

# ORC Chapter 420-3-26-.15 and 10 CFR Part 37

## Changes to Physical Security Protection Requirements



# A Brief History of Security Measures

- 11/14/05 - EA-05-090: NRC Order Imposing Increased Controls (IC). In Alabama the Orders were implemented by license condition
- Early 2006, 40 - IC licenses were initially identified by ORC. Inspections began in June 2006.
- 11/20/07 - RCPD-07-009: Order Imposing Fingerprinting and Criminal History Record Check Requirements for Unescorted Access to Certain Radioactive Material
- Early 2008, additional requirements were implemented by license condition.

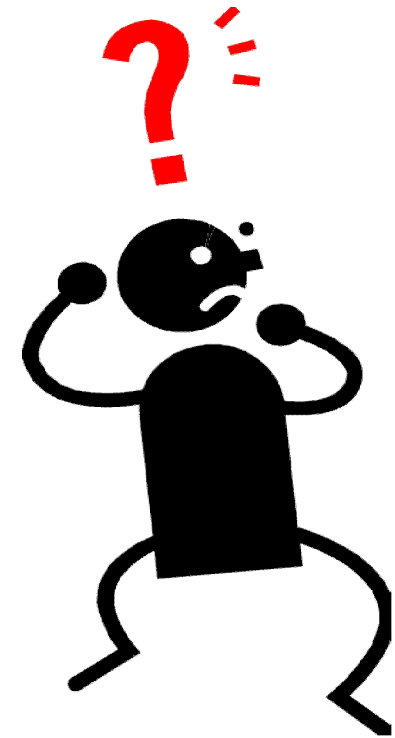


# Purpose of Chapter 420-3-26-.15

- Provide reasonable assurance of preventing the theft or diversion of category 1 and category 2 quantities of radioactive material for malevolent use
- Supersede previously issued security orders
- Chapter 420-3-26-.15 will apply to licensees who **possess** category 1 or category 2 quantities of radioactive material



**What changes from the current Increased Controls and Fingerprinting Orders were made in the new ORC Chapter 420-3-26-.15 rules?**



# Access Control – Reviewing Official



- Reviewing officials are subject to a full access authorization program.

**420-3-26-.15(8)(b)2.**

- Reviewing officials are required to have unescorted access to material, and access to Safeguards Information (SGI) if the licensee possesses such information.

**420-3-26-.15(8)(b)3.**



# Access Control – Reviewing Official

- Licensee approves RO and shall provide under Oath and Affirmation a certification that the reviewing official is Deemed trustworthy and reliable by the licensee.

420-3-26-.15(8)(b)2.

- RO cannot approve other RO's, unless they are a Licensing official (e.g., Senior Management).

- Can have multiple RO's.



# Access Control – Procedures

**Develop, implement and maintain written procedures for:**



- “ Conducting background investigations
- “ Updating background investigations for persons applying for reinstatement
- “ Ensuring that persons denied access authorization are not allowed unescorted access
- “ Notification of individuals who are denied access

**420-3-26-.15(8)(f)**

**Individual receiving a negative T&R determination may initiate challenge procedures if they believe that the information is incorrect.**

**420-3-26-.15(8)(g)**



# Access Control – Procedures

- Requires a signed consent before initiating a background investigation.

420-3-26-.15(8)(c)

**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.





# Access Control – Documentation



## - Items Required:

1. **Certification of applicant's true identity**
2. **Signed consent form**
3. **Verification of background screening elements**
  - a. **Experience (7 years)**
  - b. **Character and reputation determination**
  - c. **Developed references**
4. **Criminal history records received, reviewed, and approved**
5. **Documented basis for T&R judgment**
6. **Individual's name on Unescorted Access list with date**



# Access Control – Investigations

-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**



# Access Control – Investigations



- Initial investigation – scope must encompass at least the 7 years preceding the date of the background investigation or since the individual’s eighteenth birthday, whichever is shorter.

**420-3-26-.15(9)(a)**



- Reinvestigations – Conducted every 10 years.

**420-3-26-.15(9)(c)**



# Access Control – Procedures

- Training required prior to access (knowledge, skills, and abilities, to carry out their assigned responsibilities, e.g., Escort, response to alarms, etc.) **420-3-26-.15(13)(a)**

- Must perform an annual review of the access authorization program content and implementation.

**420-3-26-.15(13)(a)**



# Access Control – Procedures



- **Maintain List(s) of approved individuals**

\* **Unescorted access to the security zones, and**

**420-3-26-.15(8)(e)**

\* **Access to the security plan or implementing procedures.**

**420-3-26-.15(15)(d)6.**

\* **Removal of name must take place as soon as possible, but no later than 7 working days.**

**420-3-26-15(8)(e)5.**



# Physical Protection – Security Plan

- Develop a written security plan and written procedures.



**420-3-26-.15(15)(a)&(b)**

- Conduct training for the individuals responsible for implementing the security plan, with refresher training at least every 12 months, or when significant changes have been made to the plan.

**420-3-26-.15(15)(c)**



# Physical Protection – Security Plan

**-Periodic Review shall include;**

**-Identify conditions adverse to proper performance of the security program,**

**-Document**

**-Causes**

**-Corrective Actions**

**-Preventive Measures**



# Physical Protection – Security Zones

- Ensure that all aggregated category 2 quantities of radioactive material are used or stored within licensee-established security zones.

**420-3-26-.15(17)(a)**

- Security zone requirement may be met by physical barriers or through direct control by approved individuals (e.g. at temporary job sites).

**420-3-26-.15(17)(c)**







# Physical Protection – LLEA

- **Notify ORC within three business days if:**
  - **LLEA has not responded to request for coordination within 60 days of request**  
**420-3-26-.15(16)(b)**
  - **LLEA notifies licensee that LLEA does not plan to participate in coordination activities**  
**420-3-26-.15(16)(b)2.**
- **Coordinate with LLEA at least every 12 months or when there are changes to the program**  
**420-3-26-.15(16)(d)**



# Physical Protection – LLEA



## **Example of Information to Discuss with LLEA**

- Types and quantities of devices and RAM possessed**
- Potential hazards associated with loss of control RAM**
- Specific facility information (contacts, floor plans, etc.)**
- Site specific physical protection measures**
- Established protocol for contacting LLEA for armed response**
- Licensee and LLEA plans to recover RAM**



# Physical Protection – Detection



**Have a means to detect unauthorized removal of radioactive material from the security zone. Detection capability must provide:**

- For category 2 sources, weekly verification through physical checks, tamper indicating devices, use of the material, or other means.**

**420-3-26-.15(18)(a)3.(ii)**





# Physical Protection – Testing

Implement a maintenance, testing, and calibration program to ensure that intrusion alarms, associated communication systems, and other physical components of the access control and monitoring systems are operable. Test these systems for operability and performance at manufacturer's suggested frequency or at intervals not to exceed 12 months.



**420-3-26-.15(19)(a)**



# Security Program



**- Each licensee shall be responsible for the effectiveness of their security program.**

**420-3-26-.15(21)(a)**

**- The licensee shall review the security program content and implementation every 12 months.**

**420-3-26-.15(21)(a)**



# Security Program



**Procedures; address training, to establish and maintain security zones, to establish the monitoring, detection, assessment, and response measures; maintenance and testing measures; the reporting of events; and the periodic review of the program**

**Response by LLEA and/or inadvertent unauthorized access that would not require LLEA. After hour notification for licensee and LLEA.**

**Staff roles and their responsibilities and constraints in an emergency. Clear instructions and guidelines for whom to contact.**

**\*Security plan will be reviewed during routine inspection.**



# Category 2 Shipments



- **Contract carrier must include package tracking.**
  - **Coordinate arrival times with recipient.**
  - **Routinely use FedEx.**
  - **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.**

**420-3-26-.15(25)(d)**



# Category 2 Shipments



- 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





## Documents

**-NUREG-2155**      **Implementation Guidance for 10 CFR Part 37**

**-NUREG-2166**      **Physical Security Best Practices**

**-Chapter 420-3-26-.15**      **New Rule for Increased Control License's**

**Access Authorization Flow Chart**

**Q & A**

**[adph.org/radiation](http://adph.org/radiation)**



# Summary



**-Access Authorization Procedures**

**-Security Plan**

**-Implementing Security Procedures**

**-Procedures for the Protection of Information**

**-Access List for Unescorted Access and Protected Information**

**-LLEA Coordination Efforts**

**-Procedures for Shipping (e.g., Notifications and Coordination)**

---





# Questions?



David Turberville

[david.turberville@adph.state.al.us](mailto:david.turberville@adph.state.al.us)

Myron Riley

[myron.riley@adph.state.al.us](mailto:myron.riley@adph.state.al.us)

Neil Maryland

[neil.maryland@adph.state.al.us](mailto:neil.maryland@adph.state.al.us)

334/206-5391

