

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER SVINICKI

SUBJECT: COMSECY-14-0020: Revisions to Direct Final Rule:
Safeguards Information - Modified Handling
Categorization Change for Materials Facilities
(RIN 3150-AJ18)

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached XX None _____

I approve publication of the proposed *Federal Register* notices for the direct final rule and companion proposed rule (Enclosures 1 and 2), subject to striking item "E. Will Documents Now Designated SGI-M Still Have to be Protected as SGI-M?" in its entirety and replacing it with the attached, edited version of the staff's proposed revision to item E. These edits will restore the option to decontrol some SGI-M documents, as an alternative to their immediate destruction. I agree with Commissioner Ostendorff that this eliminates an unnecessary, prompt burden and find, further, that licensees may have a limited, and appropriate, justification for retaining some decontrolled documents for their programmatic utility.



SIGNATURE

07/ 21 /14

DATE

Entered on "STARS" Yes No _____

Attachment 3 – Resulting Direct Final Rule Section E Text After Additional Proposed Staff Changes (Bolded text shows additional changes from the original text; underlined text was moved from the end of Section E to the beginning of Section E.)

E. Will Documents Now Designated SGI-M Still Have to be Protected as SGI-M?

The SGI-M security Orders, ~~security plans required by the Orders, and any other SGI-M information~~ must be destroyed in accordance with 10 CFR 73.23(i), once the rule is effective and the Orders are rescinded. The licensee-generated SGI security plans required by the Orders, and any other licensee-generated SGI-M information must either be destroyed in accordance with 10 CFR 73.23(i) or appropriately decontrolled in accordance with § 73.23(h), once the rule is effective and the Orders are rescinded. Documents must be marked and protected as SGI-M until they are destroyed or decontrolled. Additionally, if a panoramic irradiator or M&D licensee develops a part 37 security plan in preparation for compliance with part 37 before § 73.23 is revised, the licensee may decontrol the part 37 security plan in accordance with § 73.23(h). To decontrol the part 37 security-related information that is currently designated as SGI-M, the licensee should draw a horizontal line through the SGI designation on each page of the document and initial adjacent to the horizontal line.

Agreement State licensees will continue to be subject to the SGI-M provisions of the orders until the NRC rescinds the orders after the Agreement State adopts regulations compatible to the provisions of 10 CFR part 37. Once an Agreement State adopts regulations compatible to 10 CFR part 37 and the provisions are effective in the State, the NRC will rescind relevant security orders for the licensees in that State. At that time the licensees may destroy or appropriately decontrol SGI-M in their possession.

The NRC does not expect a licensee to find all documents designated as SGI-M that may be in storage solely for the purpose of destroying or decontrolling the documents. Instead, as those documents are removed from storage for use, the licensee can destroy or decontrol the document at that time. Additional information on the decontrol and destruction of SGI is available in Section 9 of Regulatory Guide 5.79, "Protection of Safeguards Information."