

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Brooke P. Clark, Secretary
FROM: COMMISSIONER CAPUTO
SUBJECT: SECY-22-0098: Rulemaking Options for Revising Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste

Approved X Disapproved Abstain Not Participating

COMMENTS: Below Attached X None

Entered in STAR

Yes X
No

Signature

Date

Commissioner Caputo's comments on SECY-22-0098, "Rulemaking Options for Revising Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste"

In SECY-22-0098, staff recommends that the Commission discontinue the rulemaking related to security requirements for facilities providing interim storage for spent nuclear fuel and high-level radioactive waste.

This rulemaking has a long and complicated history where the scope, technical approach and need for rulemaking has evolved over the years. The initial 2007 rulemaking had the goals of improving consistency, general applicability of security orders and use of a risk informed and performance-based structure. Since then, the independent spent fuel storage installation (ISFSI) landscape has changed. There has been significant experience regulating ISFSIs that addresses the concerns identified in the initial rulemaking. Currently, the NRC regulates 68 sites operating under a general licensed ISFSI and 17 specific licensed ISFSIs.¹ These ISFSIs are being adequately protected against any threat, theft or sabotage of spent nuclear fuel and high-level waste under the existing security requirements together with additional requirements in the post-9/11 security orders. This demonstrates that the current security regulatory framework works.

I commend the staff for its thoroughness in evaluating the different options addressing security requirements. I agree with Chair Hanson in that there is not a sufficient basis for imposing new security requirements. In addition, I agree with the staff's assessment that there would be limited additional value to continue a rulemaking to solely codify the post 9/11 security orders or embark on further reassessment to identify additional rulemaking options. Neither of these options would be cost justified. I therefore join Chair Hanson in approving Option 1, the discontinuation of this rulemaking. I also approve delegating to the Executive Director for operations the authority to issue the *Federal Register* notice discontinuing the rulemaking.

¹ "Locations of Independent Spent Fuel Storage Installations" at NRC Website"
<https://www.nrc.gov/waste/spent-fuel-storage.html>