Overview of 10 CFR Part 37

&

NRC Implementation Experience

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NRC Region I
Disclaimer

• The opinions expressed here are my own.
• Only NRC’s Office of General Counsel can render an opinion of NRC regulations, and that has to be in writing.
• Physical security requirements are largely the same
  – Have not experienced many issues with physical security
• The majority of findings have been associated with the new administrative requirements
10 CFR Part 37

Implementation required by:

– NRC Licensees:
  » March 19, 2014

– Agreement States:
  » March 19, 2016
Radioactive Material Security

- Following 9/11, the Nuclear Regulatory Commission determined that increased security of radioactive material was necessary.
- Increased control of radioactive sources should be implemented through the issuance of orders.
NRC Issued Security Orders

- Panoramic Irradiators
- Manufacturer and Distributor (M&D) Order
- Transportation
- Increased Controls
- Multiple Fingerprint Orders
- Non-M&D Service Provider Orders
NRC Issued 10 CFR Part 37

• Replaces the NRC Orders and adds some new requirements
  – Access authorization procedures
  – Security plan and implementing procedures
  – Training and Self-Assessments
• Security Orders for NRC licensees have been rescinded
  – Will continue to maintain Orders for Non M&D Service Providers
• NRC will rescind AS Orders when state implements compatible regulations
Part 37
Implementation Working Group

- Rescission of NRC Orders
- Removal of NRC License Conditions
- Training
- Inspection Activities
- Licensing Guidance
- Implementing Guidance
- Best Security Practices Guidance
- Enforcement Guidance
- Inspection Procedures
- Information Protection
- Stakeholder Outreach
- Tracking Agreement State Regulations
10 CFR 37 applies to what types of sources?
10 CFR 37 applies to:

Category 1 and Category 2 Sources
What’s a Category 1 or Category 2 source?
Sources Are Classified According to IAEA Guidance

- IAEA Code of Conduct on Safety and Security of Radioactive Sources
- “Dangerous” Source “D” Values derived from Dose Criteria
  - Bone Marrow: 1 Gy in 2 days
  - Lung: 6 Gy in 2 days from low LET, and 25 Gy from High LET
  - Thyroid: 5 Gy in 2 days
  - Skin/Tissue: 25 Gy at depth of 2 cm, or 1 cm from hand in 2 hours
  - Bone Marrow: 1 Gy in 100 hours for source too big to be carried
Sources Are Classified According to IAEA Guidance

Classification broadly based on time to cause permanent injury

Category 1, $1000 \times D$: minutes
Category 2, $10 \times D$: minutes to hours
Category 3, $1 \times D$: hours
Category 4, $0.01 \times D$: weeks
<table>
<thead>
<tr>
<th>Radioactive material</th>
<th>Cat. 1 (TBq)</th>
<th>Category 1 (Ci)</th>
<th>Category 2 (TBq)</th>
<th>Category 2 (Ci)</th>
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<td>Ytterbium-169</td>
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<td>3</td>
<td>81.0</td>
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</table>
Examples of Cat. 1 Sources/Quantities

Self shielded irradiator, If Cs-137 Act. ≥ 2,700 Ci
Examples of Cat. 2 Sources

- Some fixed gauges
Part 37 Guidance

- MC 2800, Materials Inspection Program
- NUREG-2155, Rev. 1, Implementation Guidance in Q/A format
  - Nearly 300 pages
- RIS 2014-003, Notice of 10 CFR 37 Implementation Deadline for NRC Licensees
What’s In Part 37?

- There are many similarities and some new requirements
- First,
  - Read it, read it again, read it 5 times
  - Keep going through it until you start to catch on
10 CFR 37

Major Subparts

■ B: Background Investigations and Access Control Program

■ C: Physical Protection Requirements During Use

■ D: Physical Protection During Transit
Part 37 Subpart B: Access Authorization (New)

- §37.21(a): Each licensee must establish, implement, and maintain an access authorization program in accordance with 10 CFR Part 37, Subpart B.

- §37.23(f) Licensee must develop, implement, and maintain access authorization procedures

  Most Frequent Violation

- Procedures should address how to:
  - Conduct a background investigation
  - Develop and document the basis for certifying an individual as T&R
Reviewing Official (RO) §37.23(b) New Term

- Trustworthiness & Reliability (T&R) Official is now the Reviewing Official (RO)
- RO is individual who makes T&R determinations for individuals who require access to Cat. 1 and Cat. 2 Quantities
- Subject to full background screening, including fingerprinting and criminal history records check
- Must be eligible for unescorted access, but does not have to actually have badge access
§37.23(b) Reviewing Official (RO) (Change)

- Licensee approves RO but still must provide name to the regulatory authority under oath or affirmation

- For NJ it should be sent to:
  ATTN: Cathy Biel, Supervisor Industrial Section OR Rich Peros, Supervisor Medical Section
  State of New Jersey
  Department of Environmental Protection
  Bureau of Environmental Protection
  Mail Code 25-01, P.O. Box 420
  Trenton, NJ 08625-0420

- RO cannot approve other ROs, unless they are a licensing official (e.g., Sr. Management)

- Can have multiple ROs
Goal of Background Screening

- To
  - Verify the information provided by the applicant, AND
  - Evaluate discrepancies
- Not simply to collect records
§37.25(b) Grandfathering

- Individuals determined to be T&R for unescorted access under NRC Orders can be Grandfathered
  - But subject to reinvestigation time requirement, **AND**
  - **LICENSEE MUST OBTAIN SIGNED CONSENT FOR A RE-INVESTIGATION**
§37.25: Background Investigations (Change)

- Background investigations **must encompass the last 7 years**, or since 18\textsuperscript{th} birthday (whichever is shorter)
- Verification of **true identity**, must certify in writing that the identification was properly reviewed
- Must verify **employment history**
- Verify **education** for claimed period
- **Character and Reputation Determination:** NUREG 2155, Rev. 1, Annex A
- To the extent possible, obtain independent information (e.g., references not supplied by individual)
- Fingerprinting & criminal history records check
True Identity

• Applicant provides their name, THEN
• Applicant provides official documentation
  – Driver’s license
  – Passport
  – Certificate of birth
• Compare the official documentation to name given by the applicant
• Document or photocopy the type, expiration, and ID Number, AND
• Certify, in writing, how True Identify was verified
Signed Consent Required to Conduct Background Investigation

- Requires a signed consent before initiating a background investigation (Sample Form: NUREG 2155, Rev. 1, Annex B).

- Must
  - Notify individuals if access denied and the grounds for denying access, and
  - The refusal to provide information is grounds for denying access authorization
  - Allow applicant opportunity to provide corrected background information
I authorize and grant my consent to my employer, __ (insert company name)__, (hereinafter __________ or “the company”), to request the U.S. Nuclear Regulatory Commission (NRC), under Section 652 of the Energy Policy Act of 2005, to request criminal record information about me from the U.S. Attorney General, who will refer the request to the Federal Bureau of Investigation. I understand that the purpose of this information is solely to enable the company to determine my trustworthiness and reliability for unescorted access to a Category 2 or greater quantity of radioactive material as defined in the NRC’s regulations in Title 10 of the Code of Federal Regulations (10 CFR) Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.” I understand that __ (insert company name) must obtain my signed consent before any investigation or reinvestigation to determine my trustworthiness and reliability for such unescorted access.

I authorize and grant my consent to any authorized representative of __ (insert company name) who is conducting my background investigation or reinvestigation, as defined in 10 CFR 37.25, “Background Investigations,” to obtain any information related to my activities from individuals, schools, residential management agents, previous employers, criminal justice agencies, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, or performance information and information about my attendance, disciplinary, employment, and criminal history records.........................
Employment History

• Verify employment history with employer(s) for most the most recent 7 years
  – Or since the 18th birthday, whichever is shorter
• Should verify periods of unemployment
Verify Education & References

• Education for the claimed period
  – Should be an independent verification

• Personal references (note reference is plural)

• To the extent possible, obtain independent information (e.g., references not supplied by individual)
Character & Reputation Review

- Would the organization rehire the individual?
- Would it trust the individual with company assets?
- Does it consider the individual to be trustworthy and reliable?
- Has it ever witnessed anything in the individual’s behavior that would cause it to question his or her reliability?
Character Determination Questions

- Evidence of false or deceitful statements;
- Loss of a driver’s license; repeated high-speed traffic or other violations indicating a reckless disregard for the safety or security of others;
- Recent bankruptcy, foreclosure, repossession, or garnishment of income; repeated nonpayment of alimony, child support, or lawfully incurred financial obligations for periods of months;
- Repeated instances of personal harassment; or
- conduct or behavior that would violate any of the licensee’s corporate or professional code of ethics or workplace conduct.
Unresponsive Reference

• IF previous employer, educational institution, or reference does not respond in a timely manner (e.g., 10 business days),

• THEN can document that and obtain information from an alternate source.
§ 37.27 Fingerprinting & Criminal History Records Check

- Similar to ICs
  - Fingerprints → NRC → FBI → Licensee
  - Exempt individuals
  - Returning individuals do not have to re-fingerprint, IF they
  - Return in <365 days, **AND** were
    - Terminated under favorable conditions (**change**)
Relief from Background Screening

- §37.29(a) Relief from FP, ID, and Criminal History Records Check **AND** other elements of background screening
  - Executive Branch
  - Member of Congress
  - Gov. of State or designee
  - LLEA or emergency responders
  - Agreement State inspectors under a 274i agreement performing security inspections**
  - Individual with active Federal security clearance
  - Commercial vehicle driver or package handler
  - Service provider with documentation
§37.29(b) Relief ONLY From Fingerprinting

- §37.29(b) Provides relief **ONLY** from fingerprinting and criminal history records check
- If have favorably adjudicated US Gov. criminal history check that included FP and Criminal History records check within the last 5 years. Examples
  - National Agency Check
  - Transportation Worker Identity Credentials (TWIC)
  - Bureau of ATF and explosives
  - HHS security risk assessment
  - CBP’s FAST program, etc.
CAUTION

- TWIC, National Agency Check, and others
  - Provides relief ONLY from fingerprinting requirement.
  - Must still perform background screening. including:
    • Signed consent
    • True ID
    • Employment history
    • Character & reputation determination
    • Documented basis for T&R judgment
Reinvestigation

- Reinvestigation every 10 years (New)
  - Fingerprint & criminal history records check
  - 10 Years from T&R certification date
Training* § 37.43(c)

Training required prior to access (knowledge, skills, and abilities, to carry out their assigned responsibilities, e.g., escort, response to alarms, etc.)

*Compatibility Category C: Must adopt the essential objectives, but the manner in which the objectives are met need not be the same.
§ 37.23(e)(3): Documented Basis Similar to ICs

- Licensee must document the basis for concluding, with reasonable assurance, that an individual is trustworthy & reliable (T&R)
What documentation is necessary to certify an individual as T&R?
Documentation Required to Certify an Individual as T&R

- **√** Certification of applicant’s true identity §37.25(a)(2)
- **√** Signed consent form §37.23(c)
- **√** Verification of Bkg. screening elements §37.25(a)(3-6)
  - **√** Experience (7 years) §37.25(a)(3)
  - **√** Education (claimed period) §37.25(a)(4)
  - **√** Character & reputation determination §37.25(a)(5)
  - **√** Developed references
- **√** Criminal history records received, reviewed, and approved §37.27
- **√** Documented basis for T&R judgment §37.23(e)(3)
- **√** Training record §37.43(c)(4)
- **√** Individual’s name on Unescorted Access list with date §37.23(e)(5)
Reviewing Official

- Is the key to the success of the Access Authorization program
- May be RSO, May be Human Resources, May be a Supervisor responsible for hiring
- The Reviewing Official has significant responsibilities
What if a Reviewing Official T&R’s a Bad Guy?
What if a licensee T&R’s a Bad Guy?

Reviewing Official’s Chair
What if a licensee T&R’s a Bad Guy?

Reviewing Official’s Chair

Regulator's Chair
Documentation Required to Certify an Individual as T&R

√ Certification of applicant’s true identity §37.25(a)(2)

√ Signed consent form §37.23(c)

√ Verification of Bkg. screening elements §37.25(a)(3-6)
  √ Experience (7 years) §37.25(a)(3)
  √ Education (claimed period) §37.25(a)(4)
  √ Character & reputation determination §37.25(a)(5)
  √ Developed references

√ Criminal history records received, reviewed, and approved §37.27

√ Documented basis for T&R judgment §37.23(e)(3)

√ Training record §37.43(c)(4)

√ Individual’s name on Unescorted Access list with date §37.23(e)(5)
List(s)

- Maintain List(s) of approved individuals
  - Unescorted access to the security zones, and §37.23(e)(5) & 37.23(h)
  - Access to the security plan or implementing procedures §37.43(d)(6) (New)
Access to Security Plan & Implementing Procedures

- Need to know
- Full background screening
  - Without finger printing
  - 10 CFR 37.25(a)(2) – (7)

- Documented basis for T&R judgment
- Placed on a list of individuals with access to protected information
Annual AA Program Review*
§37.33

■ Each licensee must review the elements of the Access Authorization (AA) program content and implementation on an annual basis. *(NEW)*

■ The review includes:
  – Conditions adverse to proper performance (if identified)
  – Cause of the adverse condition;
  – Corrective actions recommended and taken; and
  – Preventative actions.

■ Annual AA review records are maintained for three years.

*Compatibility Category C: Must adopt the essential objectives, but the manner in which the objectives are met need not be the same.
10 CFR 37, Subpart C

Physical Protection Requirements During Use
Must develop a Security Plan specific to facilities that describes measures and strategies, & security resources including equipment and technology

– Approved by individual responsible for security program

– Revised as necessary & training Provided as Necessary
Security Procedures

- § 37.41 Establishment of a security program.
- § 37.43 General security program requirements (Development and maintenance of a plan, implementing procedures, training, protection of information)
- § 37.45 LLEA coordination and notification
- § 37.47 Establishment of security zones (Permanent and temporary, access control, Category 1 quantities)
- § 37.49 Monitoring, detection, assessment, and response.
- § 37.51 Maintenance, testing, and calibration. (Intrusion alarms, communication equipment, other components)
- § 37.53 Requirements for mobile devices.
- § 37.55 Security program review.
- § 37.57 Reporting of events (LLEA, NRC Operations Center)
Protection of Information

- Must protect from unauthorized access: §37.43(d)
  - Security plan
  - Implementing procedures and
  - List of individuals approved for unescorted access
  - & T&R records §37.31(a)
§ 37.47 Security Zones
(New Term for IC Licensees)

- Cat. 1 or Cat. 2 material is used or stored only in a Security Zone
  - Permanent or Temporary

- 37.47(c): Security Zone must allow unescorted access only to approved individuals through:
  - (1) “Continuous physical barriers”
  - (2) Direct control, or
  - (3) A combination of continuous physical barriers and direct control
§ 37.49 Monitoring & Detection

- Must maintain capability to continuously monitor and detect without delay all unauthorized entries into its security zones.
  - This has been interpreted to mean the licensee must be able to “detect all reasonably foreseeable means to gain unauthorized access.”
§ 37.51 Maintenance and Testing (New)

- Must implement a Maintenance, Testing, and Calibration Program to ensure operability of:
  - Alarms
  - Communications Systems
- Tested and Inspected at manufacturer’s suggested frequency
  - Annually, if no frequency provided
Response To Unauthorized Access to Security Zone § 37.49(d)

- Immediate response to any actual or attempted unauthorized access, theft, sabotage, or diversion of material
- Requests, without delay, an armed response from the LLEA
Attempts to Remove Materials § 37.49

- Unauthorized attempts to remove material must be
  - Cat. 1: Detected immediately
  - Cat. 2: Verified on a weekly basis through physical checks, tamper indicating devices, etc.
§ 37.45 LLEA Coordination
(Change)

- Relaxes requirement for a prearranged plan
- Licensee must provide LLEA with
  - Description of facility
  - Quantities of RAM
  - Description of security measures, and
  - Notification that a timely response will be requested as necessary
- Requires coordination annually or when significant changes occur
- Document the coordination and retain for 3 years
§ 37.57(b) Reporting

(Change)

The licensee shall assess any suspicious activity related to possible theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material and notify the LLEA as appropriate. As soon as possible but not later than 4 hours after notifying the LLEA, the licensee shall notify the State Regulatory Authority or for NRC licensees, the NRC's Operations Center (301–816–5100).
§ 37.57(b) Reporting Change

- NUREG 2155, Rev. 1 Annex C
- Includes examples of reportable suspicious activities under 10 CFR 37.57(b)
  - Unauthorized pictures or videotapes
  - Unusual interest
  - Loitering
§37.55, Security Program Review*

• Each licensee shall periodically (at least annually) review the security program content and implementation. To include
  – Identify conditions adverse to proper performance of the security program,
  – Document
    • Causes
    • Corrective actions
    • Preventative actions

*Compatibility Category C: Must adopt the essential objectives, but the manner in which the objectives are met need not be the same.
§ 37.53 Mobile devices

- **Mobile Device Definition:** material mounted on wheels, casters, or equipped for moving without disassembly (e.g., designated to be hand carried)

- Must employ two independent physical controls that form tangible barriers to secure the material from unauthorized removal when the device is not under direct control and constant surveillance by the licensee and

- For devices in or on a vehicle or trailer, licensee disables the vehicle or trailer when not under direct surveillance by licensee (unless site safety requirements prohibit the disabling of the vehicle).
Physical Protection in Transit

Applies to any licensee that transports, or delivers to a carrier for transport, a category 1 or category 2 quantity of radioactive material.
§ 37.71 Additional requirements for transfer of category 1 and category 2 quantities of radioactive material.

Any licensee transferring Category 1 or 2 quantities of radioactive material, prior to conducting the transfer shall verify with the NRC's license verification system or the license issuing authority that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred and for Cat. 1 transfers, that the licensee is authorized to receive radioactive material at the location requested for delivery.

If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.
New Transportation Terms

- License Verification System (LVS)
  - System established by license authority
  - Maintains current list of licenses
  - Designed to be used by Material Supplier (e.g., Shipping Licensee) to verify that a Receiving licensee’s license authorizes the type, form, and quantity of RAM that will be shipped/received.
System Overview
Angela Randall
Project Manager USNRC
Components of the Integrated Source Management Portfolio (ISMP)
License Verification Process

LVS = License Verification System
WBL = Web-Based Licensing
NSTS = National Source Tracking System
Two Methods of License Verification:

- Using the Online License Verification System (LVS)
- Manually using the Manual License Verification Process – Form 749 via LVS Help Desk
To Access LVS, You will Need to Be Credentialed For the National Source Tracking System With a Smart Card, Token, Mobile Phone, etc.

Request a user account by contacting the help desk:
LVSHelp.Resource@nrc.gov

Then

--Go to nrc.gov
--Click on Nuclear Security
--Click on Radioactive Material Security
--Under Integrated Source Management Portfolio (ISMP)
--Click on License Verification System
License Verification System (LVS)

As a key component of the Integrated Source Management Portfolio (ISMP), the License Verification System (LVS) is envisioned as a “national verification system” that will ensure that only authorized licensees obtain radioactive materials in authorized amounts. Scheduled to be deployed in May 2013, LVS will be an integrated service designed to provide access to license information maintained by the U.S. Nuclear Regulatory Commission (NRC) and Agreement States. Specifically, this system will broker information stored in the Web-Based Licensing (WBL) System and National Source Tracking System (NSTS). In so doing, LVS will enable authorized government authorities and authorized licensees to verify certain information about licensees authorized to possess, use, or ship radioactive materials. In that way, the system will help authorities to confirm that (1) a license is valid and accurate, (2) a licensee is authorized to acquire quantities and types of radioactive materials, and (3) the licensee’s Category 1 or 2 inventories do not exceed the possession limits. For additional details, see the following pages:

- Concept of Operations
- Conceptual Overview of the License Verification Process
- License Verification System User Guide
- Manual License Verification Procedure
- Manual License Verification Form

Request a user account by contacting the help desk: LVSHelp.Resource@nrc.gov
By clicking the Login button, you are agreeing to follow the ISMP Rules of Behavior: ISMP RULES OF BEHAVIOR

LVS LOGIN

Insert Smart Card and Click

-----------------------------------------------

One Time Password Login

Login

Login
The One Time Passwords can come in different hardware forms:
- Token
- Card
- Mobile Phone
LVS Main Menu

Check for Changed Receiver's License
Check for Changed Receiver's License - Batch Process
Verify Receiver's License
Verify Receiver's License - Batch Process
Query Verification Activity
Enter information for the license you are verifying and click “Verify”
The license will be displayed. Verify the quantity, form, and location of use. Then click submit.
The Verification Confirmation is Displayed (Licensee Could print this for a record)

<table>
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<tr>
<th>Supplier Agency</th>
<th>Supplier License Number</th>
<th>Receiver Agency</th>
<th>Receiver License Number</th>
<th>Amendment Number</th>
<th>Issue Date</th>
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<td>123-456-789</td>
<td>California Department of Public Health</td>
<td>3223712018</td>
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<th>Verification Result</th>
<th>Reason Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/15/2013</td>
<td>Verification Completed</td>
<td></td>
</tr>
</tbody>
</table>
Unauthorized Request
Cannot Verify the License

Contact Agency Alert

System cannot verify request at this time. Contact the Regulatory Agency.
Manual License Verification Procedure

The purpose of this procedure is to guide licensees transferring Category 1 and/or Category 2 quantities of radioactive materials to verify licenses outside of the License Verification System (LVS), and for Regulatory Agencies to respond to such requests.

Steps for Licensees:

1. Contact the LVS Help Desk by phone at 1-877-671-6787 or by email at LVSHelp.Resource@nrc.gov.

2. Be prepared to provide the following information to the LVS Help Desk representative:

   Transferring Licensee information:
   a. License-issuing Agency
   b. Licensee name
   c. License number
   d. Contact name and title
   e. Contact phone
   f. Contact email
   g. Contact fax number
Manual Verification

The Licensee Must Keep a Copy of the Verification Outcome from the Help Desk.
LVS Helpdesk – 1-877-671-6787
LVSHelp.Resource@nrc.gov
http://www.nrc.gov/security/byproduct/ismp/lvs.html

User Guide and Additional Information on the Webpage!
New Transportation Term For Cat. 1 Source Transfers

- **Movement Control Center**
- Remote operations center that:
  - Maintains position information
  - Receives reports of attempted attack or threats
  - Provides a means of reporting to appropriate agencies
  - Can request and coordinate aid
New Transportation Term For Cat. 1 Source Transfers

- **Safe Haven**
  - Readily recognizable & accessible site
  - Security present, OR from which, in the event of an emergency, a transport crew can notify and wait for LLEA response
Examples of Safe Havens

- Federal sites that have significant security assets, such as military-base gates or guarded agency parking lots
- Secure truck stops
- Secure company terminals; State weigh stations; State welcome stations or rest areas (typical rest area would not be adequate)
- Scenic overlooks or visitors’ centers, and LLEA sites, including State police barracks.
- Not a school or hospital parking lot
Cat. 1 Transfers
Preplanning & Coordination

- Preplan & coordinate departure and arrival times (Advance Notification) with:
  - Receiving licensees
  - NRC or Agreement State regulatory agency
  - Governors of all states

- Discuss State’s intention to provide law enforcement escort

- Document preplanning and coordination activities
Licensee establishes Movement Control Center (MCC)
- Maintain position information
- Monitors 24/7
- Has ability to immediately communicate with LLEA
- Redundant communication ability (not subject to same failure mechanism such as cell phones)
- Telemetric monitoring system (e.g., GPS)
- MCC prepared to promptly implement procedures
Cat. 2 shipments

- Contract carrier must include package tracking
- Coordinate arrival times with recipient.
- Radiographers routinely use FedEx to transport Cat. 2 shipments.
- Use of LVS not required when licensee ships to themselves
Preplanning & Coordination

- Preplan and coordinate RAM arrival times with receiving licensee:
  - Expected shipment arrival time
  - No later than arrival time
- Document preplanning and coordination
- Receiver confirms receipt with originator
- Receiver notifies originator if shipment not received by no-later-than-arrival-time
- If Shipment delayed, originator notifies receiver
New Term for Cat. 2 Shipments

- “No Later Than Arrival Time”
- Date & time established by shipping and receiving licensees to initiate an investigation if shipment is late
  - May not be > 6 hours after estimated arrival time
Cat. 2 Shipments By Road

- Licensee maintains constant control and surveillance during shipment
- Carrier:
  - Tracking system, requires signature
  - Maintains constant control and surveillance
Cat. 1 Rail Shipments

- No Shipment has been transported by rail since 2005
- Requires monitoring by Telemetric position monitoring or alternate system. Reports to
  - Licensee,
  - Third-party, or
  - Railroad
- Rail Communications Center (RCC) provides positive confirmation of location and status
- RCC implements procedures in response to any deviations including contacting LLEA
- Requires periodic reports to the RCC
Cat. 2 Rail Shipments

- Carrier established package tracking system
- Carrier maintains constant surveillance and has capability for immediate communications.
- Requires signature to release package
- Requires immediate investigation if package not received by the no-later-than arrival time.
Enforcement
Enforcement

- The majority of Part 37 changes are administrative in nature and do not affect physical security
- **BECAUSE** 10 CFR Part 37 largely codifies previous Orders,
- **AND** licensees have already implemented security programs,
- **THEN** NRC does not expect a large number of significant violations (e.g., SL III).
NRC Enforcement Policy Examples

■ SL III - Programmatic Failure
  – Failure to establish a program to immediately detect, assess, and respond
  – Failure to respond to an attempted theft
  – Failure to initiate an investigation when a shipment does not arrive by the expected time
  – Failure to determine T&R
NRC Enforcement Policy Examples

- SL IV Violations – Isolated failures that are neither easily nor likely exploitable and documentation deficiencies
  - Failure to fully document procedures
  - Failure to maintain a list of individuals approved for unescorted access
  - Isolated failure of the designed operation of a dependable means to transmit information
  - Isolated failure to limit access to sensitive information
Some documentation violations might be considered minor in nature and not subject to formal enforcement.

- Missed procedural element without consequences.
- Individual’s training not documented
- Individual had background screening but not on list of individuals with access to the security plan
- Coordination with LLEA completed, but not documented
Required Documents

- Access Authorization Procedures
- Security Plan
- Implementing Security Procedures
- Procedures for the Protection of Information
- Access List(s) for Unescorted Access and Protected Information
- LLEA coordination efforts
- Procedures for Shipping (e.g., Notifications and Coordination)