

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette L. Vietti-Cook, Secretary  
**FROM:** Commissioner Hanson  
**SUBJECT:** SECY-19-0125: Petition for Rulemaking and Rulemaking Plan on Decommissioning Financial Assurance for Sealed and Unsealed Radioactive Material (PRM-30-66; NRC-2017-0159)

Approved  Disapproved  Abstain  Not Participating

COMMENTS: Below  Attached  None

**Entered in STARS**

Yes

No

Christophe  
r T. Hanson

Digitally signed by  
Christopher T. Hanson  
Date: 2020.08.24  
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**SIGNATURE**

August 24, 2020

**DATE**

Commissioner Hanson's Comments on "SECY-19-0125: Petition for Rulemaking and Rulemaking Plan on Decommissioning Financial Assurance Requirements for Sealed and Unsealed Radioactive Material (PRM-30-66; NRC-2015-0159.)"

I agree with the staff's recommendation to grant the Organization of Agreement States (OAS)'s petition for rulemaking (PRM-30-66) to update Appendix B of Part 30 to provide specific possession values for isotopes that are not currently listed. Appendix B to 10 CFR Part 30 is used to determine the need to submit a decommissioning funding plan (DFP) and the amount of financial assurance required for Part 30 and Part 70 licensees.

The staff is proposing to use a risk-informed approach to add new or revise existing possession values in Appendix B to Part 30. The staff is planning to seek input on two potential rulemaking approaches: (1) developing a new methodology based on decommissioning risk factors; or (2) replacing listings and values in Appendix B with those in Appendix C to Part 20. Under either option, some of the revised possession values may be smaller than those currently listed in Appendix B. This could result in additional financial assurance requirements for existing licensees. In SECY-19-0125, the staff indicated that they would consider increasing the multiplier values in 10 CFR Part 30.35(d) and 70.25(a)(2) to compensate for any smaller new Appendix B value. Although I am supportive of evaluating options to avoid an overly burdensome increase in decommissioning funding requirements, I believe that increasing the multiplier values in Part 30.35 and 70.25 seems arbitrary and inconsistent with a risk-informed approach. A better, risk-informed approach will result in specific possession values that reflect expected costs associated with decommissioning. Therefore, I do not support arbitrarily increasing the multiplier values in 30.35(d) and 70.25(d) because that approach could result in financial assurance requirements that are not commensurate with the actual decommissioning costs.

I agree with the staff's recommendation to re-title Appendix B to clarify that its purpose is for calculating decommissioning funding requirements rather than setting possession values for labeling. I also agree with the staff's recommendation of removing isotopes with a half-life of 120 days or less, since these isotopes are not subject to decommissioning financial requirements. Finally, I agree with the staff's recommendation to have the Committee to Review Generic Requirements and the Advisory Committee on the Medical Use of Isotopes review this rulemaking.

Subject to the aforementioned objection, I approve initiating the recommended rulemaking and granting the petition for rulemaking. I also approve publication of the Federal Register notice announcing this decision, subject to replacing the word "radioisotopes" with "isotopes" to be consistent with 10 CFR Part 30.