April 16, 2015

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

FROM: Susan Stuchell, Senior Security Specialist **/RA/**
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Division of Security Policy
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SUBJECT: MEETING SUMMARY FROM PUBLIC AND CLOSED MEETINGS HELD TO DISCUSS PROPOSED TECHNICAL APPROACH TO THE INDEPENDENT SPENT FUEL STORAGE INSTALLATION AND MONITORED RETRIEVABLE STORAGE FACILITIES SECURITY RULEMAKING

On March 16, 2015 the U.S. Nuclear Regulatory Commission (NRC) staff met with stakeholders regarding the forthcoming proposed security rulemaking to revise Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High Level Waste and Reactor Related Class C Waste," and 73, "Physical Protection of Plants and Materials." The staff provided an update to the proposed technical approach to the rulemaking that would apply during the storage of spent nuclear fuel (SNF) at an Independent Spent Fuel Storage Installation (ISFSI) and the storage of SNF and high-level radioactive waste at a Monitored Retrievable Storage Installation. This was an informational status briefing only and the NRC staff did not take comments. The meeting was held at NRC Headquarters, Rockville, Maryland in the ACRS Hearing Rooms.

The meeting notice and agenda, dated December 4, 2013, are available in the Agencywide Documents Access and Management System (ADAMS) at Accession No. ML13338A250 and the slides are available in ADAMS at Accession No.ML15075A041. The attendee list is enclosed.

The morning (open) session of the public meeting was well attended. The NRC staff update provided stakeholders of the staff's recommended technical approach to this proposed rulemaking. The recommended blended approach – applies the design basis threat for radiological sabotage (DBT) to ISFSI located at operating reactor sites and the dose-based approach for standalone ISFSIs located at decommissioned reactor sites. Transition between the two security approaches occurs during the decommissioning process once all fuel is removed from the spent fuel pool. The presentation included two other recommended changes

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not currently in ISFSI regulations. The first recommended all ISFSI licensees be required to submit Physical Security Plans to the NRC for review and approval and the second change recommended performance standards for ISFSIs using the DBT approach be developed. The Department of Energy participants were fully engaged in the discussion as they plan for interim storage of spent nuclear fuel. All information presented was pre-decisional.

The Nuclear Energy Institute staff appeared content that the NRC had fully considered their comments over the past 3 years and staff was recommending a blended or hybrid approach. The Union of Concerned Scientists representative also seemed supportive of the blended approach to dry cask storage security but would like to see the NRC implement force-on-force inspections at all ISFSI sites as the performance requirement. Part of the discussion revolved around minimizing changes that would lead to unnecessary costs.

The afternoon session discussed specific security information and therefore was closed to anyone without a US Government security clearance and a demonstrated need-to-know the information. The staff answered questions on how they envisioned the proposed performance–based requirements would be applied and evaluated at both operating reactor sites and standalone sites. Staff answered additional questions about draft Regulatory Guide-5033, “Security Performance (Adversary) Characteristics for Physical Security Programs for 10 CFR Part 72 Licenses (U)” and how it interfaced with the performance-based requirements. There was also discussion on how the performance based security requirements would support site Emergency Preparedness requirements.

Enclosure:
List of Attendees

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**ADAMS ACCESSION No: ML15103A587**

| OFFICE | NSIR/DSP/MWSB | NSIR/DSP/MSWB:BC |
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| DATE | 04/13/2015 | 04/16/2015 |

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