.gov

Files	Size	Date & Time
MESSAGE	2074	Tuesday, March 6, 2007 1:14 PM
TEXT.htm	5731	
Mime.822	10045	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

Kevin O'Sullivan - FW: FSME-06-111, Information Request:

From: "Myers, Pete" <Pete.Myers@dshs.state.tx.us>
To: <KRO2@nrc.gov>
Date: 12/21/2006 6:38 AM
Subject: FW: FSME-06-111, Information Request:
CC: "Ratliff, Richard" <Richard.Ratliff@dshs.state.tx.us>, "McBurney, Ruth" <Ruth.McBurney@dshs.state.tx.us>, "Smith, Gary" <Gary.Smith@dshs.state.tx.us>

Kevin:

In response to FSME-06-111, dated December 13, 2006, Texas has no licensees who have provided financial assurance in the form of escrow accounts; information on Texas licensees providing financial assurance in the form of guarantees is provided in this table and in an attachment to this message.

Texas Licensees Providing Financial Assurance in the Form of Guarantees

Licensee	Type Use	Surety Form	Surety Amount	Status/D
Scott & White Memorial Hospital	Medical	Self Guarantee	\$750,000.00	Approved 12
Southwest Research Institute	Broad R&D	Self Guarantee	\$910,000.00	Approved 01
ConocoPhillips Co	Uranium Recovery	PCo Guarantee	\$2,800,000.00	Approved 05
Southwest Research Institute	Irradiation, Service	Self Guarantee	\$85,000.00	Approved 11
Waste Control Specialists LLC	Waste Processing	PCo Guarantee	\$33,000,000.00	Approved 07
Newpark Environmental Services of Texas	Decon Service	PCo Guarantee	\$2,360,000.00	Approved 05
Texas Instruments Inc	Limited R&D	PCo Guarantee	\$44,500.00	Approved 04
			\$39,949,500.00	

Please let me know providing the information in this manner is acceptable, or if you have any questions.

Pete.

Peter H. Myers, Manager
 Radioactive Material Licensing Group
 Radiation Safety Licensing Branch
 512-834-6688 ext 2209
 512-834-6690 (fax)

-----Original Message-----

From: McBurney, Ruth
 Sent: Friday, December 15, 2006 4:21 PM
 To: Myers, Pete; Smith, Gary
 Subject: FW: FSME-06-111, Information Request:

Could you compile this information for us, based on the data we have on each of the licensees that have financial assurance with the State?

Thanks,
 Ruth

-----Original Message-----

From: owner-stp-announcements@nrc.gov
 [mailto:owner-stp-announcements@nrc.gov] On Behalf Of Gwendolyn Davis
 Sent: Thursday, December 14, 2006 4:46 PM

To: STP-Announcements@nrc.gov
Subject: FSME-06-111, Information Request:

FSME-06-111, Information Request: States Use of Escrow Accounts or Guarantees as Mechanisms for Decommissioning Financial Assurance

All Agreement States Letter FSME-06-111 is contained in the attached file, and can be located in ADAMS at: ML063480635.

All FSME Agreement States letters are posted at the following web site at: <http://nrc-stp.ornl.gov/>.

The PDF version is provided for your convenience.

Thank you.

Mail Envelope Properties (458A7235.F34 : 8 : 48948)

Subject: FW: FSME-06-111, Information Request:
Creation Date Thu, Dec 21, 2006 6:37 AM
From: "Myers, Pete" <Pete.Myers@dshs.state.tx.us>

Created By: Pete.Myers@dshs.state.tx.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

dshs.state.tx.us

Gary.Smith CC (Gary Smith)

Ruth.McBurney CC (Ruth McBurney)

Richard.Ratliff CC (Richard Ratliff)

Post Office**Route**

nrc.gov

dshs.state.tx.us

Files	Size	Date & Time
MESSAGE	2498	Thursday, December 21, 2006 6:37 AM
TEXT.htm	22073	
FSME-06-111.pdf	63535	
Texas - Escrow, Parent Guar, & Self Guar.doc	33792	
Mime.822	162723	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

From: "Paul Schmidt" <SCHMIPS@dhfs.state.wi.us>
To: "Kevin O'Sullivan" <KRO2@nrc.gov>
Date: Tue, Feb 20, 2007 9:11 AM
Subject: Re: Response to FSME-06-111

Yes - the escrow account contains about \$520,000 (based on decommissioning funding plan estimate).

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

>>> "Kevin O'Sullivan" <KRO2@nrc.gov> 2/20/2007 7:09 AM >>>
Thanks for the reply. Do you have an estimate of the value of the escrow account for the licensee? The proposed rule Working Group is considering dropping the Escrow Account due to its risk during bankruptcy. We need to do an analysis on the switch out costs from Escrow Account to a trust, and it depends on the value of the Escrow. Thanks for a reply when you get the chance, Kevin O'Sullivan
301-415-8112

Mail Envelope Properties (45DB0192.3DD : 23 : 54237)

Subject: Re: Response to FSME-06-111
Creation Date Tue, Feb 20, 2007 9:10 AM
From: "Paul Schmidt" <SCHMIPS@dhfs.state.wi.us>

Created By: SCHMIPS@dhfs.state.wi.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

Post Office**Route**

nrc.gov

Files	Size	Date & Time
MESSAGE	953	Tuesday, February 20, 2007 9:10 AM
Mime.822	2034	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: "Paul Schmidt" <SCHMIPS@dhfs.state.wi.us>
To: <kro2@nrc.gov>
Date: Mon, Feb 19, 2007 12:28 PM
Subject: Response to FSME-06-111

Kevin: This e-mail responds to all agreement states letter FSME-06-111. Wisconsin has one licensee that uses an escrow account/escrow agreement to meet financial assurance requirements. The licensee has the necessary funds deposited in a bank. The NRC originally approved this arrangement - we simply inherited it when we became an agreement state in 2003.

We have no licensees that use parent guarantees or self-guarantees.

Sorry for the delay in responding.

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

CC: "Cheryl Rogers" <RogerCK@dhfs.state.wi.us>

Mail Envelope Properties (45D9DE39.A4E : 9 : 43598)

Subject: Response to FSME-06-111
Creation Date Mon, Feb 19, 2007 12:27 PM
From: "Paul Schmidt" <SCHMIPS@dhfs.state.wi.us>

Created By: SCHMIPS@dhfs.state.wi.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

dhfs.state.wi.us

RogerCK CC (Cheryl Rogers)

Post Office**Route**

nrc.gov

dhfs.state.wi.us

Files	Size	Date & Time
MESSAGE	853	Monday, February 19, 2007 12:27 PM
Mime.822	1976	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

Kevin O'Sullivan - Response from Washington State re: FSME-06-111

From: "Scroggs, Arden (DOH)" <Arden.Scroggs@DOH.WA.GOV>
To: <KRO2@nrc.gov>
Date: 01/10/2007 4:20 PM
Subject: Response from Washington State re: FSME-06-111
CC: "Frazee, Terry (DOH)" <Terry.Frazee@DOH.WA.GOV>, "Burgin, Nancy (DOH)" <Nancy.Burgin@DOH.WA.GOV>, "Demaris, Curt (DOH)" <Curt.Demaris@DOH.WA.GOV>, "Dix, Victoria (DOH)" <VICTORIA.DIX@DOH.WA.GOV>, "Grumbles, Anine (DOH)" <Anine.Grumbles@DOH.WA.GOV>, "Ketter, Brandin (DOH)" <Brandin.Ketter@DOH.WA.GOV>, "Lawrence, Craig (DOH)" <Craig.Lawrence@DOH.WA.GOV>, "Matthews, Steve (DOH)" <Steve.Matthews@DOH.WA.GOV>, "Schwab, Kristen (DOH)" <Kristen.Schwab@DOH.WA.GOV>, "Serne, Jennifer N (DOH)" <jennifer.serne@doh.wa.gov>, "Walsh, Pamela (DOH)" <Pamela.Walsh@DOH.WA.GOV>

Attached is the requested response from Washington State for questions posed in FSME-06-111.

<<RE FSME-06-111 Information RequestReview.txt>>

Arden C. Scroggs, Supervisor
Radioactive Materials Section
ORP, DEH, DOH
Washington State
voice - 360.236.3221
fax - 360.236.2255
Public Health - Always working for a safer and healthier Washington

Mail Envelope Properties (45A5589D.2EA : 15 : 62186)

Subject: Response from Washington State re: FSME-06-111
Creation Date Wed, Jan 10, 2007 4:20 PM
From: "Scroggs, Arden (DOH)" <Arden.Scroggs@DOH.WA.GOV>
Created By: Arden.Scroggs@DOH.WA.GOV

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

DOH.WA.GOV

Pamela.Walsh CC (Pamela (DOH) Walsh)
jennifer.serne CC (Jennifer N (DOH) Serne)
Kristen.Schwab CC (Kristen (DOH) Schwab)
Steve.Matthews CC (Steve (DOH) Matthews)
Craig.Lawrence CC (Craig (DOH) Lawrence)
Brandin.Ketter CC (Brandin (DOH) Ketter)
Anine.Grumbles CC (Anine (DOH) Grumbles)
VICTORIA.DIX CC (Victoria (DOH) Dix)
Curt.Demaris CC (Curt (DOH) Demaris)
Nancy.Burgin CC (Nancy (DOH) Burgin)
Terry.Frazee CC (Terry (DOH) Frazee)

Post Office**Route**

nrc.gov

DOH.WA.GOV

Files	Size	Date & Time
MESSAGE	346	Wednesday, January 10, 2007 4:20 PM
TEXT.htm	1097	
RE FSME-06-111 Information RequestReview.txt	2180	
Mime.822	7416	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

From: "Terry D LINDSEY" <Terry.D.Lindsey@state.or.us>
To: "Kevin O'Sullivan" <KRO2@nrc.gov>
Date: Tue, Feb 20, 2007 3:58 PM
Subject: Re: All AS Letter FSME-06-111, December 13, 2006

Kevin,

We only have two licensees required to have decommissioning plans with Parent Company Guarantees:
ORE-90001 currently @ \$6.6M (adjusted annually) per license condition
ORE-90354 currently @ \$10M (adjusted annually) per license condition

Please ask Tom Conley to share the cumulative data for our future use.
Thank you.

Terry D. Lindsey, Manager
Radiation Protection Services Section
Office of Environmental Public Health
Public Health Division
Department of Human Services
800 NE Oregon Street, Suite 640
Portland, Oregon 97232
NEW Phone # (971) 673-0499
NEW Fax # (971) 673-0553
terry.d.lindsey@state.or.us

>>> "Kevin O'Sullivan" <KRO2@nrc.gov> 2/20/2007 4:49 AM >>>
Thanks Terry, do you have an estimate on the number of Oregon licensees with an Escrow Account, Parent Guarantee, or Self Guarantee used as decommissioning financial assurance? And if there are any of those mechanisms in Oregon, the total value for each? I am using that info to calculate averages so we can do an analysis if changes are recommended by the Working Group. Tom Conley from Kansas is on the Working Group.

Thanks for a reply when you get the chance, Kevin O'Sullivan
301-415-8112

CC: "Danny D LOOMIS" <Danny.D.Loomis@state.or.us>, "Margaret LUT" <Margaret.Lut@state.or.us>, "Sylvia L MARTIN" <Sylvia.L.Martin@state.or.us>

Mail Envelope Properties (45DB60F3.584 : 9 : 1412)**Subject:** Re: All AS Letter FSME-06-111, December 13, 2006**Creation Date** Tue, Feb 20, 2007 3:57 PM**From:** "Terry D LINDSEY" <Terry.D.Lindsey@state.or.us>**Created By:** Terry.D.Lindsey@state.or.us**Recipients**

nrc.gov

KRO2 (Kevin O'Sullivan)

state.or.us

Sylvia.L.Martin CC (Sylvia L MARTIN)

Margaret.Lut CC (Margaret LUT)

Danny.D.Loomis CC (Danny D LOOMIS)

Post Office**Route**

nrc.gov

state.or.us

Files**Size****Date & Time**

MESSAGE

1183

Tuesday, February 20, 2007 3:57 PM

Mime.822

2609

Options**Expiration Date:** None**Priority:** Standard**ReplyRequested:** No**Return Notification:** None**Concealed Subject:** No**Security:** Standard**Junk Mail Handling Evaluation Results**

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled

From: "Terry D LINDSEY" <Terry.D.Lindsey@state.or.us>
To: <KRO2@NRC.GOV>
Date: Thu, Feb 15, 2007 5:16 PM
Subject: Re: All AS Letter FSME-06-111, December 13, 2006

Kevin,
Oregon's Decommissioning rule in OAR 333-102-200(6) references 10CFR 30.35 and 30.36 for compliance. We should be good on this rule as long as NRC doesn't change their numbering system./tdl

Terry D. Lindsey, Manager
Radiation Protection Services Section
Office of Environmental Public Health
Public Health Division
Department of Human Services
800 NE Oregon Street, Suite 640
Portland, Oregon 97232
NEW Phone # (971) 673-0499
NEW Fax # (971) 673-0553
terry.d.lindsey@state.or.us

>>> "Osiris Siurano-Perez" <OSP@nrc.gov> 2/15/2007 11:55 AM >>>
** High Priority **

Hi!

This is a reminder regarding all Agreement States letter FSME-06-111,
INFORMATION REQUEST: STATES USE OF ESCROW ACCOUNTS OR GUARANTEES AS
MECHANISMS FOR DECOMMISSIONING FINANCIAL ASSURANCE, dated December 13,
2006.

You are receiving this e-mail because we have not received a response
from your state on this information request.

If you have planned to provide a response please provide it as soon as
possible. The information you provide is very important for
completing
the technical basis for this proposed rule. Please provide your
response to Mr. Kevin O'Sullivan, FSME/DILR/RBA, at KRO2@NRC.GOV.

The all AS letter can be accessed at
<http://nrc-stp.ornl.gov/asletters/other/sp06111.pdf>

Please contact me if you have any questions.

Thanks.

Osiris Siurano
Health Physicist
FSME/DILR/RBA

CC: "Danny D LOOMIS" <Danny.D.Loomis@state.or.us>, "Kevin H SIEBERT"
<Kevin.H.Siebert@state.or.us>, "Margaret LUT" <Margaret.Lut@state.or.us>

Mail Envelope Properties (45D4DBB1.512 : 13 : 62738)

Subject: Re: All AS Letter FSME-06-111, December 13, 2006
Creation Date Thu, Feb 15, 2007 5:16 PM
From: "Terry D LINDSEY" <Terry.D.Lindsey@state.or.us>
Created By: Terry.D.Lindsey@state.or.us

Recipients

nrc.gov

KRO2 (Kevin O'Sullivan)

state.or.us

Margaret.Lut CC (Margaret LUT)

Kevin.H.Siebert CC (Kevin H SIEBERT)

Danny.D.Loomis CC (Danny D LOOMIS)

Post Office**Route**

nrc.gov

state.or.us

Files	Size	Date & Time
MESSAGE	1383	Thursday, February 15, 2007 5:16 PM
Mime.822	2799	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

From: <TKenna@dhhs.state.nh.us>
To: <kro2@NRC.GOV>
Date: Tue, Feb 20, 2007 9:36 AM
Subject: Response to Information Request FSME-06-111

This is the New Hampshire response to the Information Request: States Use of Escrow Accounts or Guarantees as Mechanisms for Decommissioning Financial Assurance (FSME-06-111).

At this time New Hampshire does not have any escrow accounts, Parent Guarantees or Self-Guarantees being used as decommissioning financial assurance mechanisms.

Please contact me if additional information is needed. Thank you.

Twila M. Kenna, Ph.D., Manager
Radioactive Materials Program
NH Radiological Health Section

CC: <DO'Dowd@dhhs.state.nh.us>

Mail Envelope Properties (45DB0750.668 : 24 : 54888)**Subject:** Response to Information Request FSME-06-111**Creation Date** Tue, Feb 20, 2007 9:35 AM**From:** <TKenna@dhhs.state.nh.us>**Created By:** TKenna@dhhs.state.nh.us**Recipients**

nrc.gov

KRO2 (Kevin O'Sullivan)

dhhs.state.nh.us

DO'Dowd CC

Post Office**Route**

nrc.gov

dhhs.state.nh.us

Files**Size****Date & Time**

MESSAGE

501

Tuesday, February 20, 2007 9:35 AM

Mime.822

1506

Options**Expiration Date:**

None

Priority:

Standard

ReplyRequested:

No

Return Notification:

None

Concealed Subject:

No

Security:

Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling

This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk Mail handling disabled by Administrator

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled