



Final Rule: Regulatory Improvements to NMMSS

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Background

- 2001, DOE-IG issued report [DOE-owned materials not fully accounted for at licensee sites]
- 2003, NRC issued Bulletin 2003-04
- 2004/5, NRC inspectors visited licensees
- 2005, NRC recommended rule changes
- 2007, Draft rule out for public comment
- 2008, Rule finalized

Rule Changes: Source Material (Natural U, Depleted U, or Thorium)

- 1 kilogram or more of “foreign obligated” source material,
 - report the inventory to NMMSS
- Enrichment, MOX fuel fabrication or downblending uranium $\geq 10\%$ enriched,
 - report ALL source material shipments, receipts, inventory adjustments, inventory and material balance to NMMSS

Rule Changes: Special Nuclear Materials (Enriched Uranium, Plutonium, U-233)

- Possess or used 1 gram or more of plutonium, U-233 or U-235 contained in enriched uranium
 - report inventory each year to NMMSS
 - report inventory adjustments to NMMSS

Rule Changes: Timing of Reports

- Place in regulations the following:
 - Report shipments to NMMSS “no later than the close of business the next day”
 - Reporting receipts to NMMSS “within 10 days of receipt”

Rule Changes: Inventory

- Holding accounts are to be reported to NMMSS
- All inventories are to be “reconciled” with NMMSS
- Reconcile any inventory discrepancy, with NMMSS, within 30 days of being notified by NRC.

Rule Changes: Export Reporting

- Not required to file receiver's information to NMMSS unless there is
 - significant shipper/receiver difference, or
 - an actual or potential theft or diversion is identified.

Rule Change:

- Effective Date **January 1, 2009**
- The NRC paper on this rule change is located in the NRC's ADAMS system. The accession number is "ML073450020".

Partial Summary of Public Comments

- Recommended that the NRC clarify the timing of “on-site inventory adjustments”.
- NRC agreed and modified language to read “..each licensee who adjusts the inventory in any manner, other than for transfers and receipts, shall submit a Nuclear Material Transaction Report, in computer readable-format, to coincide with the submission of the Material Balance report.”

Public Comments - continued

- Requested that a specific regulation (10 CFR 73.67(g)(2)(ii) be revised to remove the obsolete reference of 10 CFR 70.54
- NRC agreed and revised the regulation to refer to 10 CFR 74.15.

Public Comments - continued

- Recommended that a definition of “holding accounts” be added to regulations.
- NRC does not feel it appropriate since other NMMSS accounts are not defined. Both NUREGs have been modified and have “holding accounts” defined in glossaries.

Public Comments - continued

- Noted that 10-day rule for submitting receipt data conflicts with 10-business days required by DOE for receipts.
- NRC noted that 10-days has been documented in NUREG/BR-0006 for many years. Recommended change not accepted.

Public Comments - continued

- Facility noted that they have an exemption to inventory report requirements. Will the exemption be impacted by the rule change?
- Recommended that the party discuss this issue with the NRC Project Manager for their facility.



Questions: