

NEI Used Fuel Management Conference - 2011

Baltimore, MD — May 5, 2011

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Response, Division of Security Policy

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Agenda

- Status of ISFSI security rulemaking
- Completed outreach efforts
- Planned outreach efforts
- Future schedule
- Enhanced weapons rulemaking



ISFSI Security Rulemaking Status



- NRC issued the draft regulatory (technical) basis for stakeholder comment on 12/16/2009
 - See www.regulations.gov under Docket ID: NRC-2009-0558 for the document, supporting material, and stakeholder comments
- Several commenters were aligned in opposing some of the key technical approaches proposed by the NRC staff
 - Preferred a design basis threat for radiological sabotage approach over dose calculation approach (NEI & UCS)
 - However, if dose calculations were used, a dose limit greater than 0.05 Sievert (Sv) (5 rem) was preferred (NEI)



Rulemaking Status (cont.)



- In SECY-10-0114, staff recommend to the Commission that it assess the comments and their potential impacts in detail (ML101960614)
 - Staff would continue outreach efforts with stakeholders
 - Staff would issue draft ISFSI & MRS adversary characteristics document DG-5033 for comment to cleared stakeholders
- In SRM-SECY-10-0114, the Commission directed the staff to follow SRM-SECY-07-0148 and to fully engage stakeholders (ML103210025)
 - Provide briefings for stakeholders that have a need-to-know to develop further insights
 - Provide an analysis of comments, any modified recommendations, and fully-developed basis for the rule
 - Provide paper by end of 2011

Completed Outreach Efforts



- Issued DG-5033 for comment to cleared stakeholders on 3/25/11
 - Comment period closes on 6/25/11, but an extension request is pending from industry
- Completed outreach meeting on 5/2/11 with closed and open sessions
 - Closed – Staff briefing on ISFSI threat and vulnerability information and response to questions on DG-5033
 - Discussion at the Safeguards Information level
 - Open – Staff’s evaluation of comments on draft regulatory basis



Planned Outreach Efforts

- Industry has requested further detailed briefings on ISFSI threat and vulnerability information at the classified NSI level
 - Staff will schedule classified briefings for cleared stakeholders later this year
- Currently only operating power reactors have a facility clearance and personnel security clearances that provide access to classified information
 - NRC is expanding this policy to include decommissioning power reactors and standalone ISFSIs
 - May take 6 to 12 months to complete
 - NRC will not delay briefing to complete clearances
- Evaluating including ISFSI issues in annual threat briefing to industry (2012 briefing)

Future Schedule



- Rulemaking schedule is indeterminate until the paper is submitted to the Commission and it issues updated direction
- NRC staff plans to update industry, other stakeholders, and the public at the 2012 Used Fuel Management Conference



Enhanced Weapons Rulemaking



- Rulemaking underway to implement § 161A of the AEA
 - Address possession of enhanced weapons (machine guns), preemption of State firearms restrictions, firearms background checks, and updated safeguards event reporting and record keeping
 - Proposed rule issued for comment on 2/3/2011 (76 FR 6200)
 - Extended comment period closes 8/2/2011
 - Power reactors and Category I SSNM facilities
 - All power reactors affected, not just operating reactors
 - Firearms background checks for armed security officers only
 - ISFSIs at power reactors affected (integrated guard force)
 - New authority is voluntary, but new background checks are mandatory

Enhanced Weapons (cont.)

- Standalone ISFSIs and SNF transportation to be addressed in a follow-on rulemaking
- All ISFSIs affected by safeguards event reporting and record keeping changes
 - 10 CFR 73.71 and Appendix G to Part 73
- Two draft regulatory guides also issued for comment
 - DG-5020 – Applying for § 161A authority and firearms background checks (76 FR 6086)
 - DG-5019 – safeguards reporting and record keeping (76 FR 6085)
 - Comment period also closes on 8/2/2011