

2014

RATIONALE

PART V

**PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF
RADIOACTIVE MATERIAL**

Background and History.

Part V of the Conference of Radiation Control Program Directors (CRCPD), Suggested State Regulations (SSR) was being developed to incorporate the Nuclear Regulatory Commission's (NRC) recently issued Title 10 Code of Federal Regulations (CFR) Part 37.

In a final rule published in the Federal Register on March 19, 2013, the NRC added a new Part 37 to its regulations and made conforming changes to other parts of the NRC regulations regarding radioactive materials. The new regulations, which became effective on May 20, 2013, establish physical security requirements for the possession and use of Category 1 and Category 2 quantities of radioactive material. For the NRC licensees, the compliance date of this rule was **March 19, 2014**.

Specific Provisions.

For Agreement State licensees that received an NRC security order issued under the NRC's common defense and security authority, the order will remain in place until the effective date of compatible requirements issued by the Agreement State. All Agreement States are obligated to have 10 CFR Part 37 compatible requirements issued by **March 19, 2016**. Once the State has issued its requirements and they become effective, the NRC will concurrently rescind the NRC-issued orders through formal written correspondence.

Since most of the 10 CFR Part 37 requirements have been determined by the NRC to be "Compatibility B", SR-V has had little flexibility in developing Part V. It is important that SR-V be issued in time to assist the Agreement States in developing their own compatible regulations and to meet the March 19, 2016 deadline.

Matters for Future Consideration.

None.