



Security Policy & Rulemaking Update

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Agenda

- Decom Regulatory Basis
- ISFSI Rulemaking
- DG 5033 (RG 5.85)
- Path Forward

Decommissioning

- ANPR
 - Published 2015
 - Comments considered
- Regulatory Basis
 - Incorporate lessons learned
 - Smoother transition from reactor to ISFSI
 - Draft for comment by early 2017
- No safety or security gaps

What changes are we considering in Physical Security

Exemption: security measure suspension

- § 73.55 (p) Suspension of security measures. (1) The licensee may suspend implementation of affected requirements of this section under the following conditions:
 - (i) In an emergency that departs from a license condition, a technical specification
 - This suspension of security measures must be approved as a minimum by a licensed senior operator before taking this action
 - (ii) or severe weather that requires the suspension of security measures
 - This suspension of security measures must be approved, as a minimum, by a licensed senior operator, with input from the security supervisor or manager, before taking this action.

Exemption: core damage

- § 73.55(b) General performance objective and requirements. (1) The licensee shall establish and maintain a physical protection program, to include a security organization, which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.
 - (3) - The physical protection program to prevent significant core damage and spent fuel sabotage.
- Security Order EA-02-026 , section B.1.a – training for loss of ultimate heat sink

Exemption: vital areas

The protection of the control room as a vital area

- § 73.55(e)(9) – (9) Vital areas. (i) Vital equipment must be located only within vital areas, which must be located within a protected area so that access to vital equipment requires passage through at least two physical barriers, except as otherwise approved by the Commission and identified in the security plans.
- (v) At a minimum, the following shall be considered vital areas:
 - (A) The reactor control room;

Exemption: communications

- § 73.55(j) Communication requirements. (1)
The licensee shall establish and maintain continuous communication capability with onsite and offsite resources to ensure effective command and control during both normal and emergency situations.
 - (4) The following continuous communication capabilities must terminate in both alarm stations required by this section:
 - **(ii) A system for communication with the control room.**

Exemption: armed responders

- § 73.55(k) Response requirements. (1) The licensee shall establish and maintain, at all times, properly trained, qualified and equipped ...as defined in § 73.1, to prevent significant core damage and spent fuel sabotage.
 - (5) Armed responders. (i) The licensee shall determine the minimum number of armed responders necessary to satisfy the design requirements of § 73.55(b) and implement the protective strategy. The licensee shall document this number in the security plans.
 - (ii) The number of armed responders shall not be less than ten (10).

Part 72 Exemption

- General License ISFSI Security
- § 72.212 (b)(9) Protect the spent fuel against the design basis threat of radiological sabotage in accordance with the same provisions and requirements as are set forth in the licensee's physical security plan pursuant to § 73.55 of this chapter with the following additional conditions and exceptions:

ANPR Question

- **B. Which physical security requirements in 10 CFR Part 73 should be generically applicable to spent fuel stored in a dry cask independent spent fuel storage installation?**
- Only those identified in 10 CFR 73.51 and the ISFSI security orders. When a licensee has all fuel placed in dry storage, there should be no difference in the physical security requirements between a specific licensee (§ 73.51) and a general licensee (§ 72.212 (b) (9)). These two sections of the regulation need to be made consistent using the § 73.51 requirements

Suggested change

- *§ 72.212(b)(9): (vii) Upon docketing of the certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel pursuant to § 50.82 or § 52.110, and revision of the facility safety analysis report to reflect that all spent fuel has been placed in dry storage at the facility (including a prohibition against storage of fuel in the spent fuel pool); a part 72 general license ISFSI shall provide for physical protection of spent fuel via compliance with § 72 Subpart H and § 73.51.*

Policy Formalized

- Relief from NRC triennial evaluated Force-on-Force Inspection
 - *Upon docketing of the certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel pursuant to § 50.82 or § 52.110, the NRC will notify licensees by letter of their relief from this inspection program*

ISFSI Rulemaking

- September 2015 – COMSECY 15-0024
 - Delay for 5 years
 - Consolidated storage
 - Aging management
 - Decommissioning
 - Next paper Oct 2018
 - Technical direction
 - Cyber
 - Consolidated Interim Storage

DG 5033 – RG 5.85

- Comments Resolved
- Regulatory Guide re-written
 - out of scope references removed
 - limited security events
- Voluntary compliance or adoption
 - current regulations
 - security order

Path Forward

- **SECY Paper on ISFSI rule direction**
 - October 2018
- **Proposed Decom Rule to Commission**
 - April 2018
- **Final RG 5.85. Part 72 Licensee Adversary Characteristics**
 - September 2017