



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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ALL AGREEMENT STATES, VERMONT

RECEIPT OF SECURITY-RELATED GENERIC COMMUNICATIONS BY LICENSEES THAT POSSESS RISK-SIGNIFICANT QUANTITIES OF RADIOACTIVE MATERIAL (STC-19-033)

Purpose: To inform the Agreement States, as well as any States with pending Agreement State applications, of the U.S. Nuclear Regulatory Commission (NRC) staff's response to feedback from stakeholders indicating that some licensee personnel responsible for managing the implementation 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," requirements at their facilities do not receive security-related NRC generic communications.

Background: On December 16, 2014, the President of the United States signed the *Consolidated and Further Continuing Appropriations Act, 2015* (Public Law 113-235), which required the NRC staff to evaluate the effectiveness of the requirements of 10 CFR Part 37 and determine whether those requirements are adequate to protect "high-risk radiological material."¹ In order to address the congressional mandate, the NRC staff conducted extensive activities including stakeholder outreach² to assess the effectiveness of 10 CFR Part 37 and to identify opportunities to enhance the effectiveness of the rule and its implementation, as appropriate. During this review, the NRC received feedback from stakeholders that some licensee personnel responsible for managing and implementing 10 CFR Part 37 physical protection requirements at their facilities had not been receiving security-related generic communications.

The NRC provides information to licensees through its generic communications process. The information pertains to significant, emergent, or routine safety or security issues related to the regulatory process, compliance, operating experience, and urgent time-sensitive threat-related information. The NRC's generic communications are typically transmitted to NRC materials licensees via e-mail, if provided, or mail using contact information stored in the NRC's Web-based Licensing (WBL) system.³ During the licensing process (i.e., applications for new licenses, amendments to existing licenses, or license renewals), NRC licensee contact information is recorded in WBL using information supplied by the licensee on the NRC Form 313, "Application for Materials License." In addition, notification of issuance of these types of generic communications is typically communicated to the regulatory authorities in the

¹ Although the legislation uses the term "high-risk," the Radiation Source Protection and Security Task Force and the NRC use the term "risk-significant." Risk-significant quantities of radioactive material are defined as those meeting the thresholds for Category 1 and Category 2 as included both in the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources and in 10 CFR Part 37.

² The NRC staff published a *Federal Register* notice (81 FR 13263) that requested public comment on a series of questions regarding the effectiveness and clarity of the 10 CFR Part 37 regulations. To facilitate input, between March and May 2016, the staff conducted a series of four webinars and a public meeting to gather stakeholder experience with 10 CFR Part 37.

³ WBL provides an up-to-date repository of all licenses authorizing the possession of Category 1 and Category 2 quantities of radioactive material nationwide. WBL serves as the authoritative licensing system for all specific materials licenses issued by the NRC and thus contains all NRC-issued licenses authorizing the possession of Category 1, 2, 3, 4, and 5 quantities of radioactive material. Agreement States may also choose to use WBL as their licensing system.

Agreement States through various channels such as the monthly teleconferences with the Organization of Agreement States/Conference of Radiation Control Directors and/or State and Tribal Communications Letters. Through these channels it is encouraged that the Agreement States share these communications with their applicable licensees.

Discussion: To ensure that the appropriate licensee personnel responsible for implementing 10 CFR Part 37 physical protection-compatible requirements receive applicable NRC generic communications, the NRC staff encourages NRC and Agreement State materials licensees to provide updates of contact information to the licensing team in the appropriate NRC regional office as listed on the NRC Form 313 or to the appropriate Agreement State regulatory authority so that they are able to disseminate applicable NRC generic communications when issued to their specific licensees.

Two frequently asked questions (FAQs), specifically targeted for NRC licensees, regarding this stakeholder feedback have recently been developed and posted on the 10 CFR Part 37 public webpage (<https://www.nrc.gov/security/byproduct/10-cfr-part-37-faqs.html>). The FAQs also serve as a reminder that in cases where the main licensee contact (as provided in WBL or as listed on the NRC or Agreement State license) is not the individual responsible for implementing 10 CFR Part 37 physical protection requirements, it is expected that the licensee will distribute the generic communications to the appropriate personnel within their organization.

In addition, the FAQs note that another avenue for stakeholders to receive generic communications is by subscribing to an e-mail list server for electronic distribution of generic communications, in which instructions are provided on the NRC Generic Communications Web site (<https://www.nrc.gov/reading-rm/doc-collections/gen-comm/>). While subscribers to this list server will receive generic communications related to multiple disciplines (e.g., power reactors, materials, fuel cycle facilities), subscription to this list server can facilitate awareness of the availability of these communications.

To facilitate dissemination of this response to stakeholder feedback, we would appreciate your assistance in providing this correspondence to your applicable materials licensees.

If you have any questions on this correspondence, please contact the individual named below:

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SUBJECT: RECEIPT OF SECURITY-RELATED GENERIC COMMUNICATIONS BY
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