

May 7, 2013

ALL AGREEMENT STATES

**REVISION OF THE CHRONOLOGY OF NUCLEAR REGULATORY COMMISSION  
AMENDMENTS INCLUDING SUMMARY OF CHANGE DOCUMENT FOR REQUIREMENTS  
FOR PHYSICAL PROTECTION OF BYPRODUCT MATERIAL, PART 37 [RATS ID 2013-1]  
(FSME-13-042)**

**Purpose:** To provide the Agreement States with the Chronology of the U.S. Nuclear Regulatory Commission (NRC) Amendments including the addition, RATS ID 2013-1, *Physical Protection of Byproduct Material*, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71 (effective date, May 20, 2013) and the Summary of Change Document. These regulations are due for adoption by the Agreement States no later than **March 19, 2016**.

**Background:** The NRC is amending its regulations to establish security requirements for the use and transport of Category 1 and Category 2 quantities of radioactive material. The NRC considers these quantities to be risk significant and to warrant additional protection. Category 1 and Category 2 thresholds are based on the quantities established by the International Atomic Energy Agency (IAEA) in its Code of Conduct on the Safety and Security of Radioactive Sources, which the NRC endorses. These materials are: americium-241; americium-241/beryllium; californium-252; curium-244; cobalt-60; cesium-137; gadolinium-153; iridium-192; plutonium-238; plutonium-239/beryllium; promethium-147; radium-226; selenium-75; strontium-90 (yttrium-90); thulium-170; and ytterbium-169. The objective of this final rule is to provide reasonable assurance of preventing the theft or diversion of category 1 and category 2 quantities of radioactive material. The regulations also include security requirements for the transportation of irradiated reactor fuel that weighs 100 grams or less in net weight of irradiated fuel. The final rule affects any licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material, any licensee that transports these materials using ground transportation, and any licensee that transports small quantities of irradiated reactor fuel. The rule also considers a petition for rulemaking (PRM-71-13) submitted by the State of Washington that requested that the NRC adopt the use of global positioning satellite tracking as a national requirement for vehicles transporting highly radioactive mobile or portable radioactive devices.

**Discussion:** The final rules, published on March 19, 2013, are posted in the *Federal Register* (FR), 78 FR 16922, with an effective date of May 20, 2013, and a compliance date for NRC licensees of March 19, 2014. These regulations can be accessed through the web site: <http://www.gpo.gov/fdsys/pkg/FR-2013-03-19/pdf/2013-05895.pdf>. The chronology of NRC amendments is enclosed in its entirety and includes RATS ID: 2013-1, as maintained by the Office of Federal and State Materials and Environmental Management Programs (FSME). The chronology is for your use to plan rulemaking actions that are needed to satisfy the compatibility and health and safety category designations of the NRC regulations. This document will also be used by the Integrated Materials Performance Evaluation Program (IMPEP) teams during upcoming program reviews.

In addition, a summary of change document for the March 19, 2013, amendments has been enclosed with this letter. These summaries are for your use to identify the changes to the *Code of Federal Regulations* text as well as the compatibility categories associated with the changes.

As noted above, these regulations are due for adoption by the Agreement States no later than **March 19, 2016**. We request that both proposed regulations and final regulations be provided to us for review in accordance with FSME Procedure SA-201, "Review of State Regulatory Requirements."

Additional coordination between NRC and the Agreement States will be necessary for the implementation of these requirements. This is particularly important for Agreement States that have licensees that were issued NRC security orders under the NRC's authority to protect the common defense and security (the NRC issued orders are described in 78 FR 16922). The NRC issued security orders will remain in place until the effective date of compatible requirements issued by each Agreement State. When each Agreement State has adopted final regulations that meet the compatibility and health and safety designations associated with these requirements, NRC will rescind the NRC's security orders issued to Agreement State licensees in that State. We are requesting that each Agreement State coordinate the effective date of their regulations with FSME in order to have one set of regulatory requirements for the Agreement State licensees on the date that the State's compatible regulations become effective. Additional information will be provided with the individual NRC review letters on the proposed Agreement State regulations to address implementation of the final regulations and the coordination with NRC to rescind any NRC-issued security orders.

Also, the orders or other legally binding requirements issued by Agreement States under their regulatory jurisdiction to implement RATS ID 2005-3, Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) and RATS ID 2007-4, Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material (Order EA-07-305) will be superseded by the requirements in RATS 2013-1 and should be rescinded or revised, as appropriate, for those States that have already adopted regulations. IMPEP review teams will be seeking information on the status of rescinding the Agreement State-issued orders and verifying the removal of these orders or other legally binding requirements from Agreement State licenses after the Agreement State regulations are issued as final regulations.

If you have any questions regarding this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Kathleen Schneider    INTERNET: [Kathleen.Schneider@NRC.GOV](mailto:Kathleen.Schneider@NRC.GOV)  
TELEPHONE:                    (301) 415-2320                    FAX:                    (301) 415-3502

**/R/A PHenderson for/**

Brian J. McDermott, Director  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

Enclosures:

1. Chronology of NRC Amendments
2. Summary of Change Document

If you have any questions regarding this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Kathleen Schneider INTERNET: [Kathleen.Schneider@NRC.GOV](mailto:Kathleen.Schneider@NRC.GOV)  
TELEPHONE: (301) 415-2320 FAX: (301) 415-3502

**/R/A PHenderson for/**

Brian J. McDermott, Director  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

**DISTRIBUTION:**

DCD (SP03)  
MSSA r/f  
LDimmick  
AGaudreau  
JKatanic  
MBeardsley

**ML13119A161**

OFFICE	FSME/MSSA/ASPB	FSME/MSSA/ASPB	FSME/MSSA/SMPB	FSME/MSSA:DD	FSME/MSSA:D
NAME	KSchneider	DWhite	AGiantelli	PHenderson	<b>PHenderson for BMcDermott</b>
DATE	5/1/2013	5/1/2013	5/2/2013	5/7/2013	5/7/2013

**OFFICIAL RECORD COPY**

## Chronology of NRC Amendments

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards - Part 40	59 FR 28220; (7/1/97)	1994-2
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-	59 FR 61767; 59 FR 65243;	1995-1

<b>NRC Chronology Identification</b>	<b>FR Notice Number (State Implementation Due Date)</b>	<b>RATS ID</b>
Parts 30, 32, 35	60 FR 322; (1/1/98)	
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (1/1/98)	1995-6
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535; (none)	1998-2
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 32, 35, 36 and 39	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (1/20/01)	1998-6
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1
Revision of the Skin Dose Limit-Part 20	67 FR 16298; (4/5/05)	2002-1
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; (10/24/05)	2002-2
Financial Assurance for Materials Licensees - Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1

<b>NRC Chronology Identification</b>	<b>FR Notice Number (State Implementation Due Date)</b>	<b>RATS ID</b>
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71.	69 FR 3697; (10/01/07)	2004-1
Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2
Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090)	70 FR 72128 (12/01/2005)	2005-3
Minor Amendments -Parts 20, 30,32, 35, 40, 70	71 FR 15005 (03/27/09)	2006-1
National Source Tracking System - Serialization Requirements Part 32 (with reference to Part 20 Appendix E)	71 FR 65685 (02/06/07)	2006-2
National Source Tracking System Part 20	71 FR 65685 (01/31/09 Cat I and Cat II)	2006-3
Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35	72 FR 45147, 54207 (10/29/10)	2007-1
Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, and 150	72 FR 58473 (12/17/10)	2007-2
Requirements for Expanded Definition of Byproduct Material Parts - 20, 30, 31, 32, 33, 35, 61, and 150	72 FR 55864, 73 FR 42672 (11/30/10)	2007-3
Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material (Order EA-07-305)	72 FR 70901 (06/05/08)	2007-4
Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent Parts – 19 and 20	72 FR 68043, 72233 (02/15/11)	2008-1



NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Medical Use of Byproduct Material—Authorized User Clarification, Part 35	74 FR 33901 (09/28/12)	2009-1
Decommissioning Planning, Parts 20, 30, 40, and 70	76 FR 35512 (12/17/2015)	2011-1
Licenses, Certifications, and Approvals for Materials Licensees, Parts 30, 36, 39, 40, 70, and 150	76 FR 56951 (11/14/2014)	2011-2
Change of Compatibility of 10 CFR 31.5 and 31.6 in the Withdrawal of Proposed Rule and Closure of Petition For Rulemaking: Organization of Agreement States and Florida Department of Health, Bureau of Radiation Control	77 FR 3640 (01/25/2015)	2012-1
Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste – Part 71	77 FR 34194 (08/10/2015)	2012-2
Technical Corrections – Parts 30, 34, 40, and 71	77 FR 39899 (08/06/2015)	2012-3
Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70	77 FR 43666 (10/23/2015)	2012-4
Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71	78 FR 16922 (March 19, 2016)	2013-1