

April 17, 2014

MEMORANDUM TO: William Gott, Chief
Fuel Cycle Transportation Security Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

FROM: Alex Sapountzis, Senior Program Manager */RA/*
Fuel Cycle Transportation Security Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: SUMMARY OF APRIL 9, 2014, PUBLIC MEETING BETWEEN U.S. NUCLEAR REGULATORY COMMISSION AND STAKEHOLDERS TO DISCUSS SABOTAGE AND TRANSPORTATION SECURITY THAT IS ASSOCIATED WITH THE REGULATORY BASIS FOR THE TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* PART 73 RULEMAKING EFFORT

On April 9, 2014, the U.S. Nuclear Regulatory Commission (NRC) hosted a public meeting. The purpose of this public meeting was to discuss and obtain stakeholder feedback on the NRC's efforts to develop a draft regulatory basis to update security regulations within Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, based on the concept of material attractiveness for Special Nuclear Material (SNM). The discussions focused on two topics that included:

1. Sabotage; and
2. Transportation Security.

The staff discussed the goal of this rulemaking effort that included:

- Improve consistency and clarity;
- Make generically applicable security requirements similar to those imposed on fuel cycle facilities by the security orders;
- Consider risk insights, operational oversight and inspection activities, and international guidance (e.g. material attractiveness, dose limit threshold, sabotage, and fatigue); and
- Use a risk-informed and performance-based structure.

The staff elaborated in the Sabotage presentation (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14091A255) that the current physical protection regulations for Pu are based on theft and diversion and that the staff felt that additional requirements may be needed for safeguarding this material, from radiological

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sabotage. The staff also stated that it is looking into eliminating the dose limit threshold of 100 REM/hr (i.e., that allows licensees to relax physical protection measures one category) since:

1. Adversaries post September 11, 2001, have shown that they are willing to die for a cause; and
2. This dose rate will not stop the adversary from achieving certain goals, since the onset of any health effects from this dose rate may take several hours to days, depending on the dose received.

Other discussions during this presentation focused on security orders ("Orders") and the staff incorporating Order requirements into the regulations, with the goal of rescinding Orders when possible. The staff wrapped up its presentation with a discussion of timelines for major milestones associated with the regulatory basis for both the 10 CFR Parts 73 and 26 efforts. Finally, one attendee requested that the staff consider allowing a long comment period when the staff issues the regulatory basis for public comment.

The next presentation was on Transportation Security (ADAMS Accession No. ML14093A924). The staff discussed its goal of applying similar physical protection measures that are being proposed for fixed sites. The staff explained that the transportation environment is truly dynamic (numerous variables that include weather, physical roadway conditions, unexpected hazards during maritime transport, railway interruptions, etc.) that need to be considered when protecting SNM during transport. Based on the dialogue during the presentation the following issues were raised:

1. One attendee asked if the NRC is synchronizing its efforts with the U.S. Department of Transportation (DOT). The staff responded that it is synchronizing its efforts with DOT and other federal agencies.
2. Some attendees found the material attractiveness tables the staff had initially proposed to the Commission confusing. The staff responded that this information was used for historical purposes that show where the staff's initial thoughts were on material attractiveness/material categorization and that this information was included in this presentation in error.
3. One attendee asked if there would be any changes (physical protection measures) associated with the transport of UF₆ cylinders for Category III licensees in this effort. The staff responded that it does not anticipate any changes.

Enclosures:

1. Agenda for Public Meeting on Transportation Security for the Protection of Special Nuclear Material and Sabotage, all Associated with the Regulatory Basis for the 10 CFR Part 73 Rulemaking Effort.
2. Attendance List

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DISTRIBUTION:

A. Sapountzis	J. Adams	P. Habighorst	L. Harris	T. Harris	W. Gott
J. Danna	T. Young	N. St. Amour	R. Johnson	N. Siu	M. Rodriguez
S. Lynch	T. Pham	M. Baker	J. Bielecki	L. Mayos	J. Nakoski
M. Romano	E. Reed	O. Smith	J. Rivers	A. Tardiff	M. Thaggard
N. Fragoyannis	J. Cook	V. Barnes	T. Gody	D. Ki	O. Bukharin
S. Price	C. Kanatas	R. Gibson	C. Erlanger	M. Bailey	P. Peduzzi

ADAMS Accession No.: **ML14107A102**

OFFICE	NSIR/DSP/FCTSB	NSIR/DSP/FCTSB
NAME	ASapountzis	WGott
DATE	04/16/14	04/17/14

**AGENDA FOR PUBLIC MEETING ON TRANSPORTATION SECURITY FOR THE
PROTECTION OF SPECIAL NUCLEAR MATERIAL AND SABOTAGE, ALL ASSOCIATED
WITH THE REGULATORY BASIS FOR THE 10 CFR PART 73 RULEMAKING EFFORT**

**April 9, 2014
9:00 A.M. – 12:00 P.M.**

U.S. NUCLEAR REGULATORY COMMISSION (NRC)

Agenda

PURPOSE: To provide an opportunity for interested parties to discuss the NRC's efforts to develop a regulatory basis to update security regulations within Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, that includes transportation security for the protection of special nuclear material (SNM) and sabotage.

April 9, 2014

9 00 A.M. Opening remarks, introduction and meeting focus (NRC)
9:15 A.M. Sabotage (NRC)
9:45 A.M. Public comments (All)
10:15 A.M. Transportation security for the protection of SNM (NRC)
10:45 A.M. Break
11:00 A.M. Public comments (All)
11:45 P.M. Closing remarks (NRC)
12:00 P.M. Adjournment

Attendance List

On February 20, 2014, the NRC met with stakeholders to discuss the NRC's efforts to develop a regulatory basis to update security regulations within 10 CFR Part 73, based on the concept of material attractiveness for Special Nuclear Material (SNM)

Name	Organization
Nick Baker	Nuclear Regulatory Commission/Nuclear Materials Safety and Safeguards
Janna Bergman	Sciencetech (Business unit of Curtiss-Wright Flow Control Company)
Tamara Bloomer	Nuclear Regulatory Commission/Commissioner Ostendorff's Office
Kristi Branch	Pacific Northwest National Laboratory
Janet Bryant	Pacific Northwest National Laboratory
Bill Davis	Babcock and Wilcox-Nuclear Operations Group
Steven Dolley	Platts McGraw Hill Financial News
Bill Gott	Nuclear Regulatory Commission/Nuclear Security and Incident Response
James Grassano	Babcock and Wilcox-Nuclear Operations Group
Dealis Guyn	MOX Service-Savannah River Site
Gary Hamby	Honeywell
Larry Harris	Nuclear Regulatory Commission/Nuclear Security and Incident Response
Tim Harris	Nuclear Regulatory Commission/Nuclear Security and Incident Response
Gerry Jackson	Nuclear Regulatory Commission/Nuclear Security and Incident Response
Janelle Jesse	Nuclear Regulatory Commission/Commissioner Magwood's Office
Marshall Kohen	Nuclear Regulatory Commission/Chairman Macfarlane's Office
Dr. Melinda Krahenbuhl	Reed College of Oregon
Marvin Lewis	Public
David McIntyre	Nuclear Regulatory Commission/Public Affairs
Scott Murray	Global Nuclear Fuels-Americas
Jason Presley	Babcock and Wilcox-Nuclear Operations Group
Louis Quintana	General Electric-Hitachi
Beth Reed	Nuclear Regulatory Commission/Nuclear Reactor Regulations
Joe Rivers	Nuclear Regulatory Commission/Nuclear Security and Incident Response
Alex Sapountzis	Nuclear Regulatory Commission/Nuclear Security and Incident Response
Janet Schlueter	Nuclear Energy Institute
Wayne Sepitko	Westinghouse
Nathan Siu	Nuclear Regulatory Commission/Research
Norm St. Amour	Nuclear Regulatory Commission/General Counsel
Timothy Tate	AREVA
Michael Valenzano	AREVA
Ray Wharton	Nuclear Regulatory Commission/Nuclear Materials Safety and Safeguards
Mitzi Young	Nuclear Regulatory Commission/General Counsel
Tom Young	Nuclear Regulatory Commission/Federal State Materials and Environmental Management Programs