

No: 13-044

May 31.2013

CONTACT: David McIntyre, 301-415-8200

NRC Denies Petition Calling for Proliferation Assessments by Applicants for Enrichment or Reprocessing Facilities

The Nuclear Regulatory Commission has denied a petition for rulemaking submitted by the American Physical Society that would have required applicants for uranium enrichment or spent fuel reprocessing licenses to assess potential proliferation risks posed by their facilities.

The Commission approved the staff's recommendation to deny the petition in a Staff Requirements Memorandum made public today. One of the NRC's primary concerns is to ensure the facilities it regulates that manufacture or use enriched uranium do so safely and securely. The Commission agreed with the staff's assertion that the NRC's comprehensive regulations for licensing, oversight and security of nuclear facilities protect classified information, nuclear materials and technology. Such protections aid the U.S. government's nonproliferation efforts.

The staff also reasoned that the federal government, with its intelligence resources and assessment capabilities, assesses proliferation risks of new technologies or facilities more effectively than a commercial applicant can. In this regard, the NRC routinely interacts with and provides expertise to its Executive Branch partners, including the departments of State, Defense, Energy and Commerce.

The Commission said the agency should explain to the public in plain language how its regulations and activities address these nonproliferation efforts. The Commission also directed that the NRC should periodically review its regulations to ensure they are robust enough to address potential proliferation challenges raised by enrichment or reprocessing technologies the agency has not previously licensed.

“While the Commission denied the petition, the American Physical Society raised important issues that we carefully considered,” NRC Chairman Allison M. Macfarlane said. “We will now periodically review our regulations and guidance to ensure that they take new technologies into account, and we will more clearly communicate how we look holistically at nonproliferation objectives in our licensing process.”

The APS filed the petition in November 2010, and the NRC published the petition for public comment the following month. The agency received nearly 2,400 comment letters, the majority identical form letters supporting the petition. A summary of the comments received and the staff's responses will be published in a *Federal Register* notice, expected shortly.

Additional information about the NRC's denial of the petition is available in an article posted today on the NRC Blog. The staff paper outlining the reasons for rejecting the petition ([SECY-12-0145](#)), the Commission's [Staff Requirements Memorandum](#), and the Commissioners' individual [voting records](#) are available on the NRC website.