



Part 37 and Safety Culture

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Part 37

Physical Protection of Byproduct Material – Proposed Rule

SECY-09-0181

ADAMS ML092820074

Rule Objective

- Provide reasonable assurance of preventing the theft or diversion of category 1 and category 2 quantities of radioactive material for malevolent use

Proposed Rule

- Create new Part 37 for security of byproduct material
 - Category 1 and Category 2
 - Irradiated fuel (<100 grams)
- Conforming changes to Parts 30, 32, 33, 34, 35, 36, 39, 51, 71, and 73

Major Provisions

- Access Authorization Program – Subpart B
- Security During use – Subpart C
- Transportation Security – Subpart D

Access Authorization Program

- Limit access to authorized individuals
- Background investigation
 - Initial
 - Every 10 years
- Relief for certain categories of individuals
- Provision for transfer of information

Access Authorization Program cont.

- Determinations made by approved reviewing officials
- Right to correct and complete information
- Protection of information
- Annual program review

Background Investigation Elements

- Fingerprinting and criminal history record check
- Verification of true identity
- Work and education history evaluation
- Credit history evaluation
- Character and reputation determination
- Criminal history review

Physical Protection Requirements During Use

- Security plan
- Procedures
- Training
- Protection of information
- LLEA coordination
- LLEA notification of temporary jobsites

Physical Protection Requirements During Use cont.

- Security zones
- Monitoring and detection
- Assessment and response
- Maintenance and testing
- Mobile device measures
- Annual program review
- Reporting of events

Physical Protection During Transit

- Verification of license before transfer
- Preplanning and coordination
- Advance notifications (category 1 only)
- Reporting of events

Transportation Security – Category 1

- Use carriers with movement control centers
- Monitoring by a telemetric position monitoring system
- Procedures/training

Transportation Security – Category 2

- Constant control and/or surveillance
- Capability for immediate communication
- Carriers with package tracking systems that require signature prior to release of package

Requesting Specific Comment

- Fingerprinting of reviewing official
- Background investigation elements
- Protection of information
- LLEA notification at temporary jobsites
- Disabling vehicle exemption
- License/address verification for transfer
- NRC-approved monitoring plan for railroad classification yard

Part 37 - Timeline

- Preliminary language posted for comment - complete
- Proposed rule to Commission - complete
- Published for public comment –
 - June 15, 2010 (75 FR 33902)
 - Comment period closes October 13, 2010
- Public workshop on guidance - during rule comment period
- Final rule to Commission - winter 2010-11



Status of the Development of the NRC's Policy Statement on Safety Culture

Overview

- Background
- Guidance and Issues for Developing a Policy Statement
- Key Elements of the Draft Policy Statement
- Schedule and Path Forward



Background

Policy Statement Primer

- Guide activities of the NRC
- May express expectations on others
- Not a regulation
 - Not a matter of compatibility
 - Not enforceable against NRC or Agreement State licensees

Importance of Safety Culture

- Weaknesses in safety culture can contribute to problems with safety and security
 - Increased likelihood
 - More severe consequences
- NRC has a responsibility to consider safety culture, because safety culture is:
 - Important for protecting public safety
 - A key indicator of safety performance

“History”

- **Commission policy documents: safety culture**
 - Conduct of Operations (1989)
 - Safety Conscious Work Environment (1996)
- **Other Events**
 - Davis-Besse reactor head degradation
 - Reactor Oversight Process: safety culture
 - Oversight of materials licensees: fuel cycle



Guidance and Issues for Developing a Policy Statement

Commission Guidance

- The safety culture policy statement should:
 - Expand the NRC’s policy of safety culture to address the unique aspects of security, and
 - Ensure the resulting policy is applicable to all licensees and certificate holders

Commission Guidance (cont'd)

- Consider related issues:
 - Need to strengthen safety culture (reactors)
 - Increase attention to safety culture (materials area)
 - Effective use of stakeholder involvement
 - One or two policy statements

Commission Guidance (cont'd)

- Work with OAS and CRCPD and report back:
 - Feedback from Agreement State licensees on the draft policy statement
- Update the Commission on progress of materials licensees to address safety culture
- Seek opportunities to develop common terminology



Key Elements of the Draft Policy Statement

Draft Safety Culture Policy Statement

Safety Culture is that assembly of characteristics, attitudes and behaviors in organizations and individuals, which establishes that as an overriding priority, nuclear safety and security issues receive the attention warranted by their significance.

Draft Safety Culture Policy Statement

- A strong safety culture:
 - An essential element for individuals performing or overseeing regulated activities
 - Includes individuals internal and external to NRC
- Important to maintain awareness and appreciation of both safety and security

Draft Safety Culture Policy Statement

- **Licensees and Certificate Holders:**
 - Have the primary responsibility for safe and secure use of radioactive materials
 - Have a responsibility to develop and maintain a positive safety culture
- **NRC**
 - Independent oversight role includes addressing licensee and certificate holder performance in areas related to safety culture



Schedule and Path Forward

Recent Activities

- Published draft policy statement in *Federal Register* for public comment (November 6, 2009)
 - Comment period closed March 1, 2010
- Safety culture workshop (February 2-4, 2010)
 - Develop common terminology
 - Safety culture definition and safety culture traits
 - Comments on the draft policy statement

Workshop Results

Nuclear safety culture is the core values and behaviors resulting from a collective commitment by leaders and individuals to emphasize safety over competing goals to ensure protection of people and the environment.

Schedule and Next Steps

- Consider the public comments and the results of the workshop
- Revise draft policy statement
- Increase the attention given to safety culture
 - Continue to develop a strategy: materials area
 - Continue to determine: effective use of stakeholder involvement

Schedule and Next Steps (cont.)

- Complete staff recommendations for final policy statement
 - January 2011
- Evaluate oversight programs
 - After final policy statement is issued

Questions?