

### **Discussion Topics for Public Meeting on Part 37**

1. Over 65% of power reactor sites will have large equipment weighing in excess of 2000 kg (e.g., steam generators, reactor heads, contaminated turbine equipment, etc.) housed outside their Protected Areas, but within the Owner Controlled Area. These materials are self-protecting and should be exempt from the requirements of Part 37, in accordance with Part 37.11. Part 37.11(a), "The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest".
2. Materials of concern within the OCA located such that they are covered by the requirements of 10 CFR Part 73.55(h)(5)(ii) which states, "Continuous surveillance, observation, and monitoring responsibilities may be performed by security personnel during continuous patrols through the use of video technology, or by a combination of both.". Licensee security plans required by Part 73 implement that rule requirement. Since this requirement is addressed in the Part 73 security plan, Part 37.11(b) applies and no other actions are required.
3. Part 37 materials of concern stored inside the Protected Area (PA) are covered by requirements as delineated in the Physical Security Plan (PSP) for power reactors. Therefore, no further actions should be required for this material.
4. The level of detail to be included in a Part 73 security plan in order to comply with Part 37.11(b), "Any licensee's NRC-licensed activities are exempt from the requirements of subparts B and C of this part to the extent that its activities are included in a security plan required by part 73 of this chapter".

| #  | QUESTION  | Staff Response |
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| 1. | <p>37.11(c) This section exempts radioactive waste that contains category 1 and category 2 quantities of radioactive material from the requirements of subparts B, C, and D of part 37.</p> <p>NUREG 2155-37.11(c) Q&amp;A-Q3 discussion identify 'rubble and removed components' as waste once decommissioning has begun and 10 CFR Part 37 would then apply.</p> <p>My question is related to the applicability of 10 CFR Part 37.71 for components such as reactor vessel heads, steam generators, that are transferred from the licensee classified as radioactive waste and contain 'diffuse category 1 or category 2 quantities of radioactive material.</p> <p>Note: The licensee is still operating and not decommissioning and dismantling the facility.</p> <p>(AM)</p> |                |
| 2. | <p>37.11(c) –NUREG 2155 37.11(c) Q&amp;A-Q2 and Q3- What does the NRC consider to be components when referring to 'activated materials in walls and components'?</p> <p>(AM)</p>  |                |
| 3. | <p>37.11(c) – Are radioactive waste filters packaged in a High Integrity Container (HIC) classified by the licensee as radioactive waste exempt from Subparts B, C and D when it contains:</p> <ol style="list-style-type: none"> <li>1. Diffuse category 1 or category 2 quantities or</li> <li>2. Category 1 or category 2 radioactive material quantities.</li> </ol> <p>(AM)</p>  |                |
| 4. | <p>37.11(c) What is the rationale for the security requirements of Parts 37 Subparts B, C, and D applying to ion-exchange resin that contain category 1 and category 2 quantities of radioactive material but the same requirements do not apply to spent filter cartridges that contain category 1 and category 2 quantities of radioactive material?</p> <p>(AM)</p>  |                |

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| 5. | <p>37.77(f) Protection of Information requires the schedule information furnished in advance notification of shipment of category 1 quantities of radioactive material (37.77(b)) to be protected against unauthorized disclosure as specified in 10 CFR 73.21.</p> <p>I understand that all records generated under Part 37 will no longer be designated SGI-M once the new immediate direct rule in SECY-13-0045 is final. When that document is final next March 19, 2014 then sensitive information generated under Part 37 will then be protected under 37.43(d).</p> <p>Are the records generated in 10 CFR 37 identified based on whether a licensee is required to protect that information in accordance with 37.43(d) or will the licensee need to make that determination?</p> <p>(AM)</p> |  |
| 6. | <p>10 CFR Part 37 Subpart D – Is a licensee implementing this subpart also required to implement 49 CFR 172 Subpart I- Safety and Security Plans or does 10 CFR Part 37 subpart D meet the requirement of 49 CFR 172.804?</p> <p>(AM)</p>   |  |
| 7. | <p>37.47– When a licensee is in the process of completing shipping papers to transfer a category 1 or category 2 quantity of radioactive material to a carrier outside of the protective area but inside of the owner control area, what are the applicable requirements related to 'security zones'?</p> <p>Does this requirement in Subpart C apply to a licensee apply to a licensee implementing Subpart D that is exempt from Subpart B and Subpart C under 37.11(b)</p> <p>(AM)</p>   |  |

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| 8. | <p><b><u>Initial Licensee Question #5:</u></b></p> <p>Part 37.11(c) Do items 1-4 apply to a steam generator or reactor vessel head mausoleum? Typically these storage facilities may not be identified as radioactive waste storage.</p> <p><b><u>Initial NRC Response:</u></b></p> <p>Part 37 focuses on protection of risk significant quantities of radioactive material and does not name specific facilities, components, or areas that need to comply or do not need to comply.</p> <p>Walls and component parts that become activated throughout their life are not considered to be waste until they are no longer useful for their intended purpose. Licensees are responsible for making the determination of when material will be no longer useful (considering the potential for spare parts, or recycling into other products or sale for other purposes). The regulations in 10 CFR Part 37 do not apply to activated material in walls and components during the operating life of a reactor, hot cell, or accelerator. Once the licensee removes activated material from use (whether from maintenance or during decommissioning) and declares the rubble or removed components as waste, then 10 CFR Part 37.11(c) criteria would apply.</p> <p><b><u>Follow-up Licensee #5 Questions:</u></b></p> <p>The question was intended to apply the material in the bldg., not the walls of the bldg. itself. The question is do the controls apply to a single item or collection of items specified in 37.11(c)?</p> <p>If Steam Generator mausoleums and similar storage facilities with limited access are exempted, would all material in the facility be exempted (e.g., in addition to S/Gs, we store irradiated hardware such as control rod guide tubes, CRDMs, along with contaminated RCS piping in the mausoleum)?</p> <p>(EA)</p> |  |
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**Initial Licensee Question #12:**

Can NRC please explain in detail the exemption in 37.11(c) as it applies to LLW?

**Initial NRC Response:**

The security requirements of Part 37 Subparts B, C and D apply in their entirety to the following wastes that contain Category 1 and 2 quantities:

- discrete sources
- ion-exchange resins
- activated material < 2,000 kg (i.e., irradiated metal or concrete)

Other waste forms are exempted from the security requirements of Subpart B, C, and D. However, these waste forms, such as contaminated clothing, gloves, soil, or low specific activity waste, must meet the security requirements of §37.11(c) (1) through (c) (4) if they contain Category 1 and 2 quantities.

**Follow-up Licensee #12 Questions:**

If licensees are exempt from Subparts B and C from 37.11(b), then are they also exempt from Subparts B and C in 37.11(c)?

What about large areas of equipment storage or in open areas of the power block in the plant or Protected Area? This would not be waste material, but all of the equipment in a large storage area might exceed category 2. This clarification is key as all power plant licensees have storage areas for equipment.

Should sites estimate Curie content of equipment aggregated within the plant or within the Protected Area? While there may not be a Subpart B or C requirement inside the Protected Area, is it expected that all areas inside the Protected Area have the activity quantified?

If areas inside the Protected Area are generically exempt as part of the Part 73 program, would the Protected Area itself just be considered a single "Security Zone"?

Shouldn't equipment items or areas receive a similar exemption from B, C, and D similar to diffuse types of wastes specified in 37.11(c) or is that implied?

(EA)

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| 10. | <p><b><u>Initial Licensee Question #13:</u></b></p> <p>What are NRC's expectations for implementation of 37.11(c)(1-4)?<br/>Specifically, has NRC considered what would be acceptable to meet the intent of 1-4?</p> <p><b><u>Initial NRC Response:</u></b></p> <p>NRC believes the language in the rule is clear as written in 37.11(c), which states that the licensee shall implement the following requirements to secure the radioactive waste:</p> <p>§ 37.11(c)(1)<br/>Use continuous physical barriers that allow access to the radioactive waste only through established access control points;</p> <p>§ 37.11(c)(2)<br/>Use a locked door or gate with monitored alarm at the access control point;</p> <p>§ 37.11(c)(3)<br/>Assess and respond to each actual or attempted unauthorized access to determine whether an actual or attempted theft, sabotage, or diversion occurred; and</p> <p>§ 37.11(c)(4)<br/>Immediately notify the LLEA and request an armed response from the LLEA upon determination that there was an actual or attempted theft, sabotage or diversion of the radioactive waste that contains category 1 or category 2 quantities of byproduct material.</p> <p><b><u>Licensee Follow-up Question:</u></b></p> <p>Would these controls only be applicable if the equipment or waste was stored outside of the Protected Area based upon the previous NRC response?</p> <p>(EA)</p> |  |
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| 11. | <p>How does 10CFR73 and/or 10CFR37 apply to new reactors during construction (e.g., a shepherd calibrator may be shipped to new site under construction and need to store for a period of time)?</p> <p>(EA)</p>  |  |
| 12. | <p>We have a radwaste facility located outside the PA. The facility is used to process liquid waste and store primary resins and filters until packaged and shipped for disposal. Access is controlled with a card reader. A single liner is stored in a bunker. Each bunker is covered by a large shielding block. Removal of the shield blocks can only be performed using an overhead crane. Several questions, could a facility like this be exempted from 10CFR37 similar to S/G mausoleums? If not, do all the liners stored in each of the bunkers need to be aggregated to determine if Cat 1 or 2 quantities are exceeded?</p> <p>(EA)</p> |  |
| 13. | <p>For waste packaged and ready for transportation for disposal that exceeds Cat 1 or 2 quantities, who has the responsibility for ensuring compliance with 10CFR37 when the waste leaves the PA (transporter or power reactor licensee,) inside the owner controlled area, and on the highway? My concern is that in most cases the vendor will not accept title to the waste until it arrives at the disposal or processing facility.</p> <p>(EA)</p>   |  |
| 14. | <p>Aggregated definition - Sea/land containers are large enough to be a storage area, yet are also containers in transit. Would several sea/land containers grouped together be individual security zones as each is protected by it's individual barrier and Curie total be separate or would the entire area be considered aggregated and the Curie total be applied to all the containers together?</p> <p>(EA)</p>  |  |

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| 15. | <p>37.71: Based upon the exemptions in 37.11(b) and (c), is the Licensee Verification System is only required for category 2 or higher waste discrete sources, ion exchange resins, activated metal &lt;2000 kg, and non-waste byproduct equipment or source shipments? Shouldn't non-waste byproduct material like equipment shipments be exempt like other diffuse sources of waste in 37.11(c)?</p> <p>(EA)</p> |  |
| 16. | <p>If there is a locked building that contains several locked fences (different lock from each other and the building door) and radioactive material in any fenced in area is less than category 2 quantities of radioactive material, is this considered not aggregated in which Part 37 does not apply?</p> <p>(RL)</p>  |  |