

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Brooke P. Clark, Secretary
FROM: Chair Hanson
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
Christopher T. Hanson

Date **07/26/2023**

Chair Hanson's comments on

SECY-22-0098, "Rulemaking Options for Revising Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste"

In this paper, staff provides for Commission consideration a range of options for revising security requirements at facilities providing interim storage of spent nuclear fuel (SNF) and high-level waste (HLW). The history of this rulemaking is complex and spans nearly 20 years. After the events of September 11, 2001, the NRC changed the way security is approached at independent spent fuel storage installations (ISFSIs). The tragic events of that day led to a comprehensive reassessment of the security measures as well as research on the consequences of malevolent acts against ISFSIs and extensive stakeholder outreach. These assessments prompted significant enhancements across the board that were implemented via orders to all ISFSI licensees. Measures implemented through these efforts, along with the staff's experience in licensing and inspecting ISFSIs, ensure that spent fuel is safely and securely stored at ISFSI sites throughout the United States.

Although the staff addressed potential security vulnerabilities via orders, the staff, in 2007, proposed a rulemaking to generically improve clarity and consistency of the NRC's regulatory requirements for security at ISFSIs. Specifically, the staff was concerned that the existing ISFSI security regulations were unnecessarily complex and difficult to understand and apply. Since then, the regulatory environment has changed for these facilities with the majority being licensed after the staff initiated ISFSI security rulemaking activities. The need to bring all ISFSI under the same security framework for regulatory clarity and consistency has been supplanted by successful application of security requirements and orders on a case-by-case basis. Additionally, there are no new ISFSI licensees in the foreseeable future that would benefit from the generic changes a rulemaking would provide. Further, the rulemaking options are not necessary for the public health and safety or the common defense and security. Therefore, there is not a sufficient basis for imposing new security requirements to increase regulatory clarity or consistency at this time.

For the reasons stated above, I approve the staff's recommendation (Option 1) to discontinue the rulemaking in SRM-SECY-07-0148 that would revise security requirements for facilities storing SNF and HLW. I also approve delegating authority to the Executive Director of Operations to issue the *Federal Register* notice discontinuing the rulemaking.

I commend the staff for its analysis of options to address security and regulatory clarity of interim storage of SNF and HLW. The analysis will preserve agency knowledge on ISFSI security should the security environment change, or new data or risks emerge that merit reconsideration of the current framework.