

# NMSS News

# Link

**OFFICE OF NUCLEAR MATERIAL  
SAFETY AND SAFEGUARDS**

**NEW OFFICE DIRECTOR**



**PAGE 1**

**NUCLEAR MATERIALS TRACKING AND REPORTING**



**PAGE 2**

**TRANSPORTATION REQUIREMENTS RULEMAKING**



**PAGE 2**

**SIGNIFICANT ENFORCEMENT ACTIONS**



**PAGE 3**

**SELECTED FEDERAL REGISTER NOTICES**



**PAGE 6**

**ONGOING RULEMAKINGS**



**PAGE 8**

**TO OUR READERS**



**PAGE 12**

## NEW OFFICE DIRECTOR

Marc Dapas, a 27-year veteran of the U.S. Nuclear Regulatory Commission (NRC), began serving as the new Director of the Office of Nuclear Material Safety and Safeguards (NMSS) in July 2016. He succeeds Catherine Haney, who left in January 2016 to become the Regional Administrator for the NRC's Region II Office in Atlanta.



Mr. Dapas began his NRC career in 1989 as an Operations Engineer in the Office of Nuclear Reactor Regulation and 3 years later began his progression through a number of increasingly responsible positions in the NRC's Region III office outside of Chicago.

In 1998, Mr. Dapas joined the Senior Executive Service and led a program to provide for the effective regulatory oversight of 18 operating reactor facilities in the NRC's Region III Office. In 2002, he took over leadership of the materials program in that region. Three years later, he became the Deputy Regional Administrator for the NRC's Region I Office outside of Philadelphia, where he helped lead that office's oversight of both reactors and materials licensees.

Mr. Dapas returned to NRC Headquarters in 2011 as Deputy Director for the Office of Nuclear Security and Incident Response. In that important role, he provided critical leadership of the NRC's oversight of security policy for both nuclear facilities and users of radioactive materials and also maintained the NRC emergency preparedness and incident response programs.

In 2013, Mr. Dapas became the Regional Administrator in the NRC's Region IV Office outside of Dallas, where he was responsible for the safety and security regulatory oversight of 19 operating reactors, as well as the licensing and inspection functions for over 600 materials licensees.

Mr. Dapas received a bachelor's degree in mechanical engineering from the U.S. Naval Academy and served on active duty in the U.S. Navy's nuclear powered submarine program. After leaving active duty to join the NRC, Mr. Dapas continued his military service as a member of the Navy Reserve, retiring in 2012 after 30 years of service.

The NMSS staff welcomes Mr. Dapas and we look forward to working with him!



## NUCLEAR MATERIALS TRACKING AND REPORTING

The United States continues to work with the International Atomic Energy Agency (IAEA) and other countries, with which the Nation has signed an Agreement for Nuclear Cooperation, to improve nuclear materials tracking and reporting. An initiative to identify best practices for nuclear materials tracking began with a workshop hosted by Oak Ridge National Laboratory in February 2016. The workshop attendees represented the U.S. Nuclear Regulatory Commission (NRC), Department of Energy (DOE), IAEA, and countries representing their respective nuclear industries.

On July 5–6, 2016, the NRC and DOE represented the United States in a meeting with the IAEA to provide an update on software changes to the Nuclear Materials Management and Safeguards System. These changes improve the quality of nuclear material reporting by the United States to IAEA. During this meeting, the United States requested IAEA guidance on best practices for transit matching—a process by which IAEA matches receipts of material declared by one country with confirmations of shipments of material declared by another country. IAEA's recommendation for reducing the number of unmatched shipments included reporting the shipper's batch identification number for individual material items to allow for computerized-matching. The United States is working with industry to implement this recommendation.

The NRC has also been working with licensees, selected for reporting under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 75, "Safeguards on Nuclear Material—Implementation of US/IAEA Agreement," to resolve data errors identified by IAEA. Improvements include removing use of +/- symbols, reporting only shipper-receiver difference values greater than 0, and accurately reporting measurement basis codes for first time measurements taken within a material balance area. Work continues with NRC licensees to ensure that facilities selected for reporting under 10 CFR Part 75 provide monthly inventory change reports as required by their transitional facility attachments.

(Contact: Mirabelle Shoemaker, NMSS, 301-415-7363 or [Mirabelle.Shoemaker@nrc.gov](mailto:Mirabelle.Shoemaker@nrc.gov))

## TRANSPORTATION REQUIREMENTS RULEMAKING



The Commission recently approved the NRC staff's request in SECY-16-0093, "Rulemaking Plan for Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements," dated July 28, 2016, to initiate a rulemaking related to harmonizing Title 10 of the *Code of Federal Regulations* (10 CFR) Part 71, "Packaging and Transportation of Radioactive Material," with the International Atomic Energy Agency (IAEA) and the U.S. Department of Transportation (DOT) regulations. The rulemaking would revise 10 CFR Part 71 to be compatible with IAEA and DOT regulations and include additional NRC staff-initiated administrative, editorial, or clarification changes.

The NRC is gathering information about the potential changes that may be proposed in the rulemaking by soliciting public comment on the potential changes. The agency plans to hold a public meeting to promote the understanding and facilitate public comments on

December 5 and 6, 2016, at the NRC Headquarters in Rockville, MD. After the public meeting, interested persons can send written comments to the NRC. The NRC will provide further details on the public comment period and the public meeting in the *Federal Register*.

Individuals can monitor the NRC's public meeting Web page at <http://www.nrc.gov/public-involve/public-meetings/index.cfm> where registration, telephone, and webinar information will be available. Meeting material will also be posted at the Federal rulemaking Web site at <http://www.regulations.gov>, search for Docket ID NRC-2016-0179.

Historically, rulemaking to harmonize and maintain 10 CFR Part 71 compatibility with IAEA and DOT regulations was initiated when there were changes in IAEA or DOT regulations that required harmonization. The NRC and DOT have determined that there will be a need for rulemaking to maintain harmonization based on the latest revision of IAEA's Specific Safety Requirements No. SSR-6, "Regulations for the Safe Transport of Radioactive Material," 2012 Edition, issued October 2012, along with an additional proposed revision to SSR-6 expected to be published by 2018. The NRC staff continues to work with DOT to determine the extent of harmonization needed through rulemaking.

(Contact: Emma Wong, NMSS, 301-415-7091 or [Emma.Wong@nrc.gov](mailto:Emma.Wong@nrc.gov))

## SIGNIFICANT ENFORCEMENT ACTIONS

*The U.S. Nuclear Regulatory Commission (NRC) issued significant actions for failure to comply with a regulation.*

### **Patriot Engineering and Environmental, Inc. (EA-16-075)**

On July 12, 2016, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,500 to Patriot Engineering and Environmental, Inc., for a Severity Level III violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 20.1802, "Control of Material Not in Storage," and paragraph (i) of 10 CFR 30.34, "Terms and Conditions of Licenses." The violation involved the firm's failure to secure licensed material from unauthorized removal or access, with a minimum of two independent physical controls that form tangible barriers, while the portable gauge was not in storage and not under the control and constant surveillance of the licensee. Specifically, an authorized user left a gauge unattended and unsecured, and the gauge was run over.

### **Montana State University (EA-15-165)**

On June 24, 2016, the NRC issued a Notice of Violation to Montana State University (MSU) for four violations of NRC requirements, collectively characterized as a Severity Level III violation. The violations involved MSU's failure to do the following:

- Control and maintain constant surveillance of licensed material as required by 10 CFR 20.1802.
- Test for leakage and/or contamination of sealed sources in accordance with License Condition 14.A.
- Conduct a physical inventory of sealed sources in accordance with License Condition 25.
- Maintain complete and accurate information with regard to leak test and inventory documentation as required by 10 CFR 30.9(a) and as required by License Conditions 14.F and 25 of NRC License No. 25-00326-06.



Specifically, some time between 2008 and 2014, MSU lost two Varian/Agilent gas chromatographs containing 13.73 millicuries of nickel-63 and therefore did not conduct physical inventories or testing for leakage and/or contamination at the specified intervals. Additionally, licensee records indicated that two nickel-63 sealed sources had been leak tested and physically accounted for; when in fact, the sources were not in the licensee's possession at the time documentation showed that the leak tests and inventories had been performed.

### **Thielsch Engineering, Inc. (EA-16-045)**

On June 1, 2016, the NRC issued a Notice of Violation to Thielsch Engineering, Inc., for two violations of NRC requirements, collectively characterized as a Severity Level III violation. The violations involved the firm's (1) failure to control and maintain constant surveillance or failure to use two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal as required by 10 CFR 20.1802 and 10 CFR 30.34(i) and (2) failure to have a lock on a portable gauge or have the gauge contained in an outer locked container in accordance with its NRC license condition. Specifically, on January 20, 2016, a portable gauge was left unattended and uncontrolled at a U.S. naval base jobsite. The gauge was not secured with any physical controls that form tangible barriers to secure it from unauthorized removal. The unattended gauge was not under the direct surveillance of the authorized user; did not have a lock, and was not kept inside a locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position.

### **Curtiss-Wright Corporation (EA-16-078)**

On May 20, 2016, the NRC issued a Notice of Violation to the Curtiss-Wright Corporation for a Severity Level III violation. The violation involved Curtiss-Wright's failure to file an application and receive a specific license before exporting nuclear equipment to China. Specifically, on September 4, 2013, Curtiss-Wright exported four nozzle dams with associated nozzle dam control console and installation tools to China, for ultimate use at the Changjiang Nuclear Power Plant. The exports were not authorized by a general or specific license issued under 10 CFR Part 110, "Export and Import of Nuclear Equipment and Material." The NRC's general license under 10 CFR 110.26, "General License for the Export of Nuclear Reactor Components," does not authorize the export of nuclear reactor components to China, and Curtiss-Wright failed to obtain a specific license before shipping the nozzle dam equipment.

### **FMC & Associates, LLC (EA-16-054)**

On May 17, 2016, the NRC issued a Notice of Violation to FMC & Associates, LLC, for a Severity Level III problem for eight related violations. The first violation involved FMC's failure to use a minimum of two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal in accordance with 10 CFR 30.34(i). Specifically, between November 1, 2014, and May 6, 2015, a portable gauge was stored in the trunk of a personal vehicle at a jobsite. The gauge was secured with only one tangible barrier (locked vehicle trunk) to prevent unauthorized removal when it was not under control and constant surveillance. The seven other violations involved failures to do the following:

- Confine possession of byproduct material to the activity limit authorized on the NRC license.
- Perform physical inventories of radioactive sources/devices every six months.
- Perform annual radiation protection program reviews.
- Provide annual refresher training to authorized gauge users.
- Review and maintain occupational exposure records.
- Provide proper package labeling of transport gauges.
- Include required information on shipping papers during transportation of gauges.



## **Novelis Corporation (EA-15-213)**

On May 13, 2016, the NRC issued a Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of \$7,000 to Novelis Corporation for a Severity Level III violation. The violation involved Novelis' deliberate repairs of a nuclear gauge, which were not permitted under the terms of Novelis' NRC license. Specifically, on September 12, 2014, Novelis replaced a pneumatic cylinder that controls the position of the shutter; and on September 13, 2014, the licensee adjusted the shutter control mechanism of a nuclear gauge. Conditions on its license specifically prohibited these repairs.

## **Weaver Consultants Group (EA-16-035)**

On May 10, 2016, the NRC issued a Notice of Violation to Weaver Consultants Group for a Severity Level III violation of both 10 CFR 20.1801, "Security of Stored Material," and 10 CFR 30.34(i). The violation involved the firm's failure to secure licensed material from unauthorized removal or access, with a minimum of two independent physical controls that form tangible barriers, while the portable gauge was stored in a controlled or unrestricted area and not under the control and constant surveillance of the licensee. Specifically, an authorized user left a gauge unattended and unsecured behind his vehicle while searching for additional forms. He later backed up the vehicle and struck the gauge.

## **Plus, LLC (EA-13-190)**

On May 3, 2016, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$42,000 to Plus, LLC for three willful Severity Level III violations. The violations involved the following:

- distribution of material to unlicensed persons without an NRC license to distribute in accordance with 10 CFR 32.14, "Certain Items Containing Byproduct Material; Requirements for License to Apply or Initially Transfer"
- possession of material prior to obtaining an NRC license pursuant to 10 CFR 30.3, "Activities Requiring License"
- importing byproduct material into the United States without first obtaining a general or specific license in accordance with 10 CFR Part 110

Specifically, between February 23, 2013 and February 2015, Plus initially transferred for sale or distribution, 1,827 tritium watches containing byproduct material to unlicensed persons without obtaining a specific license pursuant to 10 CFR 32.14 authorizing such transfers. Between February 23, 2013 and September 7, 2014, and from January 26, 2015 to April 23, 2015, the company possessed 1,717 watches containing tritium, without having the required NRC license. Between February 23, 2013 and September 7, 2014, Plus imported 1,942 watches manufactured in Switzerland into the United States without having a possession license or a specific import license from the NRC.

## **Ferrovia Agroman, S.A. (EA-15-205)**

On February 1, 2016, the NRC issued a Notice of Violation to Ferrovia Agroman, S.A, for a Severity Level III violation. The violation involved the firm's failure to control and maintain constant surveillance or failure to use two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal as required by 10 CFR 20.1802 and 10 CFR 30.34(i). Specifically, on April 28, 2015, a gauge containing licensed material was left unattended and uncontrolled in the back of a pickup truck at a temporary jobsite and was secured to the truck with two independent controls. However, the keys to both the vehicle and the gauge locks were left in the unlocked truck, which was stolen from the jobsite.





## INDIVIDUALS

### **Curtis Hofer (IA-16-018)**

On June 24, 2016, the NRC issued a Notice of Violation to Mr. Curtis Hofer for a Severity Level III violation of paragraph (a) of 10 CFR 30.10, "Deliberate Misconduct," involving deliberate misconduct that caused his employer, Montana State University, to be in violation of a rule or regulation. Mr. Hofer deliberately submitted to the licensee information that he knew to be incomplete or inaccurate in some respect material to the NRC. Specifically, Mr. Hofer caused the licensee to be in violation of 10 CFR 30.9, "Completeness and Accuracy of Information," and License Condition 14.F by documenting leak test results for two nickel-63 sealed sources that were not leak tested. This information was material to the NRC because maintaining accurate records associated with the performance of leak tests establishes the licensee's control of licensed material and validates that none of the sources were leaking.

### **Stephen Mick (IA 15-079)**

On May 13, 2016, the NRC issued a Notice of Violation to Mr. Stephen Mick for a Severity Level III violation of 10 CFR 30.10(a)(1) involving deliberate misconduct that caused his employer, Novelis Corporation, to violate of a condition of its license. Specifically, on September 12 and 13, 2014, Mr. Mick directed a technician to repair nuclear gauge components that were related to the radiological safety of the device; the conditions of Novelis' NRC license specifically prohibited these repairs.

Information about the NRC's enforcement program can be accessed at <http://www.nrc.gov/about-nrc/regulatory/enforcement/current.html>. Documents related to cases can be accessed through the Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. Help in using ADAMS is available by contacting the NRC Public Document Room staff at 301-415-4737 or 1-800-397-4209 or by sending an e-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

(Contact: Sophie Holiday, NMSS, 301-415-7865 or [Sophie.Holiday@nrc.gov](mailto:Sophie.Holiday@nrc.gov))

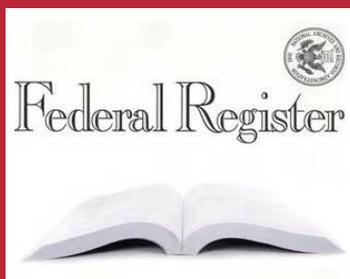
## SELECTED FEDERAL REGISTER NOTICE

### **August 23, 2016**

***Federal Register (FR) Notice 81 FR 57442, "List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System, Amendment No. 2" (Proposed Rule and Direct Final Rule)***

Summary: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 2 to Certificate of Compliance (CoC) No. 1032 for the Holtec International HI-STORM Flood/Wind Multipurpose Canister Storage System. Amendment No. 2 adds new fuel types to the HI-STORM storage system, includes new criticality calculations, updates an existing fuel type description, and includes changes previously incorporated in Amendment No. 0 to CoC No. 1032, Revision 1.

(Contact: Vanessa Cox, NMSS, 301-415-8342 or [Vanessa.Cox@nrc.gov](mailto:Vanessa.Cox@nrc.gov))



**July 29, 2016**

*FR Notice 81 FR 49863, "Rulemaking Activities Being Discontinued by the NRC for 10 CFR Parts 20, 26, 32, 40, 50, 53, 73, 74, and 150 [NRC-1999-0002, NRC-2001-0012, NRC-2002-0013, NRC-2006-0008, NRC-2008-0200, NRC-2009-0227, and NRC-2009-0079] RIN 3150-AH18; 3150-AG89; 3150-AG64; 3150-AH81; 3150-AI29; 3150-AI68; 3150-AI50]" (Rulemaking Activities; Discontinuation)*

Summary: The NRC discontinued eight rulemaking activities. The purpose of this action was to inform members of the public that these rulemaking activities were being discontinued and to provide a brief discussion of the NRC's decision to discontinue them. The agency will no longer report these rulemaking activities in the NRC's portion of the Unified Agenda of Regulatory and Deregulatory Action. The effective date of discontinuation was July 29, 2016.

(Contact: Leslie Terry, Office of Administration, 301-415-1167 or Leslie.Terry@nrc.gov)

**July 26, 2016**

*FR Notice 81 FR 48857, "Program-Specific Guidance About Possession Licenses for Manufacturing and Distribution" (Draft NUREG; Extension of Comment Period)*

Summary: On July 13, 2016, the NRC solicited comments on draft NUREG-1556, Volume 12, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Possession Licenses for Manufacturing and Distribution," Revision 1, issued June 2016. The public comment period was originally scheduled to close on August 12, 2016. The NRC decided to extend the public comment period to August 26, 2016 to allow more time for members of the public to develop and submit their comments.

(Contact: Anthony McMurtray, NMSS, 301-415-2746 or Anthony.McMurtray@nrc.gov)

**July 22, 2016**

*FR Notice 81 FR 47689, "NRC Enforcement Policy" (Policy Revision; Issuance)*

Summary: The NRC issued a revision to its Enforcement Policy to reflect the new maximum civil penalty amount the agency can assess for a violation of the Atomic Energy Act of 1954, as amended, or any regulation or order issued under that Act. By interim final rule, the NRC changed this amount from \$140,000 to \$280,469 per violation per day, as mandated by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. This action revised the Enforcement Policy so that dollar amounts in the policy correspond to the agency's revised civil penalty amount, and also provided guidance on when the NRC may exercise discretion in mitigating the amount of a civil penalty. The effective date of the revision was August 1, 2016.

(Contact: Russell Arrighi, Office of Enforcement, 301-415-0205 or Russell.Arrighi@nrc.gov)

**July 20, 2016**

*FR Notice 81 FR 47005, "Update to Transcript Correction Procedures" (Final Rule)*

Summary: The NRC is amending its regulation that governs the correction of official transcripts for agency adjudicatory proceedings. The NRC has not substantively updated the current regulation since it was adopted in 1962, and the agency's internal procedures have evolved since that time to incorporate technological developments. The NRC is not soliciting public comment on this change because the change is limited to an agency rule of procedure and practice that does not affect the rights and responsibilities of outside parties. The final rule was effective on July 20, 2016.

(Contact: Tison Campbell, Office of the General Counsel, 301-287-9290 or Tison.Campbell@nrc.gov)

**July 13, 2016**

**FR Notice 81 FR 45308, "Program-Specific Guidance About Possession Licenses for Manufacturing and Distribution" (Draft NUREG; Request for Comments)**

Summary: The NRC is revising its licensing guidance for possession licenses for manufacturing and distribution. The agency is requesting public comment on draft NUREG-1556, Volume 12, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Possession Licenses for Manufacturing and Distribution," Revision 1, issued June 2016. The NRC staff has updated the document to include information on safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. This document is intended for use by applicants, licensees, and the NRC staff. Comments were due by August 12, 2016.

(Contact: Eric Reber, NMSS, 301-415-5608 or Eric.Reber@nrc.gov)



## ONGOING RULEMAKINGS

RULEMAKING	DESCRIPTION	STATUS
<b>PROPOSED RULES</b>		
10 CFR Parts 30 and 32, "Items Containing Byproduct Material Incidental to Production (formerly Polymer (Polycarbonate or Polyester) Track Etched (PCTE) Membranes)"	The proposed rulemaking would amend requirements for track-etched membranes that have been irradiated with mixed fission products as part of the membrane production process. The proposed rulemaking would also accommodate the licensing and distribution of other irradiated products (e.g., gemstones) without the need for a specific exemption for each distributor.	The U.S. Nuclear Regulatory Commission (NRC) is currently drafting the regulatory basis for the rulemaking and expects to release it for public comment in December 2016.
10 CFR Part 73, "Enhanced Security for Special Nuclear Material"	The proposed rule would update security regulations, including portions of 10 CFR Part 73, related to physical protection of special nuclear material at NRC licensed facilities and in transit.	On February 3, 2015, the Office of Nuclear Security and Incident Response submitted a user need request (Agencywide Documents Access and Management System (ADAMS) Accession No. MLI4317A037) to NMSS to initiate a rulemaking to update the security regulations in 10 CFR Part 73. NMSS accepted the regulatory basis (ADAMS Accession No. MLI4321A007) on February 25, 2015. On April 22, 2015, the NRC published the final regulatory basis in the <i>Federal Register</i> (80 FR 22434). A working group met and began developing the proposed rule. The due date for the proposed rule is to be determined.

10 CFR Part 73, "Cyber Security at Fuel Cycle Facilities"

The proposed rulemaking would revise 10 CFR Part 73 to add new cyber security requirements for fuel cycle facilities.

On September 4, 2015, the NRC published the draft regulatory basis and asked for comments in the *Federal Register* (80 FR 53478). The working group revised the document and completed the final regulatory basis on March 22, 2016. The notice appeared in the *Federal Register* on April 12, 2016 (81 FR 21449). The NRC has held nine public meetings on the rulemaking. The agency provided draft preliminary proposed rule language public review in May 2016 and discussed the rule at a public meeting on May 19, 2016. During an all-day meeting was held on August 25, 2016, those attending discussed the language of the revised draft of the preliminary proposed rule and the draft of the preliminary proposed guidance document.

**FINAL RULE**

10 CFR Part 35," Medical Use of Byproduct Material— Medical Event Definitions, Training and Experience and Clarifying Amendments"

The rule amends the reporting and notification requirements for medical events for permanent brachytherapy, amends training and experience requirements to remove attestation requirements for certain individuals; and makes changes, as requested, in petition for rulemaking (PRM)-35-20, and clarifying amendments.

The NRC published the proposed rule and draft guidance in the *Federal Register* (79 FR 42224) for public comments on July 21, 2014. The comment period closed November 18, 2014. The NRC received 69 comment letters, each containing many individual comments. The comments are posted at <http://www.regulations.gov> under Docket ID NRC-2008-0175. The final rule, SECY-16-0080, Medical Use of Byproduct Material— Medical Event Definitions, Training and Experience, and Clarifying Amendments (RIN 3150-A163), went to the Commission for review on June 17, 2016.

10 CFR Part 61, "Low-Level Radioactive Waste (LLRW) Disposal"

The proposed rule would revise 10 CFR Part 61 to require LLRW disposal licensees and license applicants to conduct updated and new site-specific analyses and to permit the development of criteria for future LLRW acceptance based on the results of these analyses.

The NRC published the proposed rule and notice of availability of the draft guidance in the *Federal Register* (80 FR 16082 and 80 FR 15930) on March 26, 2015. The agency extended the comment period to September 21, 2015. The staff is reviewing the comments received. The final rule, SECY-16-0106, "Final Rule: Low-Level Radioactive Waste Disposal (RIN 3150-A192)," went to the Commission for review and affirmation on September 16, 2016.

10 CFR Part 74, "Material Control and Accounting of Special Nuclear Material"

This rule would revise and consolidate the current Material Control and Accounting (MC&A) requirements into 10 CFR Part 74, and would clarify and strengthen the MC&A requirements, in part, by removing existing exemptions in the item control provisions.

Staff is resolving the public comments and preparing the final package for the rulemaking.

10 CFR Parts 40, 70, and 75, "Small Quantities Protocol"

This rulemaking implements the requirements of the agreement between the United States and the International Atomic Energy Agency (IAEA) for the application of safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America. In addition, this rulemaking implements the modifications to this agreement's small quantities protocol under the U.S. and IAEA Caribbean Territories safeguards agreement.

On May 25, 2016, staff submitted SECY-16-0066, "Rulemaking Plan for Implementing the Modified Small Quantities Protocol to the United States International Atomic Energy Agency Caribbean Territories Safeguards Agreement," requesting Commission approval to initiate rulemaking. On July 21, 2016, the Commission approved initiation of the rulemaking. Specifically, the Commission provided its clearance for the Circular 175 memorandum authorizing the Department of State to negotiate and conclude a modified Small Quantities Protocol between the United States and IAEA with the Treaty for the Prohibition of Nuclear Weapons in Latin America. This rulemaking will go directly to a final rule as it has a foreign policy exclusion.

## PETITIONS

PRM-72-6, "Petition for Rulemaking (PRM-72-6), C-10 Research and Education Foundation, Inc."

The petitioner submitted 12 requests to the NRC to amend its regulations concerning dry cask safety, security, transferability, and longevity. In a *Federal Register* notice dated October 16, 2012, the NRC denied 9 of the petitioner's 12 requests (Requests 1, 2, 3, 5-8, 10, and 12); accepted for consideration Request 11 as part of the ongoing independent spent fuel storage installation security rulemaking effort (RIN 3150-A178; Docket ID NRC-2009-558), and reserved two requests for future rulemaking determination (Requests 4 and 9).

Staff submitted the Petition Docket Closure Package to the Office of Administration and obtained concurrence from the Office of the Secretary. The NRC published the petition for rulemaking; denial submitted by C-10 Research and Education Foundation, Inc., on 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste," in the *Federal Register* on June 27, 2016.

PRM-28, PRM-29 and PRM-30, "Linear No-Threshold Model and Standards for Projection Against Radiation"

The NRC received three petitions for rulemaking (PRM) requesting that the NRC amend its "Standards for Protection against Radiation" regulations and change the basis of those regulations from the Linear No-Threshold (LNT) model of radiation protection to the radiation hormesis model.

On June 23, 2015, the NRC published in the *Federal Register* (80 FR 35870) the receipt of the PRM and Notice of Docketing and requested public comment on three PRMs, PRM-20-28, PRM-20-29, and PRM-20-30. The public comment period was scheduled to end on September 8, 2015, but on August 21, 2015, the NRC published in the *Federal Register* (80 FR 50804) the receipt of the PRM; Notice of Docketing and extension of comment period. The NRC extended the public comment period until November 19, 2015, to allow more time for members of the public to develop and submit their comments. Staff is examining the issues raised in the PRMs to determine whether they should be considered in rulemaking.

## POLICY STATEMENT

Tribal Policy Statement

The Tribal Policy Statement development will describe the Commission's policy for consulting and coordination with Native American tribes.

The NRC published the proposed Tribal Policy Statement in the *Federal Register* (79 FR 71136) on December 1, 2014, and the public comment period closed on May 31, 2015. Staff is in the process of reviewing comments.



### TO OUR READERS

Thank you for your interest in this newsletter from the Office of Nuclear Material Safety and Safeguards. In our attempt to keep *The NMSS News Link* relevant to licensees, we welcome feedback on its contents. If you would like to suggest topics for the newsletter, please contact Vanessa Cox, NMSS Rulemaking and Project Management Branch, by telephone at 301-415-8342 or by e-mail at [Vanessa.Cox@nrc.gov](mailto:Vanessa.Cox@nrc.gov). In addition, to ensure proper delivery of *The NMSS News Link* and to prevent any interruption of service, please report e-mail address changes to Ms. Cox.

Please send written correspondence to the following address:  
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