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Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials

Comment On: NRC-2015-0109-0001

Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material; Request for Comment

Document: NRC-2015-0109-DRAFT-0006

Comment on FR Doc # 2016-05260

Submitter Information

3/14/2016

Name: Daniel Shrum

81 FR 13263

General Comment

(5)

EnergySolutions LLC Comments
Sent on behalf of Daniel B. Shrum

Attachments

CD16-0097; EnergySolutions 10 CFR 37 Comments 051216

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May 12, 2016

CD16-0097

Cindy Bladey, Chief
Office of Administration
Mail Stop: OWFN-12-H08
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: Considerations of Rulemaking to Address Prompt Remediation of Residual Radioactivity During Operations



Reference: Docket ID NRC-2015-0109

Dear Ms. Bladey:

EnergySolutions hereby submits the comments contained in the attachment in response to the retrospective program review of 10 CFR Part 37. We appreciate the opportunity to provide our input on the overall effectiveness and clarity of the requirements for security measures to protect category 1 and category 2 sources of radioactive material.

Thank you again for this opportunity to comment. Questions regarding these comments may be directed to me at [\(801\)649-2109](tel:8016492109) or dshrum@energysolutions.com.

Sincerely,

 Dan Shrum
May 12 2016

Daniel B. Shrum
Senior Vice President
Regulatory Affairs

Attachment

Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material
Answers to Specific Questions from the Federal Register Notice

Subpart A – General Provisions

1. Are the definitions (in 10 CFR 37.5, “Definitions”) clear, unambiguous, and consistent with their usage in other parts of the regulations?

EnergySolutions believes the definitions, as listed in 10 CFR Part 37.5, are clear and are used consistently in other parts of the regulation. Additional clarifying information provided in the Q&As in NUREG 2155 assists the end user.

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

EnergySolutions believes the rule is clear on physical barriers.

Subpart B – Background Investigation and Access Control Program

3. Are the requirements of subpart B clear for use in determining individuals to be trustworthy and reliable?

EnergySolutions believes the Part 37 Subpart B Background Investigation requirements were not really designed for nuclear power plants entering decommissioning. Nuclear Power Plants have implemented the background screening requirements under 10 CFR 73.56 and NEI 03-01 for many years. NEI 03-01 provides the licensee with the detailed information needed to complete the screening elements required for licensees to make determinations of trustworthiness and reliability. Most of the same screening elements required under Part 73.56 are also required under Part 37 Subpart B (i.e., verification of true identity, employment history, education, history, military history, character and reputation, and FBI criminal history check). However, the detail for completing the screening elements is not provided. Nuclear Power Plants entering decommissioning will have the advantage of using the detail provided in NEI 03-01 to assist them in adequately and satisfactorily completing the same background screening elements required by Subpart B.

4. 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?

EnergySolutions believes Annex A to NUREG 2155 provides adequate guidance to assist a Reviewing Official in completing each required element of the background screening process in order to make a determination of trustworthiness and reliability.

Subpart C – Physical Protection Requirements During Use

5. 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?

EnergySolutions believes that Subpart C clearly defines what is needed to support the physical protection of licensed category 1 and category 2 quantities of radioactive material during use.

6. 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?

EnergySolutions does not believe that any particular part of 10 CFR 37.45 has been found to be “instrumental” in ensuring an adequate LLEA response. Specific to a nuclear power plant in decommissioning with a Stand Alone ISFSI on site would already have agreements with LLEA for response to the site IAW (10 CFR 73). The LLEA expects that, if and when, they would be required to respond to the site, there would be knowledgeable personnel on site to identify hazards and coordinate proper communication throughout the response.

7. 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 37.37, “Security zones.” Is the rule clear as to what qualifies as an adequate physical barrier?

EnergySolutions believes the Rule is clear on what qualifies as an adequate physical barrier.

8. 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?

EnergySolutions believes the rule clearly defines a licensee’s responsibility to notify the LLEA and the NRC’s Operations Center

Subpart D – Physical Protection in Transit

9. 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?

EnergySolutions believes the Rule clearly defines what is needed to support the physical protection of licensed category 1 and category 2 quantities of radioactive material in transit

10. 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?

EnergySolutions believes the Rule is 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.

Implementation Guidance Document

11. 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?

EnergySolutions believes the information throughout NUREG-2155 allows the user to review each section and the additional detail that has been provided. NUREG-2155 should include detail relative to Nuclear Power Plants that are Operating and more importantly those that are undergoing Decommissioning. There are many variables and phases to a plant that is decommissioning and the lack of detail is not helpful.

12. 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?

EnergySolutions believes the information throughout NUREG-2166 is helpful; however there are other NUREG’s that are available for use for plants governed by 10 CFR 73.



NUREG-2166 should include details relative to Nuclear Power Plants that are Operating and more importantly those that are undergoing Decommissioning. There are many variables and phases to a plant that is decommissioning and it isn't always as clean cut when you have a combination of scenarios or phases.