

**POLICY ISSUE
(Information)**

December 8, 2008

SECY-08-0189

FOR: The Commissioners

FROM: Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION
IMPLEMENTATION PLAN FOR THE RADIATION SOURCE
PROTECTION AND SECURITY TASK FORCE REPORT

PURPOSE:

To provide for Commission information, the updated U.S. Nuclear Regulatory Commission (NRC) Implementation Plan for the Radiation Source Protection and Security Task Force Report. This paper does not address any new commitments or resource implications.

BACKGROUND:

The Energy Policy Act of 2005 (EPAct) required the establishment of an interagency task force on radiation source protection and security (hereafter referred to as the Task Force) under the leadership of the NRC. The Task Force was to evaluate and provide recommendations to the President and Congress relating to the security of radiation sources in the United States from potential terrorist threats, including acts of sabotage, theft, or use of a radiation source in a radiological dispersal device. By letter dated August 15, 2006, the NRC submitted the Task Force Report to the President and Congress. The report contained 10 recommendations and 18 actions that address security and control of radioactive sources.

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The staff developed an implementation plan to outline and track the actions that the NRC plans to take to address the recommendations and actions contained in the Task Force Report. The staff originally provided the NRC implementation plan to the Commission in SECY-06-0231, "NRC Implementation Plan for the Radiation Source Protection and Security Task Force Reporting," dated November 22, 2006. In SECY-06-0231, the staff committed to providing an annual update of the implementation plan. The staff provided the last annual update to the Commission on December 10, 2007, in SECY-07-0216.

DISCUSSION:

The staff has enclosed an updated NRC plan for implementing the Task Force recommendations and actions. The updated plan contains a specific implementation plan for each of the 10 recommendations and 18 actions. Each specific implementation plan presents the strategy for implementation, issues that could complicate implementation, lead offices, resource estimates, and task breakdowns. Some of the recommendations and actions have no specific NRC implementation activities. The implementation plan is a living document and is periodically updated to reflect progress and newly identified activities. The staff has updated the plan to reflect progress through November 2008.

Significant documents that pertain to the following recommendations and action item have been completed since the last update that was provided to the Commission:

Recommendation 4-1: The Task Force recommends that there be a coordinated public education campaign (Federal, State, and industry) to reduce fears of radioactivity, diminish the impact of a radiological attack if one were to occur, and provide a deterrent to attackers considering the use of radiological materials.

Status: Completed. The Task Force endorsed the Public Education Subgroup's Action Plan addressing this recommendation.

Ongoing. Agencies specified as project leads (i.e., Centers for Disease Control and Prevention, U.S. Department of Homeland Security (DHS), Domestic Nuclear Detection Office/DHS, U.S. Environmental Protection Agency, and the U.S. Department of Energy (DOE)) for each of the seven projects included in the Action Plan are currently working to insert applicable projects into their programming, planning, and budgeting process. The lead agencies for each of the seven projects will provide status reports to the Task Force as activities progress.

Recommendation 12-2: The Task Force recommends giving high priority to conducting a study within 2 years to assess the feasibility of phasing out the use of cesium chloride (CsCl) in a highly dispersible form. The Task Force recommends that this study should consider the availability of alternative technologies for the scope of current uses, safe and secure disposal of existing material, and international safety and security implications.

Status: Completed. The CsCl Subgroup completed its report and the Task Force reviewed it. The NRC integrated this report into overall recommendations for the Commission's review in November 2008.

Action 6-3: The NRC and DHS should enter into a memorandum of understanding (MOU) to cover access to the Systematic Alien Verification for Entitlements (SAVE) database for materials licensees.

Status: Completed. With approval and signature by the NRC and DHS of an MOU to cover access to the SAVE database for materials licensees, Action 6-3 is closed. The MOU will be implemented at the request of licensees to assist in providing information on employment eligibility.

The staff has also completed or addressed several significant milestones:

- A transport MOU which serves as the foundation for cooperation in the establishment of a comprehensive and consistent transport security program for risk-significant sources was developed and is currently under review by DHS and the U.S. Department of Transportation (under Recommendation 5-1).
- Low-level radioactive waste (LLRW) guidance was updated in Regulatory Issue Summary 2008-12, "Considerations for Extended Interim Storage of Low-Level Radioactive Waste by Fuel Cycle and Materials Licensees," dated May 9, 2008 (under Recommendation 9-1).
- A final rule was issued on Protection of Safeguards Information (under Action 6-1).
- A proposed rule was issued on including Category 3 data in the National Source Tracking System (under Action 11-3).

Most recently, the NRC Task Force received an update on the status of DOE efforts to publish a draft environmental impact statement providing disposal options for Greater-Than-Class C LLRW; the statement is anticipated in 2009. The Task Force has also been informed of the NRC's trilateral meetings with DHS and DOE on related source security matters. The Task Force will continue to discuss and consider the recommendations resulting from these meetings and efforts, as appropriate, when formulating its own recommendations.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection.

/RA/

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Enclosure:

U.S. Nuclear Regulatory Commission
Implementation Plan for the Radiation
Source Protection and Security Task
Force Report

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