



Physical Protection of Byproduct Material:

Proposed Rule

10 CFR Part 37

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Advisory Committee on the Medical
Uses of Isotopes (ACMUI)

Concerns with the Physical Protection Proposed Rules

- Impact on access to healthcare
- Justification of additional regulatory requirements beyond IC Orders
- Additional cost to licensee
- Implementation obstacles may impact regulatory compliance

Primary Sections of Concern

Part 37.25 Background Checks

Part 37.41 Security Plans

Part 37.45 Coordination with Law
Enforcement

37.25 Background Investigations

- Reviewing Official -
- Collection/evaluation of personal background information
- Credit and criminal history information

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Direct:

Fingerprinting costs for one licensee:

- Local fingerprinting: <\$50
- NRC/FBI costs: \$36
- Total per employee <\$90
- 400 employees: \$36,000

Indirect :

\$40,000

Total cost:

\$76,000

Proposed Background Review Costs

Direct

- Credit Bureau
- Local Background Checks:
 - 400 employees @ \$150: \$60,000

Indirect

\$40,000

Proposed cost

\$100,000

37.41 Security Program Justification

- Security creep to Category 3 sources
- More medical licensees impacted
 - Expansion from sealed to all sources
 - Access program required for physical accumulation
 - Security program based on possession limits for prevention of co-location/aggregation of sources

37.45 Local Law Enforcement Agency Coordination and Notification

- Regulatory compliance
- Licensees can not control LLEA activities
- LLEA are not likely to contact the licensees when their ability to response has been compromised
- Regulatory burden of frequent notifications

ACMUI Discussion

- Should the regulations codify the orders?
- Are the proposed expanded regulatory requirements reasonable?
- Are the regulations understandable and flexible to continue to use the material?
- Do the regulations impede access to medical care or research?

Acronyms

- ACMUI – Advisory Committee on the Medical Uses of Isotopes
- CFR – Code of Federal Register
- FBI – Federal Bureau of Investigation
- IC – Increased Controls
- LLEA – Local Law Enforcement Agency
- NMED – Nuclear Materials Events Database
- NRC – Nuclear Regulatory Commission

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Susan Langhorst, Ph.D.