

ISFSI SECURITY RULEMAKING UPDATE

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NEI – 2013 USED FUEL MANAGEMENT CONFERENCE
St Petersburg, FL – May 2013

ISFSI Security Rulemaking Status



- Staff plans to submit a SECY paper to the Commission in May 2014 providing updated recommendations for this security rulemaking
 - Use a Dose-based approach or DBT-based approach
 - Impacts on protective strategy
 - Impacts on emergency preparedness
 - Insights from foreign government practices
 - Insights from proof-of-concept attack modality experiment
 - Insights from Office of Research review of security assessment
- Staff plans to request release of a redacted version of the SECY paper following the issuance of Commission's SRM

ISFSI Security Rulemaking Outreach



- Overall, the ISFSI and MRS security rulemaking remains in a pre-decisional stage
- From 2011- 2013 NRC staff is in the information gathering and sharing
 - Held multiple meetings with various stakeholders at a range of information security levels (public, SGI, and SECRET)
 - Met with allied nations to discuss different approaches
 - Reviewing international research on SNF casks
 - Conducted proof of concept tests
- NRC staff continues stakeholder outreach
 - Planned industry threat briefing

ISFSI Rulemaking Guidance Docs



- NRC issued draft adversary characteristics (DG-5033) for ISFSIs and MRS to cleared stakeholders in March 2011
 - Resolution of stakeholder comments is process
- NRC expects to issue further guidance documents for comment in conjunction with the publication of a proposed rule
 - A revision to DG-5033 - reflecting comment resolution
 - A new DG on ISFSI and MRS physical security program
 - An update of NUREG-1619, ISFSI and Monitored Retrievable Storage installations security Standard Review Plan

ISFSI Security Rulemaking Research



- Office of Nuclear Regulatory Research has reviewed previous ISFSI security assessments and supporting info
 - Sufficient regulatory basis for rulemaking
 - Not overly conservative
- Proof of concept experiment conducted January 2013
 - Validated previous experimental data
 - Validated possibility of attack
 - Not designed to validate a protective strategy
- Phase 2 experiment may occur in 2014
 - Management decision mid 2013
 - Collaborative effort with industry at an independent facility

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ENHANCED WEAPONS RULEMAKING STATUS

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Agenda

- Enhanced Weapons Rulemaking
- Preemption Orders
- Supplemental Proposed Rule #1
- Supplemental Proposed Rule # 2



Enhanced Weapons Rulemaking



- Proposed rule and 3 guidance documents published on February 3, 2011 (76 FR 6200)
 - Extended comment period closed on August 2, 2011
 - Over 350 comments received
 - Comment resolution and development of final rule and final guidance documents remain in progress
- Proposed rule had 3 component areas –
 - New enhanced weapons and preemption authority, firearms background checks, and updated security event notifications
 - ISFSI licensees co-located with a Part 50 facility were impacted by new firearms background checks
 - All ISFSI licensees were impacted by revisions to security event notification

Preemption Orders

- Subsequent to the proposed rule several licensees have applied to the NRC for preemption authority via confirmatory order
 - 1 - Cat I SSNM, 4 - power reactors, and 1 - co-located ISFSI
 - One application expected for enhanced weapons authority
 - Many licensees delaying further applications for preemption authority until final rule published
 - However, recent legislation by various States on assault weapons and large capacity magazines may cause additional licensees to apply for preemption authority
- Staff set forth a process for issuing these confirmatory orders in SECY-12-0027 (ML113130015)
 - Commission's SRM disapproved staff's proposed approach and requested additional information

Preemption Orders (cont.)



- Staff submitted a revised process in SECY-12-0125 (ML12164A839)
 - Commission approved new process and requested review of the draft confirmatory orders
- Staff submitted draft orders in SECY-13-0006 (ML12339A053)
 - Currently under Commission consideration
 - Once Commission approves draft confirmatory orders, they are confirmed by the licensee, and then issued
- Firearms background checks would then begin for these licensees with the issuance of the “designation” order
 - Licensee must receive Satisfactory response “Proceed” within 180 days or remove officer from access to weapons
- Preemption orders are then issued

Supplemental proposed Rule # 1



- The Commission's approval of the potential for confirmatory orders applying to co-located ISFSIs created a challenge for the final rule
- Therefore, NRC published first supplemental proposed rule on January 10, 2013 (78 FR 2214)
 - At-reactor (i.e., co-located) ISFSIs included in proposed new sections 73.18 and 73.19
 - New definition proposed for at-reactor ISFSI in section 73.2
 - Comment period closed on February 25, 2013
 - One comment received



Supplemental Proposed Rule # 2



- During discussions with US Department of Justice (DOJ) on the draft confirmatory orders, DOJ identified the need for clarifications to the Firearms Guidelines implementing § 161A of the AEA
 - If approved by the Commission and the Attorney General, these changes to the Firearms Guidelines will impact the 2011 proposed enhanced weapons rule
 - Biggest estimated impact is in proposed firearms background check requirements
- NRC staff expects a second supplemental proposed rule will be necessary to address proposed changes to the Firearms Guidelines
 - Second supplemental proposed rule and final rule schedules are under review by NRC staff
 - Schedule impact may be significant

Supplemental Proposed Rule # 2 (cont.)



- Supporting draft regulatory guide DG-5020 will be revised and reissued for further comment with the second supplemental proposed rule
- No impact expected to the draft Weapons Safety Assessment
- NRC still intends to address standalone ISFSIs, MRSs, and SNF transportation in a separate follow-on rulemaking
 - Schedule for this follow-on rulemaking will be impacted by delays to the initial final rule's schedule, due to the supplemental proposed rules



Contact Information



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