



**SPENT NUCLEAR FUEL  
TRANSPORTATION SECURITY  
RULEMAKING ACTIVITIES AT THE  
U.S. NUCLEAR REGULATORY  
COMMISSION**

# Security Rulemakings

## Objectives of In-Transit Security

- Prevent theft and/or diversion for malevolent use
- Prompt detection, assessment, and reporting
- Prompt LLEA response



NRC photo of empty container on truck



DOE/OCRWM photo of locomotive pulling cask.

# Security Rulemakings

## Proposed Rule, Physical Protection of Spent Nuclear Fuel in Transit

Federal Register / Vol. 75, No. 197 / Wednesday, October 13, 2010 / Proposed Rules 62695

Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, or 301-415-4737, or by separate notice. [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The draft Part 37 implementation guidance is available electronically under ADAMS Accession Number ML101470684.

**Federal Rulemaking Web site:** Public comments and supporting materials related to the implementation guidance, including the draft implementation guidance, can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0194. Documents related to the proposed rule can be found by searching on Docket ID NRC 2008-0120.

#### Discussion

The NRC published a proposed rule that would place the security requirements for use of Category 1 and Category 2 quantities of radioactive material into a new Part 37 of Title 10 of the Code of Federal Regulations. The proposed rule was published on June 15, 2010 (75 FR 33902) and the public comment period runs through October 13, 2010. The public comment period for the proposed rule is being extended to January 18, 2011, by separate notice. Documents related to the proposed rule can be found at <http://www.regulations.gov> by searching on Docket ID NRC 2008-0120.

In conjunction with the proposed rule, the NRC has developed implementation guidance. The implementation document provides guidance to a licensee or applicant for implementation of proposed 10 CFR Part 37, "Physical Protection of Byproduct Material," specifically Category 1 and Category 2 quantities of radioactive material. It is intended for use by applicants, licensees, Agreement States, and NRC staff. The document describes methods acceptable to the NRC staff for implementing proposed 10 CFR Part 37. The approaches and methods described in the document are provided for information only. Methods and solutions different from those described in the document are acceptable if they meet the requirements in proposed 10 CFR Part 37. The guidance is provided in the form of questions and answers on the provisions of the proposed rule. The draft implementation guidance document for proposed 10 CFR Part 37 is available electronically under ADAMS Accession

Number ML101470684, and can also be found at <http://www.regulations.gov> by searching on Docket ID: NRC-2010-0194.

On July 14, 2010 (75 FR 40756), the NRC noticed the availability of the implementation guidance for public comment. The public comment period for this guidance was to have expired on November 12, 2010. The NRC received several requests to extend the comment period to January 15, 2011. Due to the size and complexity of the draft implementation guidance and the associated proposed rule, the NRC has decided to extend the comment period until January 18, 2011.

Dated at Rockville, Maryland, this 29th day of September 2010.

For the Nuclear Regulatory Commission,  
 Mark Thagard,  
 Deputy Director, Division of  
 Inter governmental Liaison and Rulemaking,  
 Office of Federal and State Materials and  
 Environmental Management Programs.  
 [FR Doc. 2010-25784 Filed 10-12-10; 8:45 am]  
 BILLING CODE 7890-01-P

#### NUCLEAR REGULATORY COMMISSION

10 CFR Part 37  
 RIN 3150-A064  
 [NRC-2009-0163]

#### Physical Protection of Irradiated Reactor Fuel in Transit

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its security regulations pertaining to the transport of irradiated reactor fuel (for purposes of this rulemaking, the terms "irradiated reactor fuel" and "spent nuclear fuel" (SNF) are used interchangeably). This proposed rule would establish generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001. The proposed rule would establish the acceptable performance standards and objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage. The proposed amendments would apply to those licensees authorized to possess or transport spent nuclear fuel. The proposed security requirements would also address, in part, a petition for rulemaking from the State of Nevada (PRM-73-10) that requests that NRC

strengthen the regulations governing the security of spent nuclear fuel shipments against malevolent acts.

**DATES:** The comment period expires January 11, 2011. Submit comments specific to the information collection aspects of this rule by November 12, 2010. Comments received after this date will be considered if practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Please include Docket ID: NRC-2009-0163 in the subject line of your comments. For instructions on submitting comments and accessing documents related to this action, see Section 1, "Submitting Comments and Accessing Information" in the **SUPPLEMENTARY INFORMATION** section of this document. You may submit comments by any one of the following methods.

**Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for documents filed under Docket ID: NRC-2009-0163. Address questions about the NRC dockets to Carol Gallagher 301-492-3966; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

**Mail comments to:** Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

**E-mail comments to:** [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. **Head deliver comment to:** 13555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. during Federal workdays. (Telephone 301-415-1966)

**Fax comments to:** Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

**FOR FURTHER INFORMATION CONTACT:** Cordelia Maupin, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone 301-415-2312, e-mail: [Cordelia.Maupin@nrc.gov](mailto:Cordelia.Maupin@nrc.gov).

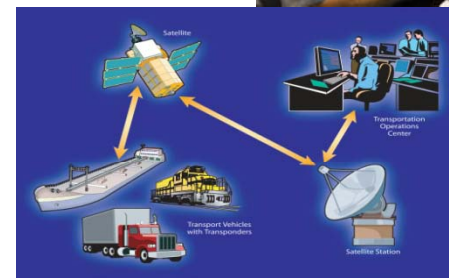
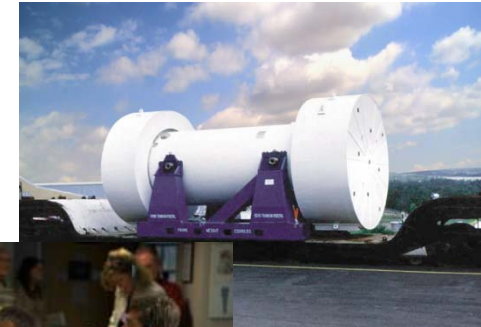
**SUPPLEMENTARY INFORMATION:**  
 I. Submitting Comments and Accessing Information  
 II. Background  
 III. Discussion  
 A. What action is the NRC taking in this rule?  
 B. Why revise the requirements?  
 C. What is requested by the State of Nevada in its petition for rulemaking (PRM-73-10)?  
 D. What are the DOT routing requirements for spent nuclear fuel shipments?  
 E. What are the NRC routing requirements for spent nuclear fuel shipments?

- Applicable to SNF shipments >100 gram and >100 rem/hr @ 3 ft unshielded
  - Enhances existing requirements
  - Considers security concepts and lessons learned from past security Orders
  - Addresses, in part, Petition for Rulemaking from the State of Nevada (PRM-73-10)
- 75 FR 62695, published October 13, 2010 comment period closes January 11, 2011
- Proposes enhanced requirements for
  - Preplanning and coordination of shipments
  - Control and monitoring of shipments
  - Trustworthiness and reliability of personnel



# Security Rulemakings Proposed 10 CFR 73.37

- Planning & Coordination
  - Coordination with States
- Notifications & Communications
- Continuous & Active Shipment Monitoring



DOE/OCRWM Illustration

# Security Rulemakings Proposed 10 CFR 73.37

- Armed Escorts
  - Armed escorts along the entire length of the shipment
- Procedures, Training and Protection of Information
- Background Investigations
  - Personnel with access to SNF in transit (drivers, train personnel, armed escorts)
  - Communications center personnel



DOE/OCRWM Photo of PA police walking along side rail shipment





# Security Rulemakings

## Next Steps



NUREG-0561, Rev. 2  
Draft for Comment

### Physical Protection of Shipments of Irradiated Reactor Fuel

October 2010  
Draft for Comment

- Supporting Guidance, NUREG-0561, to be published for public comment in November, 2010
- Comments due on Draft Proposed Rule, 10 CFR 73.37, on January 11, 2011
- Comments on supporting guidance will be due February, 2011



# Questions?