



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 25, 2001

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MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: William D. Travers
Executive Director for Operations

SUBJECT: RECOMMENDATION FOR WITHDRAWAL OF PAPERS NOW
PENDING COMMISSION REVIEW

In his September 28, 2001, memo on "Response to Terrorist Acts," the Chairman requested that the staff identify those papers now pending Commission review that should be withdrawn, supplemented, or revised. In response to this request, the staff recommends that the following papers be withdrawn, thereby permitting the staff to take into consideration the impacts of the September 11, 2001 events. A table summarizing these recommendations is attached. The staff will provide the Commission with further recommendations on these papers subsequent to receipt of any emergency funding or the issuance of the Staff Requirements Memorandum (SRM) associated with the upcoming Commission paper, "Initial Scoping Paper on the NRC's Response to Terrorist Acts," which is currently under development.

1. SECY-01-0101, "Proposed rule changes to 10 CFR 73.55: 'Requirements for Physical Protection of Licensed Activities at Nuclear Power Reactors Against Radiological Sabotage'; 10 CFR Part 72: 'Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-level Radioactive Waste'; and 10 CFR 50.54(p): 'Conditions of licenses,' dated June 4, 2001. This proposed rule would amend the security requirements in 10 CFR Part 73 for physical protection of nuclear power reactor licensees licensed under 10 CFR Parts 50 and 52, by providing a more performance-based approach for power-reactor security programs and for employing risk insights when determining which plant systems are to be protected. Conforming changes would also be made to 10 CFR Part 72 and 10 CFR 50.54(p).

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2. SECY-01-0100, "Policy Issues Related to Safeguards, Insurance and Emergency Preparedness Regulations at Decommissioning Nuclear Power Plants Storing Fuel in Spent Fuel Pools," dated June 4, 2001. This paper presented the Commission with policy issues and options related to regulatory decision-making in the areas of insurance, emergency preparedness, and safeguards for decommissioning nuclear power plants.
3. SECY-01-0015, "Process for Formulation and Disposition of Adversary Characteristics (C)," dated February 1, 2001. This paper presented the Commission with a process for screening adversary characteristics to determine whether they should be included in the NRC's safeguards program.

Additionally, the staff intends to suspend development of the following papers and responses to petitions for rulemaking. Again, the staff will provide the Commission with further recommendations on these papers and petitions for rulemaking upon receipt of any emergency funding or issuance of additional Commission guidance.

1. In response to the SRM on COMSECY-00-0036, dated January 25, 2001, the staff is describing its process for bounding the knowledge and attributes of insiders. This description will include the process for assessing the effectiveness of existing physical protection program requirements in providing protection against insiders.
2. In staff reviews regarding 10 CFR 73.51, as described in SECY-01-0094, "Staff Review of Request for Exemptions and an Associated Amendment Related to Physical Security Plans for an Independent Spent Fuel Storage Installation (ISFSI) Under a General License," dated May 25, 2001, and SECY-01-0101, the staff is assessing uncertainties associated with consequence analysis for spent fuel cask sabotage and determining the relative priorities of additional actions to address these uncertainties.
3. In Petition for Rulemaking (PRM-73-10), the State of Nevada requested the NRC "amend its regulations governing safeguards for the shipment of spent nuclear fuel against sabotage and terrorism." The issues raised by the petitioner are relevant to the reevaluation of the vulnerabilities and the impacts on physical protection that are being performed under the emergency supplemental funding request.
4. In PRM-36-01, the American National Standards Institute (ANSI) N43.10 Committee requested the NRC amend its regulations in 10 CFR 36.65 to reduce operator presence at large irradiators.

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5. In SECY-01-0021, "Rulemaking Plan: 10 CFR Parts 71 and 73 — 'Advance Notification to Native American Tribes of Certain Types of Nuclear Waste,'" dated February 2, 2001, the staff presented the Commission with a rulemaking plan to expand the advance notification requirements for shipments of spent fuel and nuclear waste to include Native American Tribes. The proposed rule being developed involves issues related to methods for communicating safeguards information.

Attachment: Table Summarizing Recommended Actions

cc w/attach:

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RTA Task Force Service List

MFederline, NMSS
JJohnson, NRR
RZimmerman, RES
MSpringer, ADM
JHolonich, IRO
TPGwynn, RIV
SBurns, OGC

RRough, CFO
RHauber, OIP
EHayden, OPA
JSchaeffer, CIO
BKeeling, OCA
JMcDermott, HR

GTracy, NRR
CHaney, NMSS
DDorman, RES
TOMartin, ADM

VOrdaz, NRR
JDavis, NMSS
HBailey, IRO
KGibson, NRR
EJacobs-Baynard, NMSS
JCreed, RIII

PBrochman, NMSS
CCox, NMSS
CLui, NMSS
WDam, NMSS
BSchnetzler, NRR
BManili, NRR
EFox, NRR
BBaxter, NRR
WFoster, ADM
SCrockett, OGC
JGoldberg, OGC

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Table Summarizing Recommended Actions

SECY Paper	Description of Paper	Action
SECY-01-0101	"Proposed rule changes to 10 CFR 73.55: 'Requirements for Physical Protection of Licensed Activities at Nuclear Power Reactors Against Radiological Sabotage'; 10 CFR Part 72: 'Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-level Radioactive Waste'; and 10 CFR 50.54(p): 'Conditions of licenses'"	Withdraw paper
SECY-01-0100	"Policy Issues Related to Safeguards, Insurance and Emergency Preparedness Regulations at Decommissioning Nuclear Power Plants Storing Fuel in Spent Fuel Pools"	Withdraw paper
SECY-01-0015	"Process for Formulation and Disposition of Adversary Characteristics (C)"	Withdraw paper
COMSECY-00-0036	Response to SRM on COMSECY-00-0036	Suspend staff development
10 CFR 73.51	Review of 10 CFR 73.51 per SECYs 01-0094, "Staff Review of Request for Exemptions and an Associated Amendment Related to Physical Security Plans for an Independent Spent Fuel Storage Installation (ISFSI) Under a General License	Suspend staff development
PRM-73-10	Disposition of PRM-73-10, from the State of Nevada	Suspend staff development
PRM-36-01	Disposition of PRM-36-1, from the ANSI N43.10 Committee	Suspend staff development
SECY-01-0021	SECY-01-0021, Rulemaking Plan: 10 CFR Parts 71 and 73 — 'Advance Notification to Native American Tribes of Certain Types of Nuclear Waste'"	Suspend staff development

Attachment

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