

# **Status of Independent Spent Fuel Storage Installation (ISFSI) Security Requirements Rulemaking**

July 10, 2019

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# Opening Remarks

# Purpose



Discuss the status of the proposed rulemaking on ISFSI security requirements and provide opportunity for public input on path forward.

# Background



- After events of September 11, 2001, the Nuclear Regulatory Commission (NRC) issued security orders to all ISFSI licensees.
- In 2002, the NRC issued ISFSI interim compensatory measure security orders for co-located, standalone, decommissioning reactor, dry storage, and wet storage ISFSIs.
- In 2007, the NRC renamed the interim compensatory measure security orders as additional security measures for ISFSIs and portion marked the information to identify unrestricted material and safeguards information within the orders.

# Background (cont.)



- In SECY-07-0148, dated August 28, 2007 (ADAMS\* Accession No. ML062860177), the staff proposed to apply a risk-informed and performance-based approach to update the security requirements for ISFSIs.
- In staff requirements memorandum (SRM)-SECY-07-0148, dated December 18, 2007 (ADAMS Accession No. ML073530119), the Commission approved the staff's recommendation to begin a rulemaking to revise the ISFSI security requirements.
- On December 16, 2009, the staff published the draft regulatory basis for the proposed ISFSI security requirements rulemaking (ADAMS Accession No. ML093280743).

\* NRC's Agencywide Documents Access and Management System

# Background (cont.)



- In COMSECY-15-0024, dated September 11, 2015 (ADAMS Accession No. ML15229A231), the staff recommended postponing the proposed ISFSI security requirements rulemaking for five years, which the Commission approved on October 6, 2015 (SRM-COMSECY-15-0024, ADAMS Accession No. ML15280A105)
- In 2018, the Commission directed that resources be allocated for the expedited ISFSI security rulemaking with the exclusive scope of codifying the requirements of the post-9/11 security orders.

# Options Considered



The staff is considering and evaluating the following three options:

- Option 1: Continue with rulemaking action with the exclusive scope of codifying the post-9/11 ISFSI Security Orders.
- Option 2: Discontinue the ISFSI security requirements rulemaking activity.
- Option 3: Discontinue the ISFSI security requirements rulemaking activity and issue regulatory guidance.

# Preliminary Cost/Benefit Analysis



Option 1: Continue with rulemaking action with the exclusive scope of codifying the post-9/11 ISFSI Security Orders.

- This option would result in a net incremental cost of approximately (\$1.1 million), including:
  - Costs to develop the new regulations, review exemption requests, and issue new orders by the NRC
  - Costs to submit exemption requests and update security plans and procedures by the industry
- Due to the sensitive nature of some of the security requirements, Orders would need to be maintained.
- This option would provide qualitative benefits such as openness, clarity, and reliability, and opportunity for public comment.

# Preliminary Cost/Benefit Analysis (cont.)



Option 2: Discontinue the ISFSI security requirements rulemaking activity.

- This option would result in no new direct costs or benefits to the NRC or the industry.
- This option would not provide qualitative benefits such as openness, clarity, and reliability, and opportunity for public comment.

# Preliminary Cost/Benefit Analysis (cont.)



Option 3: Discontinue the ISFSI security requirements rulemaking activity and issue regulatory guidance.

- The NRC would be expected to incur a net incremental cost of approximately (\$320,000).
  - Includes implementation costs to develop and issue regulatory guidance.
  - The NRC is not expected to incur new operation cost.
- This option would provide qualitative benefits such as openness, clarity, and reliability, and opportunity for public comment.

# Planned Next Steps



- Staff will develop a draft SECY paper to the Commission with options and recommendation on the path forward for the ISFSI security requirements rulemaking, with consideration of public input.

# Discussion Questions



- Should the NRC discontinue the ISFSI security requirements rulemaking activity with the exclusive scope of codifying the post-9/11 ISFSI Security Orders (why or why not)? What other factors should the NRC consider in this approach (in addition to cost, and openness, clarity, and reliability)?
- Should the NRC issue guidance relating to ISFSI security (why or why not)? What other factors should the NRC consider in this approach (in addition to cost, and openness, clarity, and reliability)?

# Closing Remarks

# How did we do?

- Link to NRC Public Meeting Feedback form:



- Email feedback to [Duane.White@nrc.gov](mailto:Duane.White@nrc.gov) and [Andrew.Carrera@nrc.gov](mailto:Andrew.Carrera@nrc.gov)

# References



- SECY-07-0148, “Independent Spent Fuel Storage Installation Security Requirements for Radiological Sabotage,” dated August 28, 2007 (ADAMS Accession No. ML062860177).
- SRM-SECY-07-0148, “Staff Requirements—SECY-07-0148—Independent Spent Fuel Storage Installation Security Requirements for Radiological Sabotage,” dated December 18, 2007 (ADAMS Accession No. ML073530119).
- Draft Regulatory Basis, “Draft Technical Basis for a Rulemaking to Revise the Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste, Revision 1, NRC-2009-0558,” dated September 16, 2009 (ADAMS Accession No. ML093280743).

# References (cont.)



- COMSECY-15-0024, “Proposed Rulemaking on Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste,” dated September 11, 2015 (ADAMS Accession No. ML15229A231).
- SRM-COMSECY-15-0024, “Staff Requirements—COMSECY-15-0024—Proposed Rulemaking on Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste,” dated October 6, 2015 (ADAMS Accession No. ML15280A105).