

FIXED SITE PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL OF LOW STRATEGIC SIGNIFICANCE – NON-POWER REACTORS

Effective Date: 06/01/2020

PROGRAM APPLICABILITY: IMC 2545

This inspection procedure (IP) is applicable to all U.S. Nuclear Regulatory Commission (NRC) licensed non-power reactors that possess quantities of non-exempt special nuclear material (SNM) of low strategic significance (LSS).

81603-01 INSPECTION OBJECTIVE

The objective of this IP is to gather information to determine whether reasonable assurance exists that licensee activities, since the last inspection, were conducted in accordance with regulatory requirements in Title 10 of the *Code of Federal Regulations* (CFR) Part 73, "Physical Protection of Plants and Materials."

- 01.01 Plans and Procedures. To assure that the licensee has a program that will implement regulatory requirements and license conditions related to the protection of SNM LSS.
- 01.02 Access Control. To assure that the licensee has a system that will limit access to the controlled access areas (CAA) to authorized individuals.
- 01.03 Access Authorization. To assure that the licensee has an access authorization program that will provide a basis upon which to make a determination of trustworthiness and reliability of personnel granted unescorted access.
- 01.04 Physical Protection System. To assure that the licensee has a physical protection system that will: 1) minimize the potential for unauthorized removal of SNM; and, 2) facilitate the location and recovery of missing SNM.
- 01.05 Response. To assure that the licensee has an organization that will assess and respond to unauthorized penetrations or activities in the CAA.

81603-02 INSPECTION REQUIREMENTS

02.01 Plans and Procedures.

- a. Physical Security Plan. Determine whether the licensee is continuing to implement the provisions in the NRC-approved physical security plan (PSP). [10 CFR 50.34(c), 10 CFR 73.67(c)(1)]
- b. Revisions. Determine whether the licensee made any revisions to the NRC-approved PSP consistent with provisions in the regulations.
 1. Verify that the licensee submitted an application for an amendment to the license for any changes that decrease the effectiveness of the NRC-approved PSP. [10 CFR 50.54(p)(1)]
 2. Verify that the licensee maintained records of any changes that did not decrease the effectiveness of the NRC-approved PSP for a period of three years from the date of the change. [10 CFR 50.54(p)(2)]
 3. Verify that the licensee submitted a report containing a description of any changes that did not decrease the effectiveness of the NRC-approved PSP within two months from the date of the change. [10 CFR 50.54(p)(2)]
- c. Implementing Procedures.
 1. Verify whether the licensee is implementing the provisions in the NRC-approved PSP through any potentially required security procedures. [10 CFR 73.67(c)(2)]
 2. Verify that the licensee is maintaining written response procedures for dealing with theft or threat of theft of SNM. [10 CFR 73.67(f)(4)]
- d. Reviews. Determine whether the licensee is conducting periodic reviews or assessments of the security program.
- e. Records. Determine whether the licensee is maintaining records consistent with the provisions in the NRC-approved PSP or applicable requirements in the regulations. [10 CFR 50.54(p)(2), 10 CFR 73.67(c)(1)]

02.02 Access Authorization.

- a. Criminal History Records Check. Verify that the licensee meets the requirements regarding fingerprinting individuals who are seeking or permitted: 1) unescorted access to vital areas; or 2) unescorted access to SNM.
 1. Verify that the licensee is appropriately basing final determinations utilizing information received from the FBI. [10 CFR 73.57(c)]
 2. Verify that the licensee has a process for allowing individuals the right to complete and correct information. [10 CFR 73.57(e)]

3. Verify that the licensee appropriately protects records and personal information from unauthorized disclosure. [10 CFR 73.57(f)]
 4. Verify that the licensee obtains fingerprints for a criminal history records check for each individual who is seeking or permitted: 1) unescorted access to vital areas; or 2) unescorted access to SNM. [10 CFR 73.57(g)(2)]
- b. NRC-Approved Reviewing Official. Verify that the licensee has an NRC-approved reviewing official who provides determinations that individuals are trustworthy and reliable based on the results of an FBI fingerprint-based criminal history records check. [10 CFR 73.57(g)(1)]

02.03 Access Control.

a. Use and Storage.

1. Verify that the licensee is using SNM only within a controlled access area. [10 CFR 73.67(f)(1)]
2. Verify that the licensee is storing SNM only within a controlled access area. [10 CFR 73.67(f)(1)]
3. Verify that the licensee's safeguards system assures proper placement and transfer of custody of SNM. [10 CFR 73.67(a)(2)(iii)]

b. Limiting Access. Determine if the licensee's access control procedures or mechanisms are capable of preventing the unauthorized entry of individuals.

c. Postings. Verify that the licensee has the required posting of notices/warnings in required locations. [10 CFR 73.75]

02.04 Physical Protection System.

a. Detection and Surveillance.

1. Verify that the licensee can provide early detection and assessment of:
 - 1) unauthorized activities in the CAA; and, 2) removal of SNM from the CAA. [10 CFR 73.67(a)(2)(i), 10 CFR 73.67(a)(2)(ii)]
2. Verify that the licensee can monitor the CAA to detect unauthorized penetration or activities. [10 CFR 73.67(f)(2)]

b. Maintenance and Testing. Verify that the licensee periodically tests all security-related devices and equipment for operability.

02.05 Response.

a. Organization. Verify that the licensee has a watchman or off-site response force that will respond to any unauthorized penetrations or activities in the CAA. [10 CFR 73.67(a)(2)(iv), 10 CFR 73.67(f)(3)]

- b. Procedures. Verify that the licensee has response procedures for dealing with threats of theft and theft of SNM. [10 CFR 73.67(f)(4)]

81603-03 INSPECTION GUIDANCE

This section is intended to provide guidance to assist the inspector in measuring the licensee's performance in each of the preceding sections. The statements below do not represent regulatory requirements, but are standards and methods by which the individual elements may be judged. The inspector should note that implementation of these requirements at non-power reactors vary widely and requires site-specific consideration when evaluating these elements.

Additionally, the inspector should be aware that any written inspection notes, related to the specific details of how a licensee is in compliance with the regulatory requirements, could be considered Law Enforcement Sensitive, Safeguards Information, or Safeguards Information – Modified Handling. Care should be exercised to avoid recording site-specific details and instead use general statements related to compliance with the regulations, NRC-approved PSP, or other commitments.

03.01 Plans and Procedures.

The regulatory requirement for an NRC-approved PSP is contained in 10 CFR 73.67(c) and is only applicable for those licensees that have 10 kg or more of SNM LSS. However, most licensees have a historical license condition requiring adherence to an NRC-approved PSP. Several licensees have requested removal of the license condition, instead opting for adherence to security regulations through implementing procedures. While the regulations do not require periodic updates of the NRC-approved PSP, the licensee is still required to be in compliance with all regulations that may have been affected by rulemaking since the last update to the NRC-approved PSP. In the absence of a requirement or license condition, the inspector should also be aware that compliance may also be demonstrated through adherence to procedures or processes.

If a change to the NRC-approved PSP does not decrease the effectiveness of the plan, the licensee does not have to submit the change to the NRC for prior approval using the license amendment process. However, the licensee is required to have determined before implementation that the change does not decrease plan effectiveness. If the change does not decrease plan effectiveness, the change needs to be submitted within two months after implementation. Changes that are determined by the NRC to reduce overall effectiveness of the plan can result in the licensee being cited not only for a failure to comply with the appropriate requirements, but also for failure to apply for and receive approval of such change prior to implementation.

Licensees may have developed procedures in addition to the response procedures discussed below. Some licensees may have a requirement in the license, technical specifications, or PSP to develop security plan implementing procedures. If applicable, the inspector should review a sample of procedures, forms, checklists, etc. that may be used to implement the provisions contained in the regulations or the NRC-approved PSP.

Although regulations do not require the licensee to perform a review of the physical security program, such a review would be desirable to assess the current efficiency and assure the

continued efficiency of the program. The inspector should be aware that licensees may have a TS or PSP requirement to conduct a review.

Licensees are required to maintain records of changes to the NRC-approved PSP made under 10 CFR 50.54(p) for a period of three years from the date of the change. Additionally, the licensee is required to maintain a copy of the effective PSP as a record for three years after the SNM is removed from the site.

03.02 Access Authorization.

While licensees do not have a regulatory requirement to conduct screening of individuals, licensees are required to follow any measures outlined in the NRC-approved PSP, as applicable. The goal of any program for screening should be able to uncover information about the individual that would be considered inimical to the safe and secure operation of the facility. Regulations in 10 CFR 73.67 do not specify the type(s) of screening to perform. Post-9/11, licensees agreed¹ to incorporate enhanced background screening of staff. The inspector should verify that the background screening elements are in accordance with PSP requirements or other commitment.

Licensees are required to include a fingerprint-based FBI criminal history records check as part of the background screening conducted for individuals who are seeking or permitted: 1) unescorted access to vital areas (if applicable); or 2) unescorted access to SNM. In the context of 10 CFR 73.57, unescorted access means solitary access by an individual to a non-power reactor vital area (if applicable) or to SNM in the non-power reactor such that the individual can use or remove the SNM in an unauthorized manner. Prior to being granted unescorted access, an individual must be determined to be trustworthy and reliable based on the results of an FBI fingerprint-based criminal history records check. Determinations should look at recent results and may not be based solely on arrests more than 1 year old with no information on disposition of the case or for arrests resulting in a dismissal of the charge or an acquittal. The inspector should review whether the licensee has made any final adverse determinations and if the individual was permitted to correct and complete information obtained during the criminal history records check. The inspector should confirm that the licensee has a system to protect the records and personal information from unauthorized disclosure. Records review should indicate that fingerprint and criminal history records from the FBI are retained until at least one year following termination of an individual's unescorted access.

Licensees are required to have at least one current documented NRC-approved reviewing official who has unescorted access and access to Safeguards Information at the facility. The inspector should review processes and records to verify that the NRC-approved reviewing official has the required FBI fingerprint based criminal history records before granting unescorted access to persons desiring such access. Records review should also indicate that the NRC-approved reviewing official is basing a trustworthiness and reliability determination on the results from the FBI fingerprint-based criminal history records check. The NRC-approved reviewing official may or may not be the same person that makes a final determination on whether or not to grant an individual access based on all of the background screening information.

¹ Between 2002-2004, NRC issued Confirmatory Action Letters to formalize commitments to incorporate site-specific compensatory measures, which enhanced protection against radiological sabotage or theft.

03.03 Access Control.

During a tour of the facility, the inspector should verify that SNM LSS is: 1) used within a CAA, which may be of temporary or permanent construction; and, 2) stored within a CAA, consisting of a vault-type room or storage container. The CAA should be as described in the NRC-approved PSP and designed in a way that will delay the theft of the material, or facilitate the location and recovery of the material if it is stolen. Equipment required to handle SNM LSS and knowledge related to use of the equipment should be protected.

While licensees do not have a regulatory requirement to have means to limit access to authorized individuals, many licensees agreed to incorporate improved access controls to key areas within the facilities through post-9/11 compensatory measures. Licensees should have a controlled system to identify and limit access to the CAA to authorized individuals. Facilities may utilize a system, process, or procedure to limit access to various categories of authorized or escorted individuals that require access to the CAA for the conduct of official duties or approved activities. Direct visual surveillance is almost always necessary to allow observation of the visitor's actions. The inspector should verify the means the licensee uses to limit access to the CAA through observation or reviews.

Licensees are required to post notices at entrances informing individuals that it is a Federal crime to introduce any dangerous weapon, explosive, or other dangerous instrument or material into a facility regulated by the Commission. The posted notices: 1) must be conspicuously displayed at every vehicle and pedestrian entrance; 2) must be easily readable day and night by both pedestrian and vehicle traffic; and, 3) must contain the following required language:

The willful unauthorized introduction of any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property into or upon these premises is a Federal crime.
(42 U.S.C. 2278a.)

The postings may be combined with other information, but are required to contain the above statement. Each licensee has a unique facility layout and compliance with this requirement will vary from facility to facility. Licensees located in a separate structure may consider placing these on the outermost fence line where both vehicles and pedestrians enter. Licensees located inside of a building on a University campus may consider placing these on all doors that afford access into the CAA or other pre-defined security area/zone.

03.04 Physical Protection System.

In order to facilitate a prompt response for the location and recovery of SNM, alarms and other devices are used to monitor the CAAs when they are unoccupied and therefore must be appropriate in type, number, and application to ensure detection and assessment of unauthorized presence or activities during times when the CAA is unoccupied. If procedures are used in place of equipment, the procedures must be written and implemented in a manner that provides an equivalent level of protection. The inspector should verify the devices referenced in the NRC-approved PSP are operable and operating, as required.

The CAAs must be illuminated such that all reasonable paths from openings in the barrier to the SNM can be observed by individuals at work in the CAAs. The illumination levels for normally occupied CAAs should be sufficient to allow surveillance by the unaided human eye. The lighting should be uniform, shadowless, and free from glare.

Although the regulations do not require the licensee to have a maintenance and testing program, such a program would be desirable to demonstrate that the devices required by the NRC-approved PSP are capable of performing the required function. The inspector should be aware that licensees may have a PSP or procedural requirement to perform maintenance and testing at some frequency (e.g. based on a time frequency or manufacturer's specification). Absent this requirement, the inspector would ideally be able to verify that intrusion alarms or other devices or procedures that monitor the CAAs to detect unauthorized penetration or activities are in working order, provide communication for security response, and are tested periodically for functionality.

The inspector is not expected to test security equipment. However, sometimes a test is necessary to evaluate the effectiveness of the security system and to ensure compliance with requirements. In this situation, the inspector may request that a test be conducted as long as it will not reduce facility safety or security, result in a violation of requirements or industry standards, or jeopardize the safety of the inspector or licensee employees. To conduct the test, the inspector must request the test through licensee management, and arrange to have a licensee employee conduct the test while the inspector observes. The inspector may decide to observe the alarm test from the point of initiation at the facility or at the point of receipt at the alarm monitoring station. For facilities that do not operate 24 hours a day, the inspector may consider observing deactivation and activation of alarms at the start and conclusion of daily operations.

03.05 Response.

While there are no specific regulatory requirements to form a basis for determining the adequacy of response forces, they should be capable of responding in a reasonable period of time and assisting in the location and recovery of missing or stolen SNM. Licensees typically do not have a self-contained security or response organization, and therefore, rely on local law enforcement (LLEA) or campus-based police officers. The licensee should have an arrangement with these organizations to assess and respond to unauthorized penetrations or activities in the CAA. The inspector may consider touring the local dispatch center or police station. The inspector should be aware that these organizations are typically external to the licensee's organizational structure; therefore, resolution of any issues related to regulatory compliance would be the responsibility of the licensee. Post-9/11, licensees agreed to incorporate enhanced coordination with the appropriate local, state, and federal response organizations. The inspector should consider inquiring as to the ongoing coordination of activities between the licensee and response organizations.

Licensees possessing SNM LSS do not have a regulatory requirement for maintaining communication with response organizations. Post-9/11, licensees agreed to incorporate improved external communication systems. The inspector should verify that the communication capabilities are consistent with PSP requirement or other commitment.

Licensees are required to have response procedures dealing with threat of theft of SNM and theft of SNM. The inspector should expect that these procedures or similar procedures are used by the responding organization. The procedures must be capable of explaining to a reasonably well-trained individual what steps must be taken to achieve the desired result.

81603-04 RESOURCE ESTIMATE

For planning purposes, the estimated, direct, onsite inspection effort to complete this inspection procedure is 16 hours. Actual inspection at any facility may require more or less effort depending on past inspection history, changes since the last inspection, conditions at the facility, and significance of the inspection findings.

81603-05 PROCEDURE COMPLETION

The inspection of each of the applicable areas described above will constitute completion of this procedure. The frequency at which this inspection procedure is to be completed is triennially.

81603-06 REFERENCES

Regulatory Guide 5.7, "Entry/Exit Control for Protected Areas, Vital Areas, and Material Access Areas"

Regulatory Guide 5.12, "General Use of Locks in the Protection and Control of Facilities and Special Nuclear Material"

Regulatory Guide 5.59, "Standard Format and Content for a Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance"

Manual Chapter 2545, "Research and Test Reactor Inspection Program"

END

Attachment:

1. Revision History Sheet for IP 81603

Attachment 1 - Revision History for IP 81603

Commitment Tracking Number	Accession Number Issue Date Change Notice	Description of Change	Description of Training Required and Completion Date	Comment Resolution and Closed Feedback Form Accession Number (Pre-Decisional, Non-Public Information)
	ML19190A269 03/13/20 CN 20-015	Initial issue to support inspection of research and test reactor programs described in IMC 2545.	None	ML19205A354