

POLICY ISSUE (Information)

December 8, 2009

SECY-09-0178

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:

The purpose of this paper is to provide the Commission with 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 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 periodically provides a report and recommendations on materials source security to the President and to Congress. The report includes an evaluation of the security of radiation sources in the United States, with a specific focus on 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 first Task Force report to the President and to Congress. The 10 recommendations and 18 actions contained in the report address the security and control of radioactive sources. In accordance with the

CONTACT: Kim Lukes, FSME/DMSSA
(301) 415-6701

Energy Policy Act of 2005, the Task Force will submit to the President and to Congress a report not less than once every 4 years following the first report. The next report is scheduled to be completed in August 2010.

The staff developed a plan to outline and track the NRC's progress in implementing 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 Report," 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 8, 2008, in SECY-08-0189, "U.S. Nuclear Regulatory Commission Implementation Plan for the Radiation Source Protection and Security Task Force Report."

DISCUSSION:

The staff has enclosed an updated NRC Implementation Plan. The updated plan contains a specific implementation plan for each of the 10 recommendations and 18 actions. Each 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 next Task Force report will include the status of all the 10 recommendations and 18 actions. The Task Force will also conduct a gap analysis for this second report and will focus on areas and issues for which there may not be actions underway or programs in place. Based on its analysis, the Task Force may provide new recommendations for regulatory and legislative changes. Because the implementation plan is a living document, the staff will update it to reflect the progress of the existing activities and the identification of new activities. The staff has updated the plan to reflect progress through November 2009.

The following recommendations and actions have been completed since the last update received by the Commission:

Recommendation 3-1: The Task Force recommends that the U.S. Government periodically reevaluate the list of radioactive sources that warrant enhanced security and protection to assess their adequacy in light of the evolving threat environment.

Status: Completed. The Task Force members endorsed the results of the Radiation Sources Subgroup report, "Reevaluation of the List of Radioactive Sources That Warrant Enhanced Security and Protection and Quantities of Radioactive Material Sufficient To Create a Significant Radiological Dispersal Device or Radiation Exposure Device," which addresses this recommendation. The 2010 Task Force report will include further discussions of the report's contents and conclusions.

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 recommendation to consolidate public education activities within one Federal coordination effort led by the U.S. Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) rather than by the Task Force. The Task Force agreed with this recommendation because DHS/FEMA has the interagency responsibility related to this topic and because the consolidation of all these related activities into one Federal coordination effort is much more effective and efficient than having several committees coordinate efforts independently. DHS/FEMA concurred with the recommendation and agreed to have the previous chairman of the Public Education Steering Committee provide annual updates to the Task Force on the progress made by the DHS/FEMA-led efforts.

Action 11-2: The NRC should consider programming the National Source Tracking System (NSTS) to provide automatic daily information to Customs on import/export shipment notifications.

Status: Completed. The NRC determined a method to provide Customs with import and export shipment notifications. With the method determined and with plans to have the NSTS, Version 2, automate import and export notifications, Action 11-2 is closed.

Action 11-3: The Task Force suggests conducting a comprehensive analysis on the inclusion of Category 3 sources in the NSTS.

Status: Completed. The NRC completed its comprehensive analysis in the development process of the proposed rule, "Expansion of National Source Tracking System" (73 FR 19749; April 11, 2008). With the receipt of the Commission's decision to not publish a final rule in SRM/SECY-09-0086, "Final Rule: Expansion of the National Source Tracking System," Action 11-3 is closed.

The staff has also completed a significant milestone. The NRC issued a proposed rule, "Export and Import of Nuclear Equipment and Material; Updates and Clarifications," (74 FR 29614; June 23, 2009) on the elimination of specific licenses for the import of Category 1 and 2 quantities of radioactive sources, as defined in International Atomic Energy Agency's "Code of Conduct on the Safety and Security of Radioactive Sources," published in 2004 (under Action 10-5).

The Task Force has also been informed of the NRC's trilateral meetings with DHS and the U.S. Department of Energy on related source security matters. The Task Force will continue to

The Commissioners

- 4 -

discuss and consider the recommendations resulting from these meetings and efforts, as appropriate, when addressing similar actions and when formulating new recommendations.

COORDINATION:

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

/RA/

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

Enclosure:
U.S. NRC Implementation Plan for
the Radiation Source Protection and
Security Task Force Report

The Commissioners

- 4 -

discuss and consider the recommendations resulting from these meetings and efforts, as appropriate, when addressing similar actions and when formulating new recommendations.

COORDINATION:

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

/RA/

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

Enclosure:
U.S. NRC Implementation Plan for
the Radiation Source Protection and
Security Task Force Report

ML093140419

WITS 200700044\EDATS: SECY-2009-0502

OFC	MSSA	TechEd	MSSA	MSSA	NSIR	OGC	TechEd	FSME
NAME	KLukes	KAzariah-Kribbs	AMauer	RLewis	RCorreia	BJones	CPoland (PTressler for)	CLMiller
DATE	11/16/09	11/16/09	11/16/09	11/23/09	11/24/09	11/24/09	12/2/09	12/8/09

OFFICIAL RECORD COPY