TIMELINE FOR THE ISSUANCE OF THE INCREASED CONTROLS

August 15, 2005

- Commission issued the Staff Requirements Memorandum (SRM) for COMSECY-05-0028.

September 2, 2005

- The staff issued a letter to the Agreement States which provided expectations for issuance of the requirements, reporting on licensee implementation, and conduct of inspections.

- The Office of the Secretary dispatched letters from the U.S. Nuclear Regulatory Commission (NRC) Chairman to Agreement State Governors, Congressional Oversight Committees, and Federal Agencies (i.e., U.S. Department of Homeland Security (DHS), U.S. Department of Energy (DOE), National Nuclear Security Administration (NNSA)).

September 6, 2005

- The Organization of Agreement States, Inc., provided a letter of support to all Agreement States, along with a generic license condition that the staff approved. A large majority of the Agreement States used the license condition to issue the Increase Controls (IC).

- The staff dispatched a copy of the NRC Chairman's letters to the Agreement State Governors, State Liaison Officers, and Radiation Control Program Directors.

- The staff also notified Congressional Offices, international counterparts, and key Federal staff at the DHS, Domestic Nuclear Detection Office, DOE, NNSA, and the Office of the Vice President.

- The Office of Public Affairs (OPA) also issued a press release.

September 7, 2005

- The staff dispatched a letter to NRC and Agreement State licensees to provide notification that the additional requirements are being issued under public health and safety authority, and Agreement States will be implementing the IC via Order, or other immediate effective mechanism, for licensees within their jurisdiction.

Enclosure

September 30, 2005

- The staff provided the Commission with a prioritization methodology to inspect higher risk licensees within the first year of implementation.

November 4, 2005

- The staff dispatched the prioritization methodology to the Agreement States.

November 14, 2005

- NRC issued the IC to approximately 500 NRC licensees.
- The staff notified State Homeland Security Advisors of the IC and the implementation approach.

November 23, 2005

- The staff issued a draft Temporary Instruction for inspecting against licensee implementation of the IC for NRC staff and Agreement State comment.

December 1, 2005

- The NRC Order was published in the *Federal Register*.

December 2, 2005

- The Agreement States completed issuance of the IC to approximately 1,700 licensees, in accordance with the Commission's established time frames.
- All of the Agreement States imposed either a legally binding license condition requiring implementation of the IC, or issued Orders and a corresponding license condition, to implement the IC.

December 5, 2005

- OPA issued a press release announcing that the IC had been issued over the 3-month time period and provided links to the public regarding NRC's IC.
- The staff provided the press release to all Radiation Control Program Directors, State Liaison Officers, international counterparts, and Congressional Oversight Committees.

December 7, 2005

- The staff provided a copy of the December 5, 2005, press release to the State Transportation Contacts.

- The staff provided the Agreement States with an opportunity to comment on draft revisions to the Integrated Materials Performance Evaluation Program (IMPEP), to reflect implementation of the IC.

December 22, 2005

- As a result of the staff's confirmatory review of licensees potentially subject to the IC Order, the staff issued the IC to an additional 635 NRC licensees that met the criteria for receiving the Order, but were not included in the November 14, 2005, mailing.

January 26, 2006

- The staff convened the initial meeting of a working group composed of NRC managers and representatives of the Organization of Agreement States, Inc., and the Conference of Radiation Control Program Directors, Inc. This working group was established to ensure regulatory consistency by reviewing and dispositioning implementation issues identified by the NRC staff, the Agreement State Radiation Control Programs and licensees. The working group meets weekly, and additional Questions and Answers developed by the group have been posted on the NRC web site.

February 16, 2006

- NRC drafted and distributed standard violations for the IC, which are currently undergoing NRC legal review and review by the Office of Enforcement. When these internal reviews are complete, the standard violations will be finalized and subsequently distributed to each of the Agreement State programs and NRC Regional Offices.

February 22, 2006

- The staff completed a needs analysis for attendance in the NRC sponsored "Materials Control and Security Systems and Principles Training Course" in Fiscal Year (FY) 2006 and FY 2007. The staff determined that the training courses currently budgeted for FY 2006 and FY 2007 should ensure an adequate number of both NRC and Agreement State personnel receive the necessary training to be able to conduct inspections in a time frame consistent with the Commission direction in the SRM for COMSECY-05-0028.

- As called for in the transition plan for the IC of sources, and to enhance communications with each of the Agreement States on the implementation of the IC, bi-weekly teleconferences have been initiated to provide a forum for each of the Agreement States and NRC Regional Offices to be kept abreast of implementation issues of mutual interest.

March 20, 2006

- The staff finalized and submitted for publication the Temporary Instruction for the inspection of IC.

March 27, 2006

- The staff finalized revisions to the IMPEP to reflect IC.

March 31, 2006

- Minnesota issued NRC-approved IC to affected licensees.

April 2006

- IC inspections began in several Agreement States.

April 4, 2006

- The staff completed an NRC Regional Branch Chief workshop, to address IC planning and implementation issues, including the scheduling of inspections.

June 1, 2006

- The Implementation of Increased Controls Working Group (IICWG) revised its charter to include addressing issues in the inspection phase of the overall implementation.

June 20, 2006

- The staff completed the development of an IC toolbox and message board on a secure server accessed on the Office of State and Tribal Programs web site, to allow States and Regional Offices to communicate and discuss information applicable to the IC.

July 2006

- All NRC Regional Offices and Agreement States began conducting inspections for licensee compliance with the IC.

August 2006

- The contract for the "Materials Control and Security Systems and Principles Training Course" was transferred from Sandia National Laboratory in Albuquerque, New Mexico, to the Technical Training Center (TTC) in Chattanooga, Tennessee. The TTC contract will be effective as of October 1, 2006; however, the Sandia campus will continue to host the course for the FY 2007 sessions.

September 28, 2006

- NRC issued an Enforcement Guidance Memorandum regarding a licensee's "good faith attempt" to implement the IC Orders. This included a supplemental document of standard violations for determining the severity level of potential violations regarding the IC.

October 2006

- The IICWG began transitioning membership based on the NRC reorganization that resulted in the Office of Federal and State Materials and Environmental Management Programs (FSME).

November 2006

- The final "Materials Control and Security Systems and Principles Training Course" for FY 2007 was held at Sandia National Laboratory in Albuquerque, New Mexico. This marks the last of the NRC-funded IC courses for the Agreement State staff.

December 21, 2006

- NRC issued the pre-licensing guidance and checklist that will be inserted into NUREG-1556, Volume 20, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Administrative Licensing Procedures," as Appendix C "Checklist to Ensure That Radioactive Materials Will Be Used As Intended."

February 9, 2007

- NRC issued "Guide for Applying the Additional Requirements for IC," containing information on how to determine whether the IC are required, text used by NRC for preparing a license transmittal letter, and text, or a "template," for the license condition which requires licensees to implement the IC.

March 2007

- The IICWG extended the interval between meetings to two weeks, based on the reduced number of requests for guidance.

April 2007

- A Management Directive 5.3 working group and steering committee were formed to address fingerprinting requirements for IC licensees. As required by SRM-COMSECY-07-0011, the working group was scheduled to complete work in time for the fingerprint requirements to be issued to IC licensees in September 2007.

April 5, 2007

- NRC issued Regulatory Issue Summary 2007-07, "Clarification of IC for Licensees That Possess Collocated Radioactive Material During Transportation Activities."

May 2007

- IICWG formed a subgroup to develop guidance for second year and subsequent (future) inspections. Subgroup meets regularly by teleconference.

May 2, 2007

- NRC issued Information Notice 2007-16, "Common Violations of the IC Requirements and Related Guidance Documents."

July 30 - 31, 2007

- IICWG subgroup on future inspections met in a secure room at NRC headquarters to facilitate the discussion of sensitive IC inspection issues.

September 2007

- FSME issued Interim Guidance Letter on future inspections, developed by the IICWG subgroup, to Agreement States and NRC Regions.

November 2007

- NRC staff determined that all NRC licensees required to implement the IC's have reported completion of implementation.

December 2007

- NRC issued EA-07-305 “Order Imposing Fingerprinting And Criminal History Records Check Requirements For Unescorted Access To Certain Radioactive Material (Effective Immediately).”

January 2008

- Staff informed the Commission of the Agreement States’ ability to promulgate fingerprinting requirements for IC licensees by the June 2, 2008 (SECY-08-002).

- NRC transmitted three sample license conditions to Agreement States to assist them with issuing equivalent legally binding requirements to their licensees by June 5, 2008.

February 2008

- NRC sponsored five workshops for licensees implementing the NRC Fingerprinting Order.

March 2008

- Agreement States began submitting their draft license conditions for NRC compatibility review.

June 2008

- Eight additional supplemental Questions and Answers pertaining to implementation of the fingerprinting requirements were developed.

- The IICWG developed a path forward to implement continuing re-inspections of Panoramic and Underwater Irradiator licensees, and manufacturing and distribution (M&D) licensees.

- The IICWG initiated a retrospective review of the IC Program.

July 2008

- An IICWG subgroup was established to conduct a retrospective review of the IC Program.

August 2008

- The IICWG held meetings by conference call. The schedule of meetings was extended from weekly to monthly in response to reduced workload.

- One additional supplemental Question and Answer pertaining to implementation of the fingerprinting requirements was developed.

- The IICWG subgroup developed and the IICWG approved IPs for the continuing re-inspections of Panoramic and Underwater Irradiator licensees, and M&D licensees.

- The IICWG subgroup on future inspections developed an Order to non-M&D Service Providers to implement a program to ensure the trustworthiness and reliability of their representatives who require unescorted access to materials. NRC/FSME will issue the Order, on request, under the NRC's common defense and security authority.

October 2008

- The one additional supplemental Question and Answer pertaining to implementation of the fingerprinting requirements was approved by the IICWG.

- The IICWG approved the Order to non-M&D Service Providers to implement a program to ensure the trustworthiness and reliability of their representatives who require unescorted access to materials.

October 3, 2008

- NRC issued Regulatory Issue Summary 2008-24, "Security Responsibilities of Service Providers and Client Licensees."

October 30, 2008

- Two specific Inspection Procedures (IPs), "Panoramic and Underwater Irradiator Security Program" (IP 87135) and "Manufacturing and Distribution (M&D) Security Program" (IP 87136), were issued.

November 2008

- With the New York State Department of Health's implementation of the fingerprinting requirements on November 18, 2008, and the fingerprinting requirements becoming effective for the New York City Department of Health on October 25, 2008, the Agreement State issuance of the fingerprinting requirements were completed.

December 2008

- The IICWG subgroup developed to evaluate revisions to inspection frequencies in Inspection Manual Chapter (IMC) 2800, "Materials Inspection Program," presented its recommendations to the IICWG.