



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 12, 2022

ALL AGREEMENT AND NON-AGREEMENT STATES, CONNECTICUT, AND INDIANA  
STATE LIAISON OFFICERS  
ALL FEDERALLY RECOGNIZED INDIAN TRIBES

NOTICE OF REQUEST FOR COMMENT: PROPOSED RULE: HARMONIZATION OF  
TRANSPORTATION SAFETY REQUIREMENTS WITH INTERNATIONAL ATOMIC ENERGY  
AGENCY STANDARDS (RIN 3150-AJ85; NRC-2016-0179) (STC-22-057)

**Purpose:** To provide notice of (1) the publication of the U.S. Nuclear Regulatory Commission's (NRC's) request for public comment on the proposed rule to harmonize the NRC's transportation regulations with the International Atomic Energy Agency's (IAEA's) safety standard regulations and compatible with amendments to the U.S. Department of Transportation's (DOT's) regulations; (2) the publication of the NRC's draft regulatory guide DG-1107, "Standard Format and Content of Part 71 Applications for Approval of Packages for Radioactive Material;" and (3) a public meeting tentatively scheduled for October 26, 2022. States are encouraged to inform their licensees about the opportunity to comment on the proposed rule and the draft regulatory guide.

**Background:** The NRC is proposing to amend its transportation regulations at Title 10 of the *Code of Federal Regulations* (CFR) Part 71, "Packaging and Transportation of Radioactive Material." The NRC is revising Regulatory Guide 7.9, Revision 2, "Standard Format and Content of Part 71 Applications for Approval of Packages for Radioactive Material" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML050540321), to reflect the proposed amendments to the NRC regulations. On April 12, 2019, the NRC published a draft regulatory basis for public comment (84 FR 14898). On October 30, 2020, the NRC staff provided the draft proposed rule to the Commission in approval in SECY-20-0102, "Proposed Rule: Harmonization of Transportation Safety Requirements with International Atomic Energy Agency Standards (RIN 3150-AJ85; NRC-2016-0179)" (ML20101F914).

**Discussion:** Enclosed with this letter is the *Federal Register* notice (FRN) for the proposed amendments. The FRN was published on September 12, 2022, and posted on the Federal e-rulemaking portal <http://www.regulations.gov> under Docket No. NRC-2016-0179. The FRN can also be accessed at: <https://www.govinfo.gov/content/pkg/FR-2022-09-12/pdf/2022-18520.pdf>. The FRN describes how to submit comments on the proposed rule and the proposed revision to the guidance. Comments on the proposed rule and the draft regulatory guide are due by November 28, 2022. A public meeting is tentatively scheduled for October 26, 2022. Information about the public meeting will be posted on the NRC's Public Meeting Notice System at: <https://www.nrc.gov/pmns/mtg>.

The NRC has historically revised its transportation safety regulations to ensure harmonization with the IAEA standards. These changes would maintain a consistent regulatory framework with the DOT's regulations for the domestic packaging and transportation of radioactive material and to ensure general accord with IAEA standards. This rulemaking would harmonize the NRC regulations with the IAEA international transportation standard No. SSR-6 (2018 Edition). This rulemaking would revise 10 CFR Part 71 to include administrative, editorial, or clarifying changes, including changes to certain Agreement State compatibility category designations.

The NRC is proposing to remove the restriction in §§ 71.22 and 71.23 to allow shipment of material up to the mass limits in a Type B package under a general license. The NRC is proposing to revise the compatibility category designations for the regulations containing quality assurance program (QAP) requirements for those Agreement States that have licensees located within their States who use NRC-approved Type B packages, other than for industrial radiography, to ship Type B quantities of radioactive material; or have licensees that ship using the general license in § 71.17, "General license: NRC-approved package," § 71.21, "General license: Use of foreign approved package," § 71.22, "General license: Fissile material," or § 71.23, "General license: Plutonium-beryllium special form material." The NRC is also proposing to revise the compatibility category designations for the reporting requirements in § 71.95, "Reports." These changes would enable Agreement States to approve, inspect, and enforce their licensees's QAP and ensure the NRC and Agreement States would receive important reports (see 10 CFR 71.95) regarding issues with radioactive material shipments. Also, the NRC is revising the advance notification requirements in § 71.97, "Advance notification of shipment of irradiated reactor fuel and nuclear waste," to remove the references to irradiated reactor fuel. Irradiated reactor fuel notifications are now located in §§ 73.35, "Requirements for physical protection of irradiated reactor fuel (100 grams or less) in transit," (through a cross-reference to § 37.77, "Advance notification of shipment of category 1 quantities of radioactive material") and 73.37, "Requirements for physical protection of irradiated reactor fuel in transit."

The Standing Committee on Compatibility reviewed the proposed rule and determined that 10 CFR Part 71 is a matter of compatibility with the Agreement States. The Committee agreed with the compatibility category designations noted in the Compatibility Table, Section IX, *Agreement State Compatibility* of the proposed rule.

The FRN indicates the NRC is particularly interested in comment and supporting rationale for the following: (1) is there anything in SSR-6, 2018 Edition, that the NRC did not include in the scope of this proposed rule, but should have, (2) whether the NRC should consider removing Tables A-1 through A-4 in Appendix A to 10 CFR Part 71 and instead refer to the appropriate DOT tables in 49 CFR chapter I, rather than updating Tables A-1 through A-4 in appendix A to 10 CFR Part 71 as currently shown in this proposed rule, and (3) the merits of requiring a biennial report for no changes to a QAP.

As part of this rulemaking, the NRC is revising its guidance to reflect the amendments. The NRC is making available the proposed revision 3 of Regulatory Guide 7.9, Draft Regulatory Guide DG-7011, "Standard Format and Content of Part 71 Applications for Approval of Packages for Radioactive Material" (ML22223A085), for public comment.

If you have any questions regarding the harmonization of transportation safety requirements rulemaking or this correspondence, please contact the individual named below:

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Sincerely,



Signed by Anderson, Brian  
on 09/12/22

Brian Anderson, Chief  
State Agreement Liaison Programs Branch  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
As stated

STC-22-057 - Notice of Request for Comment: Proposed Rule: Harmonization of Transportation Safety Requirements With International Atomic Energy Agency Standards RIN 3150-AJ85 NRC-2016-0179 DATE September 12, 2022

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**ADAMS Accession No.: ML22234A228; ML22234A226**

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