COMSECY-09-0029

December 24, 2009

MEMORANDUM TO: Chairman Jaczko
Commissioner Klein
Commissioner Svinicki

FROM: R. W. Borchardt ***/RA/***
Executive Director for Operations

SUBJECT: DRAFT POLICY STATEMENT ON THE PROTECTION OF CESIUM-137 CHLORIDE SOURCES

The purpose of this memorandum is to obtain Commission approval to publish in the *Federal Register* the draft Policy Statement on the Protection of Cesium-137 Chloride (CsCl) Sources. The draft Policy Statement was developed in response to the Staff Requirements Memorandum (SRM) for SECY-08-0184 "Strategy for the Security and Use of Cesium-137 Chloride Sources," dated April 15, 2009. High activity sources containing CsCl have been the focus of increased attention in the U.S. because the sources are extensively used in a wide range of applications in medicine, industry, and research, and because such sources, due to the solubility and dispersibility properties of CsCl, could also be used by terrorists in a radiological dispersal device or "dirty bomb," which could cause serious economic and social consequences.

The draft Policy Statement delineates how the NRC's mission of ensuring adequate protection of public health and safety, common defense and security, and the environment while enabling the use of radioactive materials for beneficial civilian purposes is best accomplished with respect to CsCl by implementing or promoting the following principles:

- Licensees have the primary responsibility to securely manage and to protect sources in their possession from misuse, theft, and radiological sabotage;
- Adequate protection of the public health and safety is maintained if CsCl sources are managed in accordance with the security requirements of the NRC and the Agreement States. These requirements are based on vulnerability assessments of the various sources and follow the principles of the Code of Conduct on the Safety and Security of Radioactive Sources of the International Atomic Energy Agency;
- To continue the use of CsCl in its current form, source and device manufacturers should strive to implement design improvements that mitigate or minimize the radiological consequences of misuse or malevolent acts involving the sources;
- The development and use of alternative forms of cesium-137 is desirable and the NRC recognizes that measures to verify effectiveness of the alternatives for solubility and dispersibility must be established to support future decision-making on this matter;
- The societal benefits that CsCl sources currently provide must be maintained in the future with any alternative forms of cesium-137, or with alternative technologies;

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- The NRC recognizes that currently there is no disposal capability for such commercial sources. The NRC considers it imperative to develop a pathway for the long term storage and disposal of these sources whether or not there are alternatives developed; and
- The NRC is ready to issue additional security requirements and regulations regarding limitations for the use of CsCl in its current form, should changes in the national threat environment necessitate it.

Upon Commission approval, the staff will publish the draft in the *Federal Register* as a Proposed Policy Statement for public comment and will conduct a stakeholder meeting. With the comments received, the NRC staff will develop a final policy statement to delineate the Commission's policy on the protection and management of sources containing Cesium-137.

SECY, please track.

Enclosure:
Draft Policy Statement of the
U.S. Nuclear Regulatory Commission
on the Protection of Cesium-137
Chloride Sources

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