

# ENHANCED WEAPONS RULEMAKING ACTIVITIES

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# Agenda

- Enhanced Weapons Rulemaking Status
- Preemption Orders
- Supplemental Proposed Rule
- Final Rule Schedule



## **Enhanced Weapons Rulemaking Status**

- Proposed rule and 3 guidance documents published on February 3, 2011
  - Extended comment period closed on August 2, 2011
  - Over 350 comments received
  - Resolution of comments and development of final rule and final guidance documents is in progress
- Proposed rule had 3 component areas –
  - New enhanced weapons and preemption authority, firearms background checks, and updated security event notifications
  - ISFSI licensees at a Part 50 facility would be impacted by new firearms background checks
  - All ISFSI licensees would be impacted by security event notification revisions (§73.71)

## **Preemption Orders**

- Subsequent to the proposed rule, several licensees have applied to the NRC for preemption authority via a confirmatory order
  - 1 - Cat I SSNM (B&W NOG-L)
  - 3 - power reactors (Indian Point, San Onofre, and Diablo Canyon)
  - 1 - co-located ISFSI (Diablo Canyon)
  - Further applications possible, but not imminent
  - One application also expected for enhanced weapons authority
- Staff set forth a process for issuing these confirmatory orders in SECY-12-0027 (ML113130015)
  - Commission's SRM disapproved staff's proposed approach
  - Directed staff to provide additional information
  - Directed Commission-level review and approval of applications for this new authority

## **Preemption Orders (cont.)**

- Staff has developing the necessary additional information for Commission review and disposition of current preemption authority applications
  - SECY-12-0125 (ML12164A839)
  - Paper is not yet public
- SRM-SECY-12-0027 also included direction on scope of the enhanced weapons final rule
  - Include co-located ISFSIs in the final rule
  - Accelerate schedule for completion of the final rule
- Standalone ISFSIs, MRSs, and SNF transportation will still be addressed in a separate follow-on enhanced weapons rule

## **Supplemental Proposed Rule**

- Because the February 2011 proposed rule specifically indicated ISFSIs would be addressed in a separate rulemaking, the NRC staff is preparing a supplemental proposed rule
  - Focus would expand scope of the applicability paragraphs for preemption authority, enhanced weapons authority, and firearms background checks to include “at-reactor” ISFSIs
  - Power reactor and Cat I SSNM would remain
- This problem was identified during staff’s review of Diablo Canyon’s request for a confirmatory order
  - Caused by the fungibility of security personnel and weapons for an ISFSI co-located with a power reactor and having a single security organization

## **Supplemental Proposed Rule (cont.-)**

- Terminology of “at-reactor” chosen over “co-located” to provide greater consistency with existing NRC staff (NMSS/SFST) guidance and licensing language
- ISFSIs located at a reactor site where decommissioning has occurred and all SNF has been removed from spent fuel pool would be considered an “away-from-reactor” ISFSI
  - Firearms background checks would be required only for at-reactor ISFSIs (under the initial enhanced weapons rulemaking)
- Once the initial enhanced weapons rulemaking is completed, a follow-on rulemaking will be started
  - Include all ISFSIs types, MRSs, GROAs, and SNF transport
  - Other classes of fuel cycle facilities

## **Supplemental Proposed Rule (cont.)**

- The comment period is expected to be 30 days and the supplemental proposed rule is narrowly focused on the scope expansion
  - Some conforming changes are also included –
  - Definitions (§73.2) for “at-reactor ISFSI”
  - Cross reference on firearms background checks for specific-license ISFSI security requirements (§73.51) – these are similar to February 2011 proposed rule changes to §73.46(b) and §73.55(b)
- DG-5020 (draft implementation regulatory guide) will not be reissued for additional opportunity for comment, due to the narrowness of the changes
  - Expanded scope will be reflected in the final Reg Guide



## **Final Rulemaking Schedule**

- With the need for a supplemental proposed rule, the NRC staff has provide the Commission a SECY paper assessing the impacts to resources and schedules to complete the final rule and the three final guidance documents
  - SECY-12-0118 (ML12229A177)
- With the impacts from these various issues, the staff’s current thinking is that this final rule and associated regulatory guidance documents will be published in CY 2014
  - This schedule is contingent upon the Commission’s direction in SRM-SECY-12-0118
  - Also potential for impacts from the Commission’s direction in SRM-SECY-12-0125
- We will continue to engage with industry on the schedule.

## Contact Information

- For further information on the NRC’s Enhanced Weapons rulemaking activities, please contact –
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