



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

August 21, 2015

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

**FEDERAL REGISTER NOTICE – REQUEST FOR STAKEHOLDER COMMENTS ON
NUCLEAR REGULATORY COMMISSION BYPRODUCT MATERIAL FINANCIAL SCOPING
STUDY (STC-15-065)**

Purpose: To provide notification that the U.S. Nuclear Regulatory Commission (NRC) has published a *Federal Register* notice (FRN) that is soliciting stakeholder comments regarding the need to consider financial planning requirements for end-of-life management of certain radioactive byproduct material, particularly radioactive sealed sources.

Background: The issue of adequacy of financial mechanisms for end-of-life management of Category 1 and 2 radioactive sealed sources has been raised by the Radiation Source Protection and Security Task Force (Task Force) in each of its quadrennial reports to Congress and the President. The Task Force, comprised of 14 Federal agencies and the Organization of Agreement States, was created by the Energy Policy Act of 2005 to evaluate the status of various factors affecting the security of Category 1 and 2 sealed sources.

Similarly, the NRC staff in its 2007 “Strategic Assessment of the U.S. Nuclear Regulatory Commission’s Low-Level Waste Regulatory Program” identified financial assurance scoping for byproduct material as a high priority. However, resource constraints precluded commencing the study at that time.

During a September 18, 2014, Commission briefing on various aspects of radioactive waste management, staff stressed the timeliness of such a study given the recent release of the 2014 Task Force report and a report on management of disused sources released by the Low-Level Waste Forum. As a result of the briefing, the Commission directed the NRC staff to provide the results of the study and recommendations for next steps.

Initially, the NRC staff planned on completing a limited scoping study using an internal working group evaluating information already in hand. However, upon further consideration, the NRC staff recognized that the study would benefit from perspectives of a broad range of stakeholders. Hence, the study was expanded to allow information gathering from additional stakeholders.

Discussion: In the FRN, the NRC staff has requested that stakeholders consider the following in preparing their comments: 1) Recommendations Warranting Broader Review; 2) Relevant National Activities Related to Byproduct Material Financial Planning; and 3) Recent International Activities Related to Byproduct Material Financial Planning. In addition, the NRC staff has provided a series of topical areas and related questions to invite stakeholder response. Stakeholders are also encouraged to identify and comment on other relevant topical areas. Greater detail is provided in the attached FRN.

The FRN also notes that a topic-specific public meeting will be held before the end of the comment period. The NRC staff intends to hold the meeting (with webinar) in late September or early October in Rockville, Maryland. Details will be provided at least 10 days in advance of the meeting.

Based on the results of the expanded byproduct material financial scoping study, staff will compile a report with recommendations for next steps to be provided to the Commission in spring 2016. Staff recommendations could include options such as limited rulemaking, broad scope rulemaking, advance notice of proposed rulemaking, development of guidance, issuance of a generic communication, or no action.

The FRN requests that comments be submitted by October 19, 2015. The FRN is available at <https://www.federalregister.gov/a/2015-18891>.

If you have any questions regarding this correspondence, please contact me at 301-415-3340 or the Office of Nuclear Material Safety and Safeguards staff members named below:

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Enclosure:
August 3, 2015 *Federal Register*
Notice, 80 FR 18891

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