

May 20, 2011

MEMORANDUM TO: Sandra Wastler, Chief
Materials, Waste, and International Security Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

FROM: Philip Brochman, Sr. Program Manager */RA/*
Materials, Waste, and International Security Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: MEETING SUMMARY OF THE PUBLIC AND CLOSED MEETING
TO DISCUSS COMMENTS ON DRAFT TECHNICAL BASIS FOR
RULEMAKING REVISING SECURITY REQUIREMENTS FOR
FACILITIES STORING SNF AND HLW (TAC D91919)

On May 2, 2011, the Office of Nuclear Security and Incident Response's (NSIR) Division of Security Policy (DSP) held a two part meeting¹ regarding the draft basis for the forthcoming U.S. Nuclear Regulatory Commission's (NRC) rulemaking to revise the security requirements of Title 10 of the *Code of Federal Regulations*, Part 73 (10 CFR Part 73), "Physical Protection of Plants and Materials," that apply to the storage of spent nuclear fuel (SNF) at Independent Spent Fuel Storage Installations (ISFSI) and the storage of SNF and high-level radioactive waste (HLW) at Monitored Retrievable Storage Installations (MRS). Part one was a morning, closed (SGI-level) portion held in the NRC auditorium where DSP and the Office of Nuclear Material Safety and Safeguards' (NMSS), Division of Spent Fuel Storage and Transportation (SFST) staff discussed the draft regulatory guide (DG) on Adversary Threat Characteristics (DG-5033) and ISFSI security assessments. Part two was an afternoon, Category 2 public portion, also held in the NRC auditorium, where DSP staff discussed official comments received on the draft regulatory basis (i.e. draft technical basis).

During the closed portion, the NMSS presented the ISFSI security assessments, ISFSI threat characteristics, and NSIR presented an overview of DG-5033. Industry representatives expressed a desire to hold a classified meeting where details regarding the ISFSI threats and assessments can be presented. The NRC agreed and currently in the process of establishing this meeting. Industry representatives also requested holding this classified meeting soon due to the DG-5033 comment period ending in June 2011. Since not all current ISFSI licensees hold a current classified possession clearance, the NRC is considering holding a second classified meeting after the remaining ISFSI licensees obtain their security possession clearance. Attendees represented ISFSI licensees, NEI, Sandia National Laboratories, U.S. Department of Homeland Security, and the NRC staff.

During the open portion, the NRC presented a summary on the draft regulatory basis comments and general information on the ISFSI rulemaking. Mr. Ed Lyman of the Union of Concerned

¹ See public meeting notice "NOTICE OF FORTHCOMING PUBLIC AND CLOSED MEETING TO DISCUSS COMMENTS ON DRAFT TECHNICAL BASIS FOR RULEMAKING REVISING SECURITY REQUIREMENTS FOR FACILITIES STORING SNF AND HLW." ADAMS Accession Number: ML110880263

Scientists (UCS), a non-governmental organization, asked various questions relating to the validation model and dose-based approach. The staff received one request for a copy of DG-5033, for Mr. Lyman. Mr. Lyman's request is currently under review. The public portion included GoToWebinar and bridge lines in an effort to maximize accessibility to interested stakeholders. Attendees represented ISFSI licensees, NEI, Sandia National Laboratories, Cask Venders, non-governmental organizations, members of the press, and the NRC staff.

The NRC did not accept official comments during the meeting. The comment period for the draft regulatory basis was already closed while anyone seeking to submit comments on DG-5033 was instructed to formally submit using NRC guidelines. Transcripts for both portions are available. The staff plans to post the publicly available material to Regulations.gov under Docket ID: NRC-2009-0558.

References: *Federal Register Notice* (76 FR 23513; ADAMS Accession No. ML111030382)
Public Meeting Notice (ADAMS Accession No. ML110880263)
Draft Regulatory Guide (DG-5033), "*Security Performance (Adversary) Characteristics for Physical Security Programs for 10 CFR Part 72 Licensees*", (SGI) (eSAFE Accession No. ES100011507)
Draft Technical Basis, Revision 1 (December 2009) (ADAMS Accession No. ML093280743)
Meeting Transcript, Open Portion (ADAMS Accession No. ML1140A082)
Video Recording, Open Portion (ADAMS Accession No. ML11140A072)
Sign-In Roster, Closed Portion (ADAMS Accession No. ML111390234)
Sign-In Roster, Open Portion (ADAMS Accession No. ML111390246)
Webinar Attendee Report w/ Chatlog, Open Portion (ADAMS Accession No. ML111390191)

Enclosures: 1. Agenda (ADAMS Accession No. ML111390166)
2. Presentation, Open Portion (ADAMS Accession No. ML111390176)
3. DG-5033 Request from Mr. Ed Lyman (ADAMS Accession No. ML111390280)
4. Completed Feedback Form (ADAMS Accession No. ML111390180)
5. Attendee List (ADAMS Accession No. ML111440305)

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