

# Source Security Outcome of the 2018 GAO Audit

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# Overview



History



GAO Recommendations



NRC Response



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# History

## Congressional Mandate

### Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235)

SEC. 403. (a) SECURING RADIOLOGICAL MATERIAL.—No later than 2 years from enactment of this Act, the Nuclear Regulatory Commission (NRC) shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate that evaluates the effectiveness of the requirements of 10 CFR Part 37 and determines whether such requirements are adequate to protect high-risk radiological material. Such evaluation shall consider inspection results and event reports from the first two years of implementation of the requirements in 10 CFR Part 37 for NRC licensees. **(b) No later than 2 years after the completion of the NRC evaluation required in subsection (a), the Government Accountability Office, with assistance from an independent group of security experts, shall provide a report to Congress on the effectiveness of the requirements of 10 CFR Part 37 for NRC and Agreement State licensees and recommendations to further strengthen radiological security.**



# History

- NRC Report to Congress, “Effectiveness of Part 37 of Title 10 of the Code of Federal Regulations”
  - <https://www.nrc.gov/security/byproduct/10-cfr-part-37-program-review.html>
  - Summary of NRC Staff Program Review of 10 CFR Part 37
- GAO-19-258, “Combating Nuclear Terrorism: NRC Needs to Take Additional Actions to Ensure the Security of High-Risk Radioactive Material,” Non-public Release, February 2019
- GAO-19-468, “Combating Nuclear Terrorism: NRC Needs to Take Additional Actions to Ensure the Security of High-Risk Radioactive Material,” Public Release, April 4, 2019



# GAO Recommendations

1. The Chairman of NRC should direct NRC staff to consider socioeconomic consequences and fatalities from evacuations in the criteria for determining what security measures should be required for radioactive materials that could be used in an RDD.
2. The Chairman of NRC should require additional security measures for high-risk quantities of certain category 3 radioactive material, and assess whether other category 3 materials should also be safeguarded with additional security measures.
3. The Chairman of NRC should require all licensees to implement additional security measures when they have multiple quantities of category 3 americium-241 at a single facility that in total reach a category 1 or 2 quantity of material.



# NRC Response

Recommendation 1 - Direct NRC staff to consider socioeconomic consequences and fatalities from evacuations in the criteria for determining what security measures should be required for radioactive materials that could be used in an RDD.

Disagree:

1. The Commission has directed the staff to utilize prompt fatalities and deterministic health effects resulting from malicious acts.
2. The staff has previously determined that security measures are adequately protective of dose consequences and economic consequence of an RED or an RDD.



# NRC Response

Recommendation 2 - Require additional security measures for high-risk quantities of Category 3 material, and assess whether other Category 3 radioactive materials should also be safeguarded with additional security measures.

Already under Commission consideration:

The staff submitted the conclusions on recommended changes to control measures for category 3 sources and is awaiting Commission direction

(<https://www.nrc.gov/security/byproduct/category-3-source-security-accountability-reevaluation.html>)

– SECY-17-0083, Re-Evaluation of Category 3 Source Security and Accountability in Response to SRM-COMJMB-001

(<https://www.nrc.gov/docs/ML1718/ML17188A249.html>)



# NRC Response

Recommendation 3 - Require all licensees to implement additional security measures when they have multiple quantities of Category 3 Americium-241 at a single facility that in total reach a Category 1 or 2 quantity of material.

Disagree:

1. The NRC has already evaluated the definition of “aggregated” and has taken or is in the process of taking action to clarify relevant guidance and procedures.
2. GAO closed a previous recommendation on aggregation based on the results of the NRC’s effectiveness review of Part 37





# NRC Response

- The NRC and Agreement States have established a **strong regulatory framework** that ensures the safety, security, and control of all radioactive sources in a graded approach.
- The Radiation Source Protection and Security Task Force concluded that there are **no significant gaps** in the area of radioactive source protection and security that are not already being addressed by ongoing efforts of the appropriate agencies.
- The NRC reviewed the effectiveness of 10 CFR Part 37 and determined that the **requirements of 10 CFR Part 37 are effective in ensuring the security of risk-significant radioactive material.**
- The primary references do not provide sufficient basis for either the GAO's recommendations or for regulatory action.



# Contact

Thank You!

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