



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

November 15, 2019

Mr. Christopher S. Pugsley, Esq.  
c/o Alexco Water & Environment, Inc.  
12150 East Briarwood Ave.  
Suite 135  
Centennial, CO 80112

**SUBJECT: RECEIPT OF LETTER ENTITLED 'ISSUES REGARDING CLARIFICATION OF ENVIRONMENTAL SAMPLES AS 11E.(2) BYPRODUCT MATERIAL AND REQUEST FOR CONSIDERATION FOR INCLUSION OF ADDITIONAL REGULATORY LANGUAGE IN POTENTIAL UPCOMING RULEMAKING'**

Dear Mr. Pugsley:

The U.S. Nuclear Regulatory Commission (NRC) staff has received your letter dated September 13, 2019 (NRC's Agencywide Documents Access and Management System [ADAMS] Accession Number ML19288A212) on behalf of the 11e.(2) Working Group (Working Group). The letter contains recommendations on regulatory options related to the classification of environmental samples that may contain or constitute 11e.(2) byproduct material.

The NRC staff appreciates the Working Group's submittal and is currently evaluating the recommendations contained in the letter. Given the legal, technical, and policy aspects of the licensing of 11e.(2) byproduct material, the recommendations contained in the letter warrant careful consideration. The NRC staff will provide the Working Group with an update once a path forward has been determined.

In accordance with Title 10 of the *Code of Federal Regulations* 2.390 (CFR) of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning the above, please contact Ronald Burrows at (301) 415-6443 or via email at [Ronald.Burrows@nrc.gov](mailto:Ronald.Burrows@nrc.gov).

Sincerely,

*/RA/*

Patricia K. Holahan, Director  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

cc: C. Pugsley, Thompson and Pugsley, PLLC

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**DATE: November 15, 2019**

**DISTRIBUTION:**

Heather Gepford

Rob Evans R IV

**ADAMS Accession No.: ML19311C752**

**\*via Email**

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