

Rulemaking Comments

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To: Rulemaking Comments
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Subject: comments for Part 37, Subpart C; RIN 3150-A112
Attachments: Draft Part 37 Subpart C May 13.doc

I am attaching Veterans Health Administration comments on draft rulemaking for 10 CFR Part 37, Subpart C.

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The proposed changes for this draft subpart are noted below and indicated by strikethrough and revised wording in blue font. The changes are also summarized below.

- a. Comments are not provided for the related changes to 10 CFR Part 30 and Part 150.
- b. "Per" is substituted for "In accordance with" to use plain language.
- c. For sections or tasks with licensee, the following or equivalent is inserted for clarity: "or a permittee under a master materials licensee." An alternative to inserting this wording in each section is to add a definition to explicitly state differences for a master materials licensee and the permittees under such a license.
- d. For definitions to Approved Individual, diversion, isolation, and security zone, additional wording is provided for clarity.
- e. For 37.1201(b), "undue" is added for clarity given alarms and responses are not immediate and should be evaluated in the context of the facility security plan.
- f. For 37.1201(d)(1), "statement" is substituted for "information" for clarity.
- g. For 37.1203(a)(2)(iii), "statement" is substituted for "information" for clarity.
- h. For 37.1203, "written" is added for clarity about the requirements for procedures.
- i. For 37.1203(c), the concept of "refresher" training is added for clarity.
- j. For 37.1205, the concept and description of the security zone is expanded for clarity.
- k. For 37.1209 and 37.1211, "undue" is added for clarity given alarms and responses are not immediate and should be evaluated in the context of the facility security plan.
- l. For 37.1213, the interactions with the LLEA are related to information in the facility security plan and a new section is added about the LLEA updating the facility about changes in LLEA response capability.
- m. For 37.1219, the wording is revised extensively for clarity.
- n. For 37.1221, the wording is revised for clarity and to distinguish between circumstances that are evaluated for possible reporting and those that are confirmed to be reportable.
- o. For 37.1223, the wording is changed to reflect master materials licensee inspections.

§ 37.3 Definitions.

Access control means a system for allowing only approved individuals to have unescorted access to the security zone, and for ensuring that other individuals with a need for access are escorted by Approved Individuals.

Aggregated means accessible by the breach of a common physical barrier, whether the material made accessible is a single sealed source, multiple sealed sources, or multiple sources of bulk radioactive material, if the quantity of the material within the common physical barrier equals or exceeds a Category 2 quantity.

Approved Individual means an ~~person~~ individual whom the licensee or permittee under a master materials licensee has determined to be trustworthy and reliable ~~in accordance with~~ per Subpart B of this Part and who has completed the training required by § 37.1203(c).

Category 1 quantity of radioactive material means a quantity of radioactive material equal to or greater than the Category 1 quantity of any radioactive material listed in Appendix A. The aggregate activity of sources of the same radionuclide must be included when the total activity equals or exceeds a Category 1 quantity. If several radionuclides are aggregated, they amount to a Category 1 quantity when the sum of the ratios of the activity of each source is greater than or equal to 1. (For calculating the aggregated activity of multiple collocated sources, see Appendix A.)

Category 2 quantity of radioactive material means a quantity of radioactive material equal to or greater than the Category 2 quantity of any radioactive material listed in Appendix A. The aggregate activity of sources of the same radionuclide must be included when the total activity equals or exceeds a Category 2 quantity. If several radionuclides are aggregated, they amount to a Category 2 quantity when the sum of the ratios of the activity of each source is greater than or equal to 1. (For calculating the aggregated activity of multiple collocated sources, see Appendix A.)

Diversion means the unauthorized movement of radioactive materials, sources, or devices, subject to this Part to a location different from the ~~material's~~ security zone authorized by the licensee or permittee under a master materials licensee for those radioactive materials, sources, or devices ~~authorized destination inside or outside of the site at which the material is used or stored.~~

Escorted Access means accompaniment by an Approved Individual who maintains line-of-sight surveillance at all times over an individual who is not approved for unescorted access when that individual is within a security zone.

Isolation means protection of Category 1 or Category 2 quantities of radioactive material by allowing normal access to security zones only through established access control points and use of alarms, monitors, or other detection methods to determine if access is gained without use of the access control points.

Local law enforcement agency (LLEA) means a government entity that has authority to make arrests and the capability to provide an armed response in locations where licensed Category 1 or Category 2 quantities of radioactive material are used, stored, or transported.

Mobile device is a piece of equipment containing licensed radioactive material that is either: (1) mounted on wheels or casters, or otherwise equipped for moving without a need for disassembly or dismounting; or (2) designed to be hand carried. Mobile devices do not include stationary equipment installed in a fixed location.

Sabotage means deliberate damage to ~~a radioactive source or to an associated facility~~

radioactive materials, sources, or devices and/or the security zone established by a licensee or permittee under a master materials licensee to establish isolation for those radioactive materials, sources, or devices.

Security zone means any temporary or permanent area, determined and established by the licensee ~~in accordance with~~ per § 37.1205, for the physical protection and isolation of Category 1 or Category 2 quantities of radioactive material.

Temporary jobsite means a location where licensed material subject to this Part may be used or stored other than a location owned or leased by the licensee.

Subpart C – Security and Incident Response

§ 37.1201 Security program.

(a) Applicability.

(1) Each licensee or permittee under a master materials licensee that possesses an aggregated quantity of Category 1 or Category 2 radioactive material shall develop, establish, implement, and maintain a security program ~~in accordance with~~ per the requirements of this subpart.

(2) A licensee or permittee under a master materials licensee that is authorized to possess, but does not possess, an aggregated quantity of Category 1 or Category 2 radioactive material shall develop a security program ~~in accordance with~~ per the requirements of this subpart. Licensees or permittees under a master materials licensee referenced in this section are not required to implement and maintain a security program until the licensee or permittee under a master materials licensee seeks to possess radioactive material that would equal or exceed a Category 2 quantity ~~in accordance with~~ per paragraph (3) of this section.

(3) At least 90 days prior to: i) ordering material that would cause the licensee or permittee under a master materials licensee to possess radioactive material that equals or exceeds a Category 2 quantity, or ii) aggregating radioactive material to a quantity that equals or exceeds a Category 2 quantity, each licensee or permittee under a master materials licensee shall develop a security program ~~in accordance with~~ per the requirements of this subpart. At least 30 days before ordering material that would cause the licensee or permittee under a master materials licensee to equal or exceed a Category 2 quantity of radioactive material, or before aggregating material to a quantity that would equal or exceed Category 2, each licensee or permittee under a master materials licensee subject to this subpart shall implement and maintain the security program ~~in accordance with~~ per this subpart.

(b) General performance objective. The licensee's or permittee under a master materials licensee security program shall be designed to monitor, and without undue delay detect, assess, and respond to unauthorized access per the licensee or permittee under a master materials licensee security plan to category 1 or category 2 quantities of radioactive material.

(c) Program features. Each licensee's or permittee under a master materials licensee security program must include the program features, as appropriate, described in §§ 37.1203, 37.1205, 37.1207, 37.1209, 37.1211, 37.1213, 37.1215, 37.1217, and 37.1219.

(d) *Information submittal and notification.*

(1) By (Insert date - 180 days -after the effective date of this final rule published in the Federal Register), each licensee including master materials licensees that possesses a Category 1 or Category 2 quantity of radioactive material on the effective date of this regulation shall submit ~~information~~ a statement concerning the licensee's compliance with the requirements of this subpart.

(2) A licensee including master materials licensees that is authorized to possess, but does not possess, an aggregated Category 1 or Category 2 quantity of radioactive material on the effective date of this regulation shall notify the NRC regional office listed in § 30.6 of this chapter no later than 90 days before placing an order for material that would cause the quantity of aggregated radioactive material in the licensee's or a permittee under a master materials licensee inventory to equal or exceed a Category 2 quantity.

(3) A licensee possessing radioactive material that could be, but is not, aggregated to a Category 1 or Category 2 quantity on the effective date of this regulation shall notify the NRC regional office listed in § 30.6 of this chapter no later than 90 days before aggregating a quantity that equals or exceeds Category 2 at an individual location under the licensee.

§ 37.1203 General program requirements.

(a) *Security plan.*

(1) Each licensee or a permittee under a master materials licensee subject to the requirements of this subpart shall develop a written security plan. The purpose of the security plan is to establish the licensee's or permittee overall security strategy to ensure the integrated and effective functioning of the security program required by this subpart. The security plan must at a minimum:

(i) Describe the measures and strategies to implement the requirements of this subpart;

(ii) Identify the security resources, equipment, and technology used to satisfy the requirements of this subpart;

(iii) Describe any site-specific conditions that affect how the licensee or a permittee under a master materials licensee implements these requirements;

(iv) Describe a process for the implementation, revision, and oversight of the security plan, including approval of changes by the individual with overall responsibility for the security program; and

(v) Describe the means by which individuals implementing the security program will be kept informed of changes in the on-site storage, transfer, or use of this material.

(2) A licensee or a permittee under a master materials licensee may revise its security plan as necessary to ensure the effective implementation of Commission requirements. The licensee or a permittee under a master materials licensee must ensure that:

(i) The revision has been reviewed and approved by the individual with overall responsibility for the security program and licensee or a permittee under a master materials licensee management;

(ii) The affected individuals are instructed on the revised plan before the changes are implemented;

(iii) The licensee notifies the appropriate NRC Regional Office listed in § 30.6 (or for a permittee under a master materials licensee, the licensee program office) and affected local law enforcement agencies (LLEAs) within 6 months after the revision is made. This notification shall include a statement ~~information~~ concerning the continued compliance of the licensee's or a permittee under a master materials licensee security plan with the requirements of this Part; and

(3) The licensee or a permittee under a master materials licensee shall retain a record of each security plan revision ~~in accordance with~~ per §37.1223.

(b) Implementing procedures.

(1) The licensee or a permittee under a master materials licensee shall develop and maintain written procedures that document how the requirements of this subpart and the security plan will be met.

(2) The licensee or a permittee under a master materials licensee shall provide a process for the written approval of implementing written procedures and revisions by the individual with overall responsibility for the security program.

(c) Training.

(1) Each licensee or a permittee under a master materials licensee shall conduct training on the security plan and written procedures to ensure that those individuals responsible for implementing the security plan possess and maintain the knowledge, skills, and abilities to carry out their assigned duties and responsibilities effectively. In determining those individuals who shall be trained on the security plan and written procedures, the licensee or a permittee under a master materials licensee must consider the individuals' assigned activities during authorized use and situations involving actual or attempted theft, diversion, or sabotage of Category 1 or Category 2 quantities of radioactive material that can reasonably be expected to occur during the life of a licensed or permitted facility. The extent of ~~these instructions~~ training must be commensurate with the individual's potential involvement in the security of Category 1 or Category 2 quantities of radioactive material as detailed in the licensee's or a permittee under a master materials licensee security plan.

(2) All individuals identified ~~in accordance with~~ per subsection (c)(1) of this section shall be:

(i) Instructed in the licensee's or a permittee under a master materials licensee security plan and written procedures to secure Category 1 or Category 2 quantities of radioactive material, and in the purposes and functions of the security measures employed;

(ii) Instructed in their responsibility to report promptly to the licensee permittee under a master materials licensee any condition that may cause or lead to a violation of Commission regulations

and licenses;

(ii) Instructed in their responsibility to report promptly to the LLEA and licensee or permittee under a master materials licensee any actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material; and

(iv) Instructed in the appropriate response to alarms.

(3) Before an individual is permitted to have unescorted access to Category 1 or Category 2 quantities of radioactive material, the individual must complete the training requirements in paragraph (c) of this section.

(4) Supplemental or refresher training shall be provided at a frequency not to exceed 12 months, or when significant changes have been made to the security program. This training shall include:

(i) Review of the training requirements of paragraph (b) of this section, and any changes made since the last training;

(ii) Reports on any relevant security issues, problems, and lessons learned;

(iii) Relevant results of NRC or master materials licensee inspections; and

(iv) Relevant results of the licensee's or permittee under a master materials licensee program review, audit, testing and maintenance.

(5) The licensee or permittee under a master materials licensee shall maintain records of the initial, supplemental, or refresher training as required by Subpart F of this Part.

§ 37.1205 Security zones.

(a) Licensees or permittees under a master materials licensee shall ensure that all aggregated Category 1 and Category 2 quantities of radioactive material are used or stored within licensee or permittee established security zones. Security zones may be permanent or temporary. Temporary security zones shall be established as necessary to meet the licensee's or permittee under a master materials licensee transitory or intermittent business activities, such as periods of maintenance, source delivery, and source replacement.

(b) Security zones must, at a minimum, allow unescorted access only to Approved Individuals and provide for alarms, monitors, or other detection methods to determine if unauthorized access occurs through:

(1) Isolation of Category 1 and Category 2 quantities of radioactive materials by the use of continuous physical barriers that allow access to the security zone only through established access control points and provide for alarms, monitors, or other detection methods to determine if access without using established access control points or

(2) Direct control of the security zone by approved individuals at all times; or

(3) A combination of continuous physical barriers and direct control.

(c) For Category 1 quantities of radioactive material during periods of maintenance, source receipt, preparation for shipment, installation, or source removal or exchange, the licensee or permittee under a master materials licensee shall, at a minimum, provide an Approved Individual to maintain ~~constant~~ continuous surveillance of sources in temporary security zones and in any security zone in which physical barriers or intrusion detection systems have been disabled to allow such activities.

§ 37.1207 Personnel access controls.

(a) Licensees or permittees under a master materials licensee required to have security zones under § 37.1205 shall allow only Approved Individuals to have unescorted access to security zones.

(b) Service provider licensee employees shall be escorted unless written verification has been provided by the service provider licensee that the employee has been determined to be trustworthy and reliable by the required background investigation in Subpart B of this Part and the licensee or permittee under a master materials licensee has provided training to the service provider's employee ~~in accordance with~~ per § 37.1203(c).

(c) Personnel who have not undergone the access authorization approval process but who require access to security zones to perform a job duty shall be escorted by an Approved Individual.

(d) When a licensee or permittee under a master materials licensee determines that an Approved Individual no longer requires unescorted access to a security zone, the licensee or permittee under a master materials licensee shall immediately take measures to ensure that the individual is unable to obtain unescorted access.

§ 37.1209 Monitoring, detection, and assessment.

(a) *Monitoring and detection.*

(1) Licensees or a permittee under a master materials licensee shall establish and maintain the capability to continuously monitor and detect without undue delay all unauthorized entries into their security zones. Licensees or a permittee under a master materials licensee shall provide the means to maintain continuous monitoring and detection capability in the event of a loss of the primary power source, or provide for an alarm and response in the event of a loss of this capability.

(2) Monitoring and detection shall be performed by:

(A) A monitored intrusion detection system that is linked to an on-site or off-site central monitoring facility;

(B) Electronic devices for intrusion detection alarms that will alert nearby facility personnel; or

(C) Visual monitoring by video surveillance cameras or visual inspection by approved individuals or both.

(3) A licensee or a permittee under a master materials licensee subject to this Subpart shall also have a means to detect unauthorized removal of the radioactive material from the security zone. This detection capability must provide:

(i) For Category 1 quantities of radioactive material: immediate detection of any ~~attempted~~ unauthorized removal of the source from the device or security zone. Such immediate detection capability must be provided by:

(A) Use of electronic sensors linked to an alarm; or

(B) Continuous visual surveillance by an Approved Individual.

(ii) For Category 2 quantities of radioactive material: weekly verification through physical checks, tamper indicating devices, use, or other means to ensure that the sources are present.

(b) Assessment. Licensees or permittees under a master materials licensee shall assess without undue delay each possible unauthorized entry into the security zone to determine whether the unauthorized access was an actual or attempted theft, sabotage, or diversion.

(c) Personnel communications and data transmission. For personnel and automated or electronic systems supporting the licensee's or permittee under a master materials licensee monitoring, detection, and assessment systems, licensees shall:

(1) Maintain continuous capability for personnel communication and electronic data transmission and processing among site security systems; and

(2) Provide an alternative communication capability for personnel, and an alternative data transmission and processing capability, in the event of a loss of the primary means of communication or data transmission and processing. Alternate communications and data transmission systems shall not be subject to the same failure modes as the primary systems.

§ 37.1211 Response.

Licensees or permittees under a master materials licensee shall respond without undue delay to any possible unauthorized access to the security zones, or actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material at licensee facilities or temporary job sites. For any unauthorized access involving an actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material, the licensee's or permittee under a master materials licensee response shall include requesting an armed response from the LLEA.

§ 37.1213 LLEA coordination and notification requirements.

(a) *LLEA coordination requirements.*

(1) A licensee or permittee under a master materials licensee subject to this Subpart shall provide information to and coordinate to the extent practicable with the LLEA for responding to threats to the licensee's or permittee under a master materials licensee facility, including any

necessary armed response. The information provided to the LLEA must include:

(i) A description of the facilities, security zones, and ~~radioactive materials~~ radioactive materials, sources, or devices subject to this section;

(ii) A description of the licensee's or permittee under a master materials licensee security measures stated in the security plan that have been implemented to comply with this subpart;

(iii) A notification that the licensee or permittee under a master materials licensee will request a timely armed response by the LLEA to any actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of material;

(iv) A request for information about the LLEA's capabilities to provide a timely armed response taking into consideration the description of the security measures stated in the security plan provided in paragraph (b)(1)(ii) of this section;

(v) A request to establish a means of direct communication with an LLEA-designated point of contact for security emergencies involving actual or attempted theft or sabotage of licensee or permittee under a master materials licensee materials; and

(vi) A request that the LLEA notify the licensee or permittee under a master materials licensee whenever the LLEA's contact information is changed during the term of the licensee's or permittee under a master materials licensee authorization to possess Category 1 or Category 2 materials at the subject facility location.

(vii) A request that the LLEA notify the licensee or permittee under a master materials licensee whenever response capabilities become degraded or incapable of providing a timely armed response.

(2) To the extent practicable, the licensee or permittee under a master materials licensee shall have a written agreement with the LLEA describing the LLEA's commitments to provide a response ~~in accordance with~~ per this section. At a minimum, the licensee or permittee under a master materials licensee shall document its efforts to coordinate with the LLEA to provide a response to threats to the licensee's or permittee under a master materials licensee facility. The licensee's or permittee under a master materials licensee documentation must include:

(b) LLEA notification requirements

(1) At least three business days prior to beginning work at temporary job sites where the licensee will use or store Category 1 or Category 2 quantities of radioactive material for more than seven consecutive calendar days, the licensee or permittee under a master materials licensee shall provide advance written notification to the appropriate LLEA.

(i) Such advance notification shall include:

(A) An explanation that the licensee or permittee under a master materials licensee is required to provide this notification to the LLEA ~~in accordance with~~ per this section;

(B) An explanation that the licensee or permittee under a master materials licensee will request an armed response from the LLEA in the event of an actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material at the temporary job site;

(C) Information on the quantities of radioactive material involved and the potential hazards associated with loss of control of the material;

(D) Scheduled start date and expected duration of the licensee's or permittee under a master materials licensee work requiring the use or storage of Category 1 or Category 2 quantities of radioactive materials at the temporary job site for which this notice is provided;

(E) Address of the temporary job site, if available, or sufficient directions to allow the LLEA to determine the location of the temporary job site;

(F) Names and contact information for licensee or permittee under a master materials licensee personnel expected to be present at the temporary job site and responsible for the security of Category 1 or Category 2 quantities of radioactive material;

(G) Names and contact information for other licensee or permittee under a master materials licensee personnel to be contacted in case of an emergency or for additional information;

(H) Names and contact information for the NRC Region or master materials licensee program office responsible for oversight of the licensee's or permittee under a master materials licensee activities at the temporary job site that the LLEA may contact for information; and

(I) A request that the LLEA confirm receipt of the notification.

(ii) If an emergency or other unforeseen circumstance does not allow the licensee or permittee under a master materials licensee to provide three business days written advance notice to the LLEA the licensee or permittee under a master materials licensee shall notify the LLEA as soon as possible via telephone, facsimile, or e-mail.

(i) Dates, times, and locations of meetings with the LLEA;

(ii) Licensee or permittee under a master materials licensee personnel present; and

(iii) LLEA personnel present.

(iii) The licensee or permittee under a master materials licensee shall maintain documentation of all temporary job site notifications sent to the LLEA and any confirmations provided by the LLEA.

(2) The licensee or permittee under a master materials licensee shall notify the appropriate NRC regional office listed in § 30.6(a)(2) of this chapter or master materials licensee program office within three business days after the licensee or permittee under a master materials licensee becomes aware of any applicable state or local agency requirement that an initial response to an emergency involving radioactive materials must be provided by other than armed LLEA personnel.

(3) The licensee or permittee under a master materials licensee shall notify such NRC regional office or master materials licensee program office within three business days if the LLEA declines to respond to the licensee's or permittee under a master materials licensee coordination requests.

(c) The licensee or permittee under a master materials licensee shall maintain records of its coordination activities with any LLEA in the development of the licensee's or permittee under a

master materials licensee security plan, and copies of all documents and correspondence provided to or received from any LLEA ~~in accordance with~~ per this section.

§ 37.1215 Requirements for mobile devices.

Each licensee or permittee under a master materials licensee that possesses mobile devices containing Category 1 or Category 2 quantities of radioactive material shall:

(a) Have two independent physical controls to secure the material from unauthorized removal when the device is not under direct control and constant surveillance by the licensee or permittee under a master materials licensee; and

(b) For devices in or on a vehicle or trailer, utilize a method to disable the vehicle or trailer when not under direct control and constant surveillance by the licensee or permittee under a master materials licensee. Licensees or permittee under a master materials licensee shall not rely on the removal of an ignition key to meet this requirement.

§ 37.1217 Reviews.

Each licensee or permittee under a master materials licensee that possesses Category 1 or Category 2 quantities of radioactive material shall conduct, at a frequency no greater than 12 months, a review of the ~~radioactive material~~ security program content and implementation, and document management's action on prior assessment recommendations.

The licensee or permittee under a master materials licensee shall coordinate with the LLEA ~~in accordance with~~ per § 37.1213(a) of this subpart at a frequency no greater than 12 months, or when changes to the facility design or operation, or changes in the LLEA's response capabilities (if known to the licensee or permittee under a master materials licensee), adversely affect the potential vulnerability of the licensee's or permittee under a master materials licensee material to theft, sabotage, or diversion.

§ 37.1219 Testing and maintenance. Each licensee or permittee under a master materials licensee that possesses Category 1 or Category 2 quantities of radioactive material shall test and maintain intrusion alarms, ~~physical barriers~~, and other systems used for monitoring and detecting access to ~~radioactive material~~ radioactive materials, sources, or devices as follows:

(a) ~~Intrusion alarms~~, Physical barriers, established access control points, and other methods to establish security zones to isolate and secure radioactive materials, sources, or devices ~~other devices used for material protection~~ shall be maintained in operable condition.

(b) Each intrusion alarm, monitor, and associated communication system subject to § 37.1207 shall be inspected and tested for performance as described in the security plan required by § 37.1201(b) to detect unauthorized access to a security zone, but not less frequently than once every quarter.

§ 37.1221 Reports of events.

(a) After initiating an appropriate response to a possible unauthorized access and confirming

any actual or attempted theft, sabotage, or diversion of a Category 1 or Category 2 quantity of radioactive material occurred, the licensee shall immediately notify the NRC Operations Center at (301)816-5100, and the appropriate Agreement State agency if the affected site is a temporary job site in an Agreement State. Telephone calls to notify the NRC and Agreement State agency shall be made as soon as possible after ~~initiating a response~~, confirming an actual or attempted theft, sabotage, or diversion of a Category 1 or Category 2 quantity of radioactive material occurred but not at the expense of causing delay or interfering with the LLEA response to the event. In no case shall the notification be later than 4 hours after the ~~discovery~~ confirmation of any attempted or actual theft, sabotage, or diversion.

(b) Within 30 days of the occurrence, the licensee shall submit to the NRC, with a copy to the appropriate Agreement State agency if the temporary job site is in an Agreement State, a description of any actual or attempted theft, sabotage, or diversion of Category 1 or Category 2 quantities of radioactive material and an analysis identifying any necessary corrective actions to prevent future instances of ~~such unauthorized access~~ attempted or actual theft, sabotage, or diversion.

§ 37.1223 Document retention.

A licensee or permittee under a master materials licensee subject to this part shall retain and make available for inspection the documentation required by this Part as specified below, or until license or permit termination:

(a) Current documentation of the security program and written procedures required by § 37.1203(a) and (b) shall be maintained at all times that a licensee or permittee under a master materials licensee is authorized to possess Category 1 or Category 2 quantities of radioactive material. The licensee or permittee under a master materials licensee shall retain the most recent previous versions of such program or procedures for 3 years after their replacement by the current program and procedures, or until the next NRC or master materials licensee inspection, whichever is later;

(b) Documentation of the individual training, including descriptions and dates of training courses administered, ~~certifications~~ records of completion by licensee or permittee personnel, and related information as required by § 37.1203(c) shall be retained for three years after the individual no longer requires unescorted access to the licensee's or permittee under a master materials licensee security zones, or until the next NRC or master materials licensee inspection, whichever is later;

(c) Current documentation of licensee or permittee under a master materials licensee notifications and coordination activities with an LLEA as required by § 37.1213(c) shall be maintained at all times that a licensee or permittee under a master materials licensee is authorized to possess Category 1 or Category 2 quantities of radioactive material. The licensee or permittee under a master materials licensee shall retain the most recent previous version of such documentation for 3 years after its replacement by the current documentation, or until the next NRC or master materials licensee inspection, whichever is later;

(d) Descriptions of instances of unauthorized access to security zones, analyses identifying needed corrective actions, and documentation of corrective action commitments concerning such instances as required by § 37.1221(b) shall be retained for three years after the submittal of each such description, analysis, or documentation or until the next NRC or master materials licensee inspection, whichever is later;

(e) Documentation of security program reviews as required by § 37.1217, and the testing and maintenance of systems used for securing and monitoring access to radioactive material as required by § 37.1219, shall be retained for three years after the completion of each such review, testing, or maintenance activity or until the next NRC or master materials licensee inspection, whichever is later.

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Subject: comments for Part 37, Subpart C; RIN 3150-AI12

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Thread-Topic: comments for Part 37, Subpart C; RIN 3150-AI12

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