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WEBINAR 4

10 CFR PART 37 – PHYSICAL PROTECTION OF Category 1 AND Category 2 QUANTITIES OF RADIOACTIVE MATERIAL PROGRAM

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WEBINAR 4

10 CFR PART 37

PHYSICAL PROTECTION OF Category 1 AND Category 2 QUANTITIES OF RADIOACTIVE MATERIAL PROGRAM

GEORGE E. SMITH
Office of Nuclear Material Safety and Safeguards (NMSS)

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Public Comments

- This is an NRC Category 3 Public Meeting.
- Responses to the *Federal Register Notice* during this Webinar and those submitted to the NRC will be considered by NRC in preparing a report to the Committees on Appropriations of the House of Representatives and the Senate, pursuant to Public Law 113–235, Section 403.
- The NRC, however, does not intend to provide specific responses to comments or other information submitted in response to this request.

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Disclosure of Non-Public Information

- Please do not provide non-public information, Safeguards information (SGI), or Classified information.
  - -- Site-specific information about physical security systems including design features of alarms, barriers, cameras, security or communications systems
  - -- Information relating to on-site or off-site response forces, including size, armament of response forces, and arrival times of such forces committed to respond to security contingency events
  - -- Guard force or local Law enforcement qualification/training
  - -- Adversary characteristics and related information
  - -- Information from NRC issued Orders marked SGI or SGI-M

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Process For Submitting Public Comments

- Submit all comments by May 13, 2016

  http://www.regulations.gov, docket ID NRC-2015-0109

  Mail comments to:

  Cindy Bladey, Office of Administration
  Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission
  Washington, DC 20555–0001.

NOTE: Please include the Docket ID NRC–2015–0109 in the subject line of your submission.

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Background

- On March 19, 2013, the U.S. Nuclear Regulatory Commission (NRC) published a final rule that amended its regulations to establish security requirements for the use and transport of Category 1 and Category 2 quantities of radioactive material.

- Appropriations of the House of Representatives and the Senate directed the NRC to evaluate the effectiveness of the new regulations and determine whether the requirements are adequate to protect ‘‘high-risk radiological material.’’

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Background

- Gather general and specific comments on the overall effectiveness and clarity of the requirements for security measures to protect Category 1 and Category 2 sources of radioactive material.

- Gather comments on the usefulness of the guidance documents associated with its regulations in 10 CFR Part 37.

- The Part 37 Assessment *Federal Register Notice* 13263, Vol. 81, No. 49 issued Monday, March 14, 2016: https://www.gpo.gov/fdsys/pkg/FR-2016-03-14/pdf/2016-05260.pdf

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AGENDA

- Not Registered for the Webinar - Please Submit Contact Information to Part37Assessment@nrc.gov
- Comment Areas
- Webinars and Public Meeting Dates
- Meeting Closure

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10 CFR Part 37 – Comment Areas

- Subpart A: General Provisions
- Subpart B: Background Investigations and Access Authorization
- Program
- Subpart C: Physical Protection Requirements During Use
- Subpart D: Physical Protection in Transit

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Guidance Documents – Comment Areas

- NUREG-2155 – Implementation Guidance for 10 CFR Part 37
  http://pbadupws.nrc.gov/docs/ML1501/ML15016A172.pdf

- NUREG-2166 - Physical Security Best Practices for the Protection of Risk-Significant Radioactive Material
  http://pbadupws.nrc.gov/docs/ML1415/ML14150A382.pdf

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Subpart A – General Provisions

- Are the definitions (in 10 CFR 37.5, "Definitions") clear, unambiguous, and consistent with their usage in other parts of the regulations?

- Is the rule clear as to when a licensee can use physical barriers to render aggregated sources below the Category 2 aggregated quantity?

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Subpart B – Background Investigations and Access Control Program

- Are the requirements of Subpart B clear for use in determining individuals to be trustworthy and reliable?

- While the regulations provide the type of information that must be gathered before making a Trustworthiness and Reliability (T&R) determination, NUREG–2155 provides additional guidance on determining whether someone is T&R. Is the information in Annex A to NUREG– 2155 adequate in helping a Reviewing Official make a T&R determination?

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Subpart C – Physical Protection Requirements During Use

- Do the requirements of Subpart C clearly define what is needed to support the physical protection of licensed Category 1 and Category 2 quantities of radioactive material during use?

- Which requirements in 10 CFR 37.45, "LLEA [local law enforcement agency] coordination," have you found to be instrumental in ensuring an adequate LLEA response, should an LLEA response be needed? Is there other information you think should be required to be shared with an LLEA?

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Subpart C – Physical Protection Requirements During Use

- Isolation of Category 1 and Category 2 quantities of radioactive material by the use of continuous physical barriers that allow access to the security zone only through established access control points is required in 10 CFR 37.47, "Security zones." Is the rule clear as to what qualifies as an adequate physical barrier?

- Do the requirements in 10 CFR 37.57, "Reporting of events," clearly define a licensee's responsibility to notify the LLEA and the NRC's Operations Center?

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Subpart D – Physical Protection in Transit

- Do the requirements of Subpart D clearly define what is needed to support the physical protection of licensed Category 1 and Category 2 quantities of radioactive material in transit?

- Are the requirements in 10 CFR 37.81, "Reporting of events," clear in defining the licensee's responsibility to notify LLEA and the NRC's Operations Center within 1 hour when a determination is made that a shipment of a Category 1 quantity of radioactive material is lost or missing?

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Implementation Guidance Documents NUREG-2155

- How have you utilized NUREG–2155 to implement the 10 CFR Part 37 regulatory requirements in order to protect your licensed Category 1 and Category 2 quantities of radioactive material?

- If utilized, are there certain areas of NUREG–2155 that you have found to be particularly useful? Are there areas of NUREG–2155 that you think could be clarified or supplemented to make it a more useful tool?

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Implementation Guidance Documents NUREG-2166

- How have you utilized NUREG–2166 to implement the 10 CFR Part 37 regulatory requirements in order to protect your licensed Category 1 and Category 2 quantities of radioactive material?
- If utilized, are there certain areas of NUREG–2166 that you have found to be particularly useful?
- Are there areas of NUREG–2166 that you think could be clarified or supplemented to make it a more useful tool?

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10 CFR Part 37
Public Meeting Information

- Part 37 Public Meeting – May 5, 2016 (1 pm - 5 pm, EST)

  NRC Headquarters, Commissioners Hearing Room

  One White Flint North
  11555 Rockville Pike
  Rockville, MD 20852-2738

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Meeting Closure
Thank You For Participating!

- 10 CFR Part 37 Assessment Points of Contact

George Smith (301) 415-7201
Carrie Crawford (301) 415-4132
Email – Part37Assessment@nrc.gov

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