



Part 37

Physical Protection of Byproduct Material – Proposed Rule

Mark Thaggard, Deputy Director
Division of Intergovernmental Liaison and Rulemaking
Office of Federal and State Materials and
Environmental Management Programs

Organization of Agreement States Annual Meeting
August 25, 2010

Rule Objective

Provide reasonable assurance of preventing the theft or diversion of category 1 and category 2 quantities of radioactive material for malevolent use

Proposed Rule

- Create new Part 37 for security of byproduct material
 - Category 1 and Category 2
 - Irradiated fuel (<100 grams)
- Conforming changes to Parts 30, 32, 33, 34, 35, 36, 39, 51, 71, and 73

Major Provisions

- Access Authorization Program – Subpart B
- Security During use – Subpart C
- Transportation Security – Subpart D

Access Authorization Program

- Limit unescorted access to authorized individuals
- Background investigation
 - Initial
 - Every 10 years
- Relief for certain categories of individuals
- Provision for transfer of information

Access Authorization Program cont.

- Determinations made by approved reviewing officials
- Right to correct and complete information
- Protection of information
- Annual program review

Background Investigation Elements

- Fingerprinting and criminal history record check
- Verification of true identity
- Work and education history evaluation
- Credit history evaluation
- Character and reputation determination
- Criminal history review

Physical Protection Requirements During Use

- Security plan
- Procedures
- Training
- Protection of information
- LLEA coordination
- LLEA notification of temporary jobsites

Physical Protection Requirements During Use cont.

- Security zones
- Monitoring and detection
- Assessment and response
- Maintenance and testing
- Mobile device measures
- Annual program review
- Reporting of events

Physical Protection During Transit

- Verification of license before transfer
- Preplanning and coordination
- Advance notifications (category 1 only)
- Reporting of events

Transportation Security – Category 1

- Use carriers with movement control centers to actively monitor shipments
- Monitoring by a telemetric position monitoring system
- Primary/backup communications
- Procedures/training

Transportation Security – Category 2

- Constant control and/or surveillance
- Capability for immediate communication
- Carriers with package tracking systems that require signature prior to release of package

Requesting Specific Comment

- Fingerprinting of reviewing official
- Background investigation elements
- Protection of information
- LLEA notification at temporary jobsites
- Disabling vehicle exemption
- License/address verification for transfer
- NRC-approved monitoring plan for railroad classification yard

Part 37 - Timeline

- Preliminary language posted for comment - complete
- Proposed rule to Commission - complete
- Published for public comment –
 - June 15, 2010 (75 FR 33902)
 - Comment period closes October 13, 2010
- Public workshop on guidance - during rule comment period
- Final rule to Commission - winter 2010-11

For Additional Information

Merri L. Horn

Senior Project Manager

Division of Intergovernmental Liaison and Rulemaking

Office of Federal and State Materials and Environmental Management
Programs

301-415-8126

Merri.Horn@nrc.gov

- SECY-09-0181
- ADAMS ML092820074

Questions?