

# **Status of Part 73 Rulemaking and Material Attractiveness Review**

Marshall Kohen

NRC Office of Nuclear Security and Incident Response  
Fuel Cycle Information Exchange Conference

June 13, 2012

# Overview

- Regulatory Basis
- Material Attractiveness
  - LANL work
  - Outreach to date
- Summary

# Regulatory Basis

- Fuel Cycle Security Orders
  - Make generally applicable all/most of fuel cycle security orders (primarily after 9/11/01); sunset as many orders as possible
  - Existing/new Reg. Guides to explain, in some cases in classified/SGL terms, methods of meeting unclassified regulations
  - **STATUS: About 50% of Orders mapped to future rule/Reg. Guides**

# Regulatory Basis

- Incorporate completed changes at power reactors (as applicable)
  - Address access authorization for fuel cycle licensees and capitalize on the lessons learned from the power reactor program
  - Incorporate safety/security interface a la 73.58
  - **STATUS: Draft Reg Basis addresses safety/security interface**

# Regulatory Basis



- FFD for material licensees (SRM-COMSECY-04-0037):
  - Consistency (as practicable) with Part 26 for power reactors - officers only
  - Considering adding work hour controls for security officers using a consequence-based approach
  - Sampled 7 licensees to determine if officers are working elevated overtime
  - **STATUS: Received FFD input from licensees - on average, not working high levels of OT; Data shared with NMSS and RES – still under review**

# Regulatory Basis



- Address aspects of Energy Policy Act of 2005
  - Criminal Trespass
  - Enhanced Weapons
  - Notification of Suspicious Activity
  - **STATUS: Awaiting results of work in materials area**

# Regulatory Basis



- Continue to meet the intent of INFCIRC/225
  - **STATUS:** Review for alignment, discussion internationally, greater importance as objectives and measures are developed

# Material Attractiveness

- LANL Study
  - Sensitivity analyses on threshold values for each cell in the categorization table
  - Performance objectives for each cell in the table
- Assignment of physical protection measures



# Material Attractiveness

5/13/10	Meeting: NEI/NRC to Discuss Reprocessing Regulatory Framework
9/9/10, 10/19/10, 6/22/11	Reprocessing Public Workshops – Rockville, Albuquerque, Augusta
3/24/11	NRC Web Page on Part 73 Revision
5/24/11	Briefing for representatives of the NNSA Office of Defense Nuclear Security (NA-70) and Office of Nuclear Safeguards and Security (NA-243), the DOE Office of Health, Safety and Security, and the Department of State
6/6/11	Public Meeting on the Fuel Cycle Oversight Process
6/8/11	Fuel Cycle Information Exchange Public Meeting
7/13/11	Briefing for representatives of NNSA Office of Secure Transport
6/13/12	Fuel Cycle Information Exchange Public Meeting
TBD, 2013	Public meetings on aspects of the revised rule

# Material Attractiveness

5/25/11	Briefing for representatives of the Australian Safeguards and Non-Proliferation Office (ASNO)
6/7/11	Spanish Nuclear Safety Council
7/21/11	ASNO and UK Office of Nuclear Regulation
8/25/11	Canadian Nuclear Safety Commission
9/6/11	Spanish Nuclear Security Council
9/9/11	UK ONR and Ministry of Defense
11/9/11	French High Official for Defense and Security, Institute of Radioprotection and Nuclear Security, and Atomic Energy Commission
11/11/11	UK ONR and Ministry of Defense
4/26/12	Argentine National Atomic Energy Commission and Nuclear Regulatory Authority
12/12	International Security Regulators' Conference (Rockville)

# Going Forward

- Dates potentially extended to take into account impact of Cumulative Effects of Regulation

# Summary

- Incorporate
  - Fuel cycle security orders (sunset orders, as appropriate)
  - FFD
  - Elements of Energy Policy Act of 2005
  - Lessons Learned
- Continue alignment with INFCIRC/225
- Inform Commission of “proposed quantity values” for the table