

Part 40 Rulemaking to Incorporate ISA

By Matt Bartlett

Office of Nuclear Materials Safety and Safeguards

Overview



Purpose of Rulemaking

Major Points

Status

Purpose of the ISA Plan

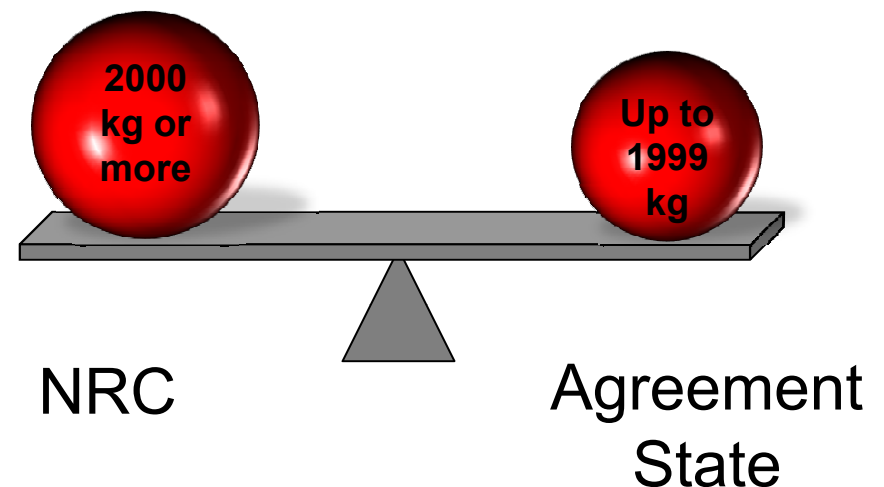
Impact on Licensees

Key Points

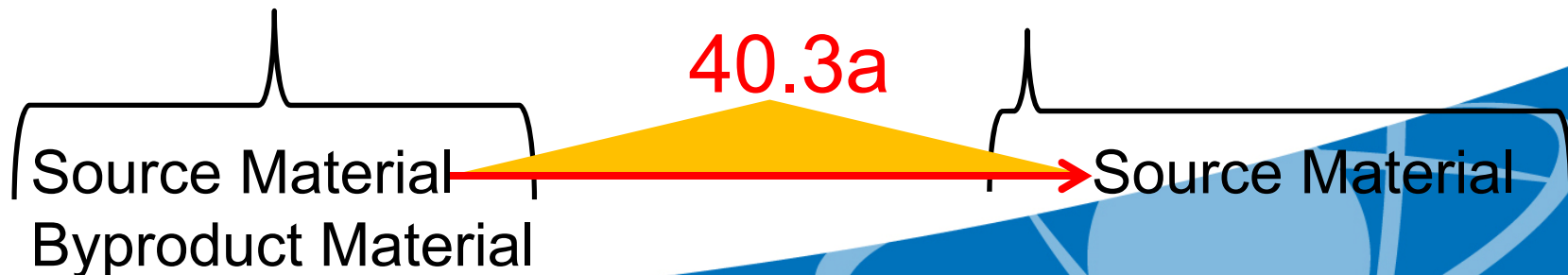
Purpose of Rulemaking

Implement ISA and Backfit

UF6 Threshold



Agreement State Verses NRC Jurisdiction



Status of Rule

Proposed Rule (FRN 76, May 17, 2011 pg. 28336-28358)



Comments on Draft



- 39 topics (≈60 comments)
- 7 Agree with Rule
- 9 Modifications
 - Regulate Source Material
 - \$200,00 → \$2,000,000
 - Emergency plan unchanged
 - Other Corrections
- 23 Unchanged

Final rule to the Commission - SECY 012-0071

If approved, publish in Fall 2012 or Spring 2013

Major Points

Language Mirrors Part 70, Subpart H



Example 40.81 \approx 70.61

Reporting



40.88 based on 70 – Appendix A
30 \rightarrow 60 day follow-up reports

Time for Implementation

Rule in FRN
6 + 2 month
Submit ISA Plan
18 + 2 month
Submit ISA Summary
3 years + 2 months
Correct Deficiencies

Purpose of the ISA Plan

ISA Plan - 40.82(c)(3)(i)

Required for facilities that need to

- Develop a Part 40 ISA
- Combine Part 40 and 70 ISA
- Transition Part 70 to Part 40 ISA

Purpose of the ISA Plan

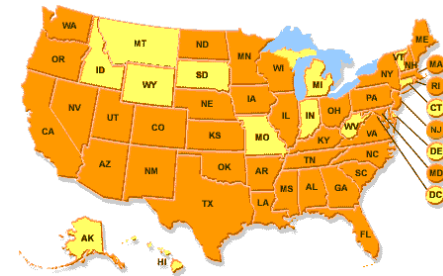
- Describe approach, process, and schedule
- Reference existing ISAs
- Describe modifications to existing ISAs

Impact on Licensees



Part 40 facilities under the threshold

Reduce UF6 below 2000 kgs
on state licenses



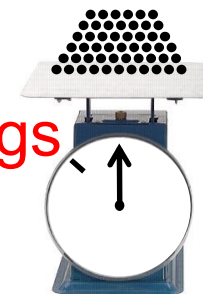
Facilities with UF6 but no approved ISA

NRC regulates source material

Develop and submit ISA Plan

Develop ISA and submit ISA Summary

≥ 2000 kgs

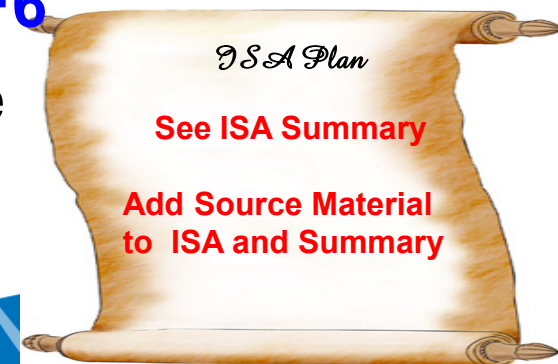


Facilities with approved ISAs and UF6

Move source material to NRC license

Submit ISA Plan

Update ISA, as needed



Key Point of Rule



If over the threshold, source material licensed by the NRC.

Part 40, Subpart H parallels Part 70, Subpart H

Submit ISA Plan 6 + 2 months after FRN

Final rule by end of 2012 or early 2013