

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette L. Vietti-Cook, Secretary
FROM: Chairman Hanson
SUBJECT: SECY-19-0095: Discontinuation Rulemaking -
Enhanced Security of Special Nuclear Material

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in STARS

Yes

No



SIGNATURE

Christopher T. Hanson

DATE

07/28/2021

Chairman Hanson's Comments on SECY-19-0095
"Discontinuation of Rulemaking—Enhanced Security of Special Nuclear Material"

In SRM-COMKLS-18-0003, "Fiscal Year 2020 Budget to the Commission," the Commission directed the staff to proceed with an expedited rulemaking to codify post-9/11 security orders issued to licensees that possess Category I or Category III quantities of special nuclear material. Unsurprisingly, when the staff performed a cost-benefit analysis, it found that the cost of simply codifying the orders was not justified since there would be no commensurate increase in public health and safety.

I join Commissioner Baran in disapproving the staff's request to discontinue rulemaking and agree that the Commission would benefit from a staff analysis of more options for the scope of the rule. Prior to the Commission's 2018 direction to codify the orders, the staff was well on its way to a comprehensive rule. The benefits of such a comprehensive rule are outlined in the Alternative Approach discussion in Enclosure 2 to SECY-19-0095, and I am certain there are additional considerations since 2019.

Therefore, the staff should provide the Commission a notation vote paper with a full range of options. The staff should propose an approach that is risk-informed and performance-based and applies to existing licensees as well as new applicants possessing special nuclear material, which could potentially include advanced reactors and advanced fuel cycle facilities.