



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 4, 2016

ALL AGREEMENT STATES LICENSEES, VERMONT, WYOMING
STATE LIAISON OFFICERS

FEDERAL REGISTER NOTICE – REQUEST FOR COMMENTS ON PHYSICAL SECURITY
REQUIREMENTS – 10 CFR PART 37 (NRC-2015-0109) (STC-16-032)

Purpose: To provide notification that the U.S. Nuclear Regulatory Commission (NRC) has published a *Federal Register* notice (FRN) that is soliciting comments on the clarity and effectiveness of requirements in Part 37 of Title 10 of the Code of Federal Regulations (10 CFR Part 37), “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.”

The NRC plans to hold a series of public meetings to discuss the topics identified in the FRN and facilitate public participation in the Part 37 assessment that is being performed by the NRC. The staff will publicly notice the official dates and times of these meetings, but they are *tentatively* scheduled as webinars on March 31, April 7, April 12, and April 19, and a public meeting to be held at the NRC Headquarters on May 5, 2016. The webinars will be focused on specific audiences – e.g., March 31 and April 7 – Materials Licensees; April 12 – Agreement States; and April 19 – Reactor or Part 50 Licensees; however, licensees are welcome to participate in any meeting that suits their availability. Consult the NRC public meeting schedule, which can be accessed at: <http://meetings.nrc.gov/pmns/mtg> for additional information.

Background: In March 2013, the NRC published 10 CFR Part 37 to codify security requirements for the use and transport of Category 1 and Category 2 quantities of radioactive material. Specifically, the final rule provided reasonable assurance of preventing the theft or diversion of Category 1 and Category 2 quantities of radioactive material and included security requirements for the transportation of irradiated reactor fuel that weighs 100 grams or less in net weight. In December 2014, the Committees on Appropriations of the House of Representatives and the Senate directed the NRC (Public Law 113–235) to evaluate the effectiveness of the new regulations and determine whether the requirements are adequate to protect “high-risk radiological material.” In response to this mandate, the NRC has implemented a retrospective program review to provide an objective assessment of the new requirements and associated implementation guidance.

Discussion: As part of the program review, the NRC issued a *Federal Register* Notice on March 14, 2016 (81 FR 13263), to request comments on the overall effectiveness and clarity of the 10 CFR Part 37 and its associated guidance. Specific questions are contained in the FRN, but generally the NRC would like to gain insight on requirements or guidance that may conflict or need to be modified to maximize effectiveness and provide greater clarification. The NRC is also requesting comments on the usefulness of the guidance documents associated with the rule; specifically, NUREG-2155, *Implementation Guidance for 10 CFR Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material* and NUREG-2166, *Physical Security Best Practices for the Protection of Risk-Significant Radioactive Material*.

Feedback received in response to the FRN and as part of the public meetings will be used to inform the staff's report to Congress on the effectiveness of 10 CFR Part 37, which is due in December 2016.

The FRN requests comments to be submitted by May 13, 2016. The FRN is available at: <https://federalregister.gov/a/2016-05260>.

If you have any questions regarding this correspondence, please contact me at (301) 415-3340, or the Office of Nuclear Material Safety and Safeguards staff member named below:

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Office of Nuclear Material Safety
and Safeguards

Enclosure:
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