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OFFICE OF SECRETARY
RULEMAKINGS AND
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Secretary U. S. Nuclear Regulatory Commission
Washington DC 20555-0001
Attn: Rulemakings and Adjudications Staff

28 Mar 2005

AEA Technology QSA Inc appreciates the opportunity to provide comments on the proposed regulations regarding Safeguards Information, specifically 10 CFR 73.23.

General Comments

We have recently been required to comply with orders that introduced the need for Safeguards Information – Modified Handling. The biggest difficulty in complying with the requirements is that there is not much guidance on how to actually carry out the protection of this material. To support this rule, there needs to be very detailed guidance on how to implement and comply, as these impose new requirements and systems for facilities that have not dealt with these types of issues before. Many existing document control and IT systems were not designed to handle this type of information and need to be upgraded accordingly.

The requirements are very administrative in nature and require continued vigilance to assure remain in compliance, this is very onerous especially for smaller companies. It needs to be recognized that the licensees that now need to comply with Safeguards do not have the infrastructure that the nuclear power plants do in relation to safeguards and security and personnel may not be appropriately trained to make security and safeguards assessments. In many cases the safety staff has taken on this responsibility as these facilities do not have dedicated “security” personnel. This needs to be taken into consideration in the implementation of this rule. Do personnel handling safeguards and security information require specific regulatory training in order to effectively implement the rule?

Although not referenced, information about the types and quantities of material listed on a license in some cases should be considered Safeguards Information when the license contains nuclides and quantities of concern. However, for licensees to transfer material they must obtain a copy of the recipient’s license so this information is easily available and in many cases publicly available. This need to be reviewed by NRC and state

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agencies to assure the appropriate level of security is given to standard licensing documents.

Specific Comments

10 CFR 73.23(g)(3)

In several places in the proposed rule (10 CFR 73.23(g)(3) and (h) for example), it references approval from the NRC but does not specify the office. It needs to be clearly defined who the ultimate authority is. We had gotten several different answers on specific questions on using computers on a network depending who we asked within the NRC and the State.

10 CFR 73.23(a)(2)(ii) and (iii) Physical Protection in Transit

It is not clear that the information that will be designated as Safeguards ie the arrangements with LLEA is specific to a shipment or is the general arrangements for all shipments that may be affected. If specific to the shipment, then it would be difficult to maintain the information as Safeguards as it is normally arranged over the phone. It would have to be set up in face to face meetings or encrypted.

It is not clear what the phrase "limitations of communication during transport" means in para 73.23(a)(2)(iii).

73.23(h) Decontrolling information

The decision to decontrol information sounds like it will be a difficult assessment if consideration has to be given to using it in combination with non safeguards information. Again detailed guidance and/or training would need to be given. The rule says that the approval to decontrol information can be made by three options:

- 1) Only by NRC or
- 2) The licensee with NRC approval or
- 3) In consultation with the individual that made the original determination if possible

Having these options doesn't make sense, there should be one ultimate authority that says it is OK to decontrol the information so there is no ambiguity and all licensees use the same method.

We appreciate the chance to comment on this rule, if you would like more information, please contact me at 781-505-8210.

Sincerely,



Cathleen Roughan
Regulatory Affairs and Quality Assurance Manager