

TRANSPORTATION SECURITY RULEMAKING ACTIVITIES

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2012 NATIONAL TRANSPORTATION STAKEHOLDERS FORUM
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Security Rulemakings

NRC Actions Since September 11, 2001

- **Interim solution - enhance existing regulations through Security Orders**
- **Objectives of the Orders are enhanced control of material to**
 - **Prevent unauthorized access**
 - **Prevent malevolent use of material**
 - **Mitigate consequences**
- **Orders were issued to NRC licensees that transport:**
 - **Spent Nuclear Fuel**
 - **IAEA Code of Conduct Category 1 and 2 quantities of radioactive material**



Security Rulemakings

NRC Ongoing Activities

- **Orders are an interim measure**
- **Long-term approach is to enhance transport security through public rulemaking**
- **Rulemaking process in progress for**
 - **SNF Transportation Security**
 - **Physical Protection of Category 1 and 2 material (both fixed facilities and transportation)**

Security Rulemakings Proposed 10 CFR 73.37

Proposed Rule, Physical Protection of Spent Nuclear Fuel in Transit

- Applicable to SNF shipments >100 grams and >1 Gray/hr @ 1 m unshielded
 - Enhances existing requirements
 - Considers security concepts and lessons learned from past Security Orders
 - Addresses, in part, Petition for Rulemaking from the State of Nevada (PRM-73-10)
- Published October 13, 2010 (75 FR 62695); comment period closed April 11, 2011
- Proposes enhanced requirements for
 - Preplanning and coordination of shipments
 - Notification and communications
 - Control and monitoring of shipments
 - Trustworthiness and reliability of personnel

Federal Register / Vol. 75, No. 197 / Wednesday, October 13, 2010 / Proposed Rules 62695

Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to PDR.Resource@nrc.gov. The draft Part 37 implementation guidance is available electronically under ADAMS Accession Number ML101470684.

Federal Rulemaking Web site: Public comments and supporting materials related to the implementation guidance, including the draft implementation guidance, can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0194. Documents related to the proposed rule can be found by searching on Docket ID NRC-2009-0120.

Discussion
The NRC published a proposed rule that would place the security requirements for use of Category 1 and Category 2 quantities of radioactive material into a new Part 37 of Title 10 of the Code of Federal Regulations. The proposed rule was published on June 15, 2010 (75 FR 33602) and the public comment period runs through October 13, 2010. The public comment period for the proposed rule is being extended to January 18, 2011, by separate notice. Documents related to the proposed rule can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2009-0120.

In conjunction with the proposed rule, the NRC has developed implementation guidance. The implementation document provides guidance to a licensee or applicant for implementation of proposed 10 CFR Part 37, "Physical Protection of Byproduct Material," specifically Category 1 and Category 2 quantities of radioactive material. It is intended for use by applicants, licensees, Agreement States, and NRC staff. The document describes methods acceptable to the NRC staff for implementing proposed 10 CFR Part 37. The approaches and methods described in the document are acceptable if they meet the requirements in proposed 10 CFR Part 37. The guidance is provided in the form of questions and answers on the provisions of the proposed rule. The draft implementation guidance document for proposed 10 CFR Part 37 is available electronically under ADAMS Accession

Number ML101470684, and can also be found at <http://www.regulations.gov> by searching on Docket ID: NRC-2010-0194.

On July 14, 2010 (75 FR 40756), the NRC noticed the availability of the implementation guidance for public comment. The public comment period for this guidance was to have expired on November 12, 2010. The NRC received several requests to extend the comment period to January 15, 2011. Due to the size and complexity of the draft implementation guidance and the associated proposed rule, the NRC has decided to extend the comment period until January 18, 2011.

Dated at Rockville, Maryland, this 29th day of September 2010.

For the Nuclear Regulatory Commission,
Mark Thaggard,
Deputy Director, Division of
Intergovernmental Liaison and Rulemaking,
Office of Federal and State Materials and
Environmental Management Programs.
[FR Doc. 2010-25784 Filed 10-12-10; 8:45 am
BILLING CODE 7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN 3150-A164

[NRC-2009-0163]

Physical Protection of Irradiated Reactor Fuel in Transit

AGENCY: Nuclear Regulatory
Commission

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its security regulations pertaining to the transport of irradiated reactor fuel (for purposes of this rulemaking, the terms "irradiated reactor fuel" and "spent nuclear fuel" (SNF) are used interchangeably). This proposed rule would establish generally applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001. The proposed rule would establish the acceptable performance standards and commission amendments would apply to those licensees authorized to possess or transport spent nuclear fuel. The proposed security requirements would also address, in part, a petition for rulemaking from the State of Nevada (PRM-73-10) that requests that NRC

strengthen the regulations governing the security of spent nuclear fuel shipments against malevolent acts.

DATES: The comment period expires January 11, 2011. Submit comments specific to the information collection aspects of this rule by November 12, 2010. Comments received after this date will be considered if practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Please include Docket ID: NRC-2009-0163 in the subject line of your comments. For instructions on submitting comments and accessing documents related to this action, see Section I, "Submitting Comments and Accessing Information" in the SUPPLEMENTARY INFORMATION section of this document. You may submit comments by any one of the following methods.

Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for documents filed under Docket ID: NRC-2009-0163. Address questions about the NRC dockets to Carol Gallagher 301-492-3668; e-mail Carol.Gallagher@nrc.gov.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemaking and Adjudications Staff.

E-mail comments to: Rulemaking.Comment@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966.

Hand deliver comments to: 13255 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. during Federal workdays. Telephone 301-415-1966.

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

FOR FURTHER INFORMATION CONTACT:

Cardelia Maspin, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone 301-415-2312, e-mail: Cardelia.Maspin@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Submitting Comments and Accessing Information

II. Background

III. Discussion

A. What action is the NRC taking in this rule?

B. Why revise the requirements?

C. What is requested by the State of Nevada in its petition for rulemaking (PRM-73-10)?

D. What are the DOT routing requirements for spent nuclear fuel shipments?

E. What are the NRC routing requirements for spent nuclear fuel shipments?



Security Rulemakings

Proposed 10 CFR 73.37

- **Armed Escorts**
 - Armed escorts along the entire length of the shipment route
- **Procedures, Training and Protection of Information**
- **Background Investigations**
 - Personnel with access to SNF in transit (drivers, train personnel, armed escorts)
 - Movement control center personnel



DOE/OCRWM Photo of PA police walking along side rail shipment





Security Rulemakings Proposed 10 CFR 73.37



NUREG-0561, Rev. 2
Draft for Comment

Physical Protection of Shipments of Irradiated Reactor Fuel

October 2010
Draft for Comment

Supporting Guidance

- **NUREG-0561 Revision 2**
 - **ADAMS ML103060094**
- **Published for public comment on November 4, 2010 (75 FR 67636)**
- **Final guidance to be published shortly after Final Rule**



Security Rulemakings

10 CFR 73.37

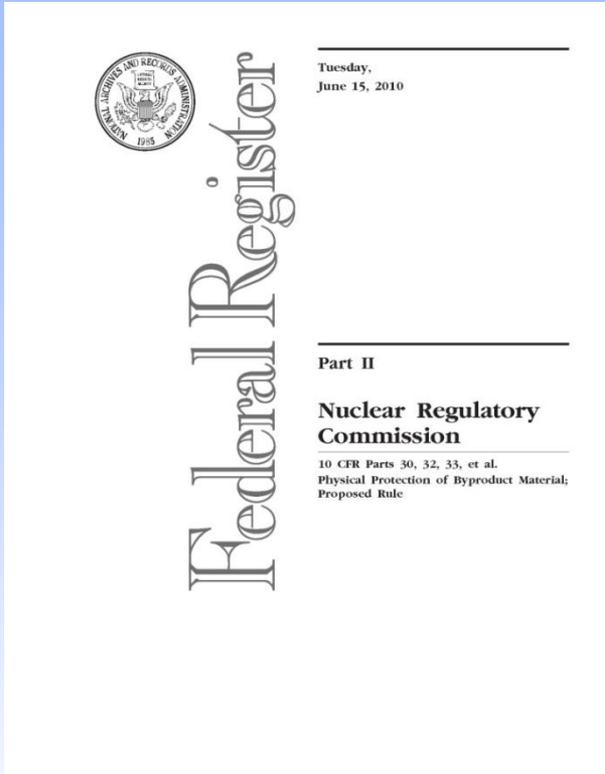
Publication and Implementation of Final Rule

- **Final rule to Commission in SECY-12-0009, January 19, 2012**
 - Final rule would take effect 90 days after FRN publication
 - ML113640142
- **Currently awaiting SRM from Commission**
- **Enclosure 2 contains proposed rescission plan for Orders**
 - FRN on rescission would be published between final rule publication and effective dates
 - Letters will be sent to impacted licensees



Security Rulemakings

Proposed 10 CFR Part 37



Proposed Rule, Physical Protection of Byproduct Material, 10 CFR Part 37

- Applicable to IAEA Category 1 and 2 Quantities of Radioactive Material and small quantities of SNF
- Proposed Rule Published June 15, 2010 (75 FR 33902)
 - Considered security concepts and lessons learned from past Security Orders
 - Stakeholder feedback from public meetings and comments on preliminary draft rule language
- Requirements proposed for
 - Facility Security
 - In-Transit Security
 - Access Authorization
- Final Rule approved by Commission March 16, 2012
 - ML112920070



Security Rulemakings

10 CFR Part 37

Final Rule Status



- **SECY-11-0170 to Commission on October 19, 2011**
 - ML112920070
- **SRM issued on March 16, 2012**
 - ML120790165
- **10 CFR Part 37 – Information Collection will be Submitted to OMB for Approval**



Security Rulemakings

10 CFR Part 37

Publication and Implementation of Final Rule

- **Effective date and compliance date are one year after FRN's publication**
 - **These dates apply to NRC licensees**
 - **Agreement States will have 3 years to promulgate and implement Compatibility Category B provisions of the final rule**
 - **Compatibility Category C and D provisions also in final rule**



Security Rulemakings

10 CFR Part 37

Publication and Implementation of Final Rule (cont.)

- **Enclosure 2 to SECY-11-0170 contains proposed rescission plan for Orders**
 - **Addresses both NRC licensees and Agreement State licensees**
 - **NRC will issue rescission letters to NRC licensees when in compliance with new 10 CFR Part 37 regulations**
 - **NRC Orders for AS licensees will remain in effect until Agreement State's requirements are promulgated and implemented**



Security Rulemakings

Point of Contact

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