

WORKING GROUP CHARTER

Rulemaking on Decommissioning Financial Assurance Requirements For Sealed and Unsealed Radioactive Materials

PURPOSE: The purpose of this working group (WG) is to develop a regulatory basis, proposed and final rules, and associated supplemental guidance to update the U.S. Nuclear Regulatory Commission's (NRC) rules in Part 30 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 30) for calculating materials licensees' decommissioning funding requirements. In SRM-SECY-19-0125,¹ the Commission approved the staff's proposed rulemaking plan² to amend Appendix B to 10 CFR Part 30 to add unlisted isotopes and assign them risk-informed specific possession values that result in decommissioning funding requirements that better reflect expected costs. These rulemaking actions would ensure that the financial assurance these licensees must provide is better aligned with the risk of decommissioning their operations. In making these changes, the staff would also reset existing values for the Appendix B listed isotopes using the same method to ensure that all listed values are consistently risk-informed. The staff has identified two potential approaches to conducting the rulemaking and would seek early public input on the more effective approach, considering opportunities for identifying and incorporating transformative changes. This charter describes the WG's composition, activities, and schedule.

MEMBERSHIP: This WG is sponsored by the Office of Nuclear Material Safety and Safeguards (NMSS), Division of Rulemaking, Environmental, and Financial Support (REFS); Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP); and Division of Materials Safety, Security, State and Tribal Programs (MSST). The rulemaking organization, REFS, will be the rulemaking lead organization, and DUWP will be the principal technical lead organization. The management sponsors for this activity are Tania Martinez Navedo, Branch Chief (BC), NMSS/REFS/Materials Rulemaking and Project Management Branch (MRPB); Stephen Koenick, BC, NMSS/DUWP/Low-Level Waste and Projects Branch (LLWPB); and Christian Einberg, BC, NMSS/MSST/Medical Safety and Events Assessment Branch (MSEB). The WG will consist of NRC staff members and a representative from the Organization of Agreement States, Inc. (OAS). The membership of the WG is provided in the table below. The WG members will be updated if there are changes in membership. The WG may seek additional expertise as needed.

Organization	WG Member
NRC/NMSS/DUWP/LLWB	Cardelia Maupin, Regulatory Basis Project Technical Lead
NRC/NMSS/REFS/MRPB	Torre Taylor, Rulemaking Project Manager
NRC/NMSS/DUWP/Risk and Technical Analysis Branch	Adam Schwartzman

¹ SRM-SECY-19-0125, "Petition for Rulemaking and Rulemaking Plan on Decommissioning Financial Assurance Requirements for Sealed and Unsealed Radioactive Material (PRM-30-66; NRC-2017-0159)," dated October 13, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20287A248).

² SECY-19-0125, "Petition for Rulemaking and Rulemaking Plan on Decommissioning Financial Assurance Requirements for Sealed and Unsealed Radioactive Material (PRM-30-66; NRC-2017-0159)," dated December 17, 2019 (ADAMS Accession No. ML18292A434).

Working Group Charter
Decommissioning Financial Assurance Requirements Rulemaking

NRC/NMSS/MSST/MSEB	Said Daibes
NRC/NMSS/MSST/Materials Safety and Tribal Liaison Branch	Don Lowman
NRC/NMSS/MSST/State Agreement and Liaison Programs Branch	Michelle Beardsley
NRC/Office of the General Counsel	Brian Harris Eric Stocking
NRC/NMSS/REFS/Financial Assessment Branch	Ken Kline Steve McCarthy (backup)
NRC/NMSS/REFS/Regulatory Analysis and Rulemaking Support Branch (RASB)	Helen Chang, Regulations Specialist Antonio Gomez, Cost Analyst
NRC/Region III/Division of Nuclear Material Safety (DNMS)/Materials Licensing Branch	Sara Forster
NRC/Region IV/DNMS/Materials Licensing and Decommissioning Branch	Roberto Torres
OAS	Rajwant S. Bedi, Ph.D.
NRC/NMSS/MSST	Vincent Holahan, Ph.D. Senior Level Scientist Adviser

A Steering Committee will be convened if the WG needs management support to resolve issues that are more than minor. The Steering Committee Chairperson would be the Director or Deputy Director of REFS, and the members would include the:

1. Director of DUWP
2. Director of MSST
3. Director of DNMS, Region III
4. Director of DNMS, Region IV
5. OGC Assistant General Counsel for Reactors and Materials Rulemaking
6. OAS Director of Rulemaking or their designee

OBJECTIVE: The WG has three objectives:

1. Develop a regulatory basis document to support the development of proposed and final rule packages and associated supplemental guidance for public comment. In developing the regulatory basis, the WG will ensure that all options for accomplishing the objectives of the rulemaking, including non-rulemaking options, have been appropriately considered.
2. With consideration of the regulatory basis and associated public comments, develop a proposed rule package for Commission review and approval.
3. With consideration of comments on the proposed rule, develop a final rule package for Commission review and approval.

SCHEDULE: The estimated high-level schedule below covers development of the regulatory basis document as well as the proposed and final rules. The schedule is preliminary and may change. Detailed schedule information will be provided to WG members.

Working Group Charter
Decommissioning Financial Assurance Requirements Rulemaking

WG kick-off meeting	November 2020
Conduct public meeting on the two potential approaches to conducting the rulemaking	January 2021
Develop regulatory basis document	January - July 2021
Provide to Agreement States for pre-publication review	July 2021
Finalize regulatory basis document and submit to the Commission	August - November 2021
Regulatory Basis due to Commission	November 19, 2021
Prepare Proposed Rule	February 2022 - January 2023
Prepare Final Rule	May 2024

LEVEL OF EFFORT EXPECTED OF MEMBERS: The level of effort for each WG member is estimated to be 128 hours and is listed below. The level of effort is subject to change.

1. Plan and hold a webinar on the two potential approaches for conducting the rulemaking. The level of effort would be around 4 hours per week for 8 weeks. The WG meetings would be scheduled for about 1 hour up to twice a week. (December 2020 – January 2021)
2. Develop the regulatory basis document and provide to Agreement States for their review. The level of effort would be around 3 hours per week for 24 weeks. The WG meetings would be scheduled for about 1 hour up to twice a week. (January – July 2021)
3. Address Agreement State comments and complete development of the regulatory basis document for review and concurrence. The level of effort would be around 3 hours per week for 8 weeks. The WG meetings would be scheduled for about 1 hour up to twice a week. (August 2021)
4. Complete the concurrence review of the regulatory basis document. The level of effort would be around 2 hours per week for 8 weeks. The WG meetings would be scheduled for about 1 hour up to twice a week. (August – October 2021)

Levels of effort for the proposed and final rule stages are expected to be as follows:

1. Develop the proposed rule package. This entails weekly WG meetings, developing the rule language and supporting documentation for the rule, and supporting review of management and Agreement State comments. The WG will support any public meetings that are needed for development of the rule and while the rule is out for public comment. The main level of effort will be during February 2022 through July 2022, with weekly WG meetings and preparation time. The level of effort would be approximately 160 hours.
2. Develop the final rule. The tasks for the final rule are like those for the proposed rule, with the additional task of reviewing public comments. There would not be a public meeting during the final rule development. The level of effort would be approximately 160 hours.

Working Group Charter
Decommissioning Financial Assurance Requirements Rulemaking

Management briefings will be held as needed during the development of the regulatory basis and proposed and final rules. Members of the WG are invited to attend and support these briefings. All WG meetings and briefings will be by teleconference or Microsoft Teams. Maximum use will be made of available electronic communication to facilitate interaction within the WG. Examples of these include conference calls, e-mails, and other options. There is no travel anticipated with this rulemaking activity.

This WG operates as an NRC/Agreement State WG with the roles and responsibilities described in Section IV of "[Agreement State Participation in Rulemaking Working Groups SA-801A](#)," and NRC [Management Directive 5.3](#), "Agreement State Participation in Working Groups."

Patricia Holahan, Director, NRC/NMSS/DUWP

Kevin Coyne, Acting Director, NRC/NMSS/REFS

Kevin Williams, Director, NRC/NMSS/MSST

David Crowley, Chair, OAS

Working Group Charter
Decommissioning Financial Assurance Requirements Rulemaking

SUBJECT: CHARTER FOR NRC/AGREEMENT STATE WORKING GROUP ON
RULEMAKING FOR DECOMMISSIONING FINANCIAL ASSURANCE
REQUIREMENTS FOR SEALED AND UNSEALED RADIOACTIVE MATERIAL

DISTRIBUTION:

NMSS r/f
DPelton, R-III
RORlikowski, R-III
MMuessle, R-IV
HGepford, R-IV
MSpencer, OGC
BHarris, OGC
PHolahan, NMSS
CMcKenney, NMSS
SKoenick, NMSS
KWilliams, NMSS
DAley, NMSS
BAnderson, NMSS
CEinberg, NMSS
JTapert, NMSS
CBladey, NMSS
TMartinezNavedo, NMSS

ADAMS Accession No.: ML20294A544

OFFICE	NMSS/REFS/MRPB	NMSS/REFS/MRPB	NMSS/MSST/SALB	NMSS/DUWP/LLWB
NAME	RMacDougall	TTaylor	MBeardsley	CMaupin
DATE	12/3/2020	11/30/2020	11/30/2020	1/26/2021
OFFICE	NMSS/REFS/MRPB	NMSS/MSST/SALB	NMSS/DUWP/LLWB	NMSS/MSST/MSEB
NAME	JCai	BAnderson	SKoenick	CEinberg
DATE	12/04/2020	12/15/2020	1/26/2021	1/27/2021
OFFICE	NMSS/DUWP	NMSS/MSST	NMSS/REFS	
NAME	PHolahan	KWilliams	KCoyne	
DATE	1/27/2021	2/03/2021	1/28/2021	

OFFICIAL RECORD COPY