

December 18, 2007

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-07-0148 – INDEPENDENT  
SPENT FUEL STORAGE INSTALLATION SECURITY  
REQUIREMENTS FOR RADIOLOGICAL SABOTAGE

The Commission has addressed the staff's recommendations for each of the six issues raised in the subject paper as follows:

Issue 1:

The Commission has approved the staff's recommendation to apply the radiological dose criterion to all independent spent fuel storage installations (ISFSIs) and to have the licensee perform the assessments and demonstrate the ISFSI is in compliance with the dose limit.

Issue 2:

The Commission has approved the staff's recommendation to keep the dose limit for radiological sabotage consistent with the dose limit for ISFSI Design Basis Accidents (DBAs) (i.e., a 0.05-Sv (5-rem) dose limit at the controlled area boundary. The Commission has disapproved the staff's recommendation to meet a 0.01-Sv (1-rem) dose limit for both safety and security events at the site area boundary.

In developing the proposed rule, the staff should engage stakeholders on appropriate approaches to address potential licensing, emergency preparedness, and security plan impacts stemming from this rulemaking.

For purposes of preparing this rulemaking, the staff should continue to use the 5 rem dose limit currently specified in 10 CFR 73.51 (a)(3). The staff should also ensure consistency in emergency planning requirements for ISFSIs, independent of the type of 10 CFR Part 72 license.

Issue 3:

The Commission has approved the staff's recommendation to develop new, risk-informed, performance-based security requirements applicable to all ISFSI licensees to enhance existing security requirements and to develop ISFSI-specific regulatory guidance supporting the new regulations.

The staff should ensure that the proposed regulation and guidance documents make it clear that these requirements do not impose a new Design Basis Threat (DBT).

Issue 4:

The Commission has approved the staff's recommendation to develop ISFSI regulatory guidance that would be bounded by the adversary characteristics regulatory guidance supporting the Design basis Threat (DBT) for radiological sabotage associated with power reactors.

As it prepares this proposed rule, the staff should assess additional threat and vulnerability information in order to develop a technical basis to support inclusion of this approach or, if indicated by the staff's assessment, an appropriate alternate approach in the proposed rule.

Because of the complexity of the issues associated with this proposed rulemaking, the staff should develop draft regulatory guidance and other draft licensing guidance for deployment during the proposed rule stage to ensure all parties understand the objective, implementation and scope of the proposed rule.

Issue 5:

The Commission has approved the staff's recommendation to apply the proposed ISFSI security rulemaking to all existing and future ISFSI licenses.

Issue 6:

The Commission has approved the staff's recommendation to publicly release this SECY paper including redacted portions of Enclosures 1 through 5. In addition, this SRM and the Commission Voting Record will also be released to the public upon issuance of the SRM.

The staff should consider the degree to which public release of certain information could impede or inhibit its ability to candidly communicate with the Commission and to perform a thorough and objective review of the issues relevant to this rulemaking.

The staff should share to the maximum extent possible, classified and unclassified security related information with stakeholders that would be affected by this rulemaking with appropriate controls and safeguards in place.

The staff should aggressively encourage public comments during the development of the proposed rule so that all relevant issues are identified and unintended consequences resolved if they exist.

The staff should conduct a formal workshop with stakeholders to work through the nuances of normalizing the security regulations for both general and specific ISFSI licensees.

The staff should monitor other rulemaking activities, including the geologic repository operations area (GROA) security and material control and accounting requirements, the security rulemakings for reactors, and the staff's enhancement for reactor emergency preparedness to ensure regulatory harmonization for similar activities.

cc: Chairman Klein  
Commissioner Jaczko  
Commissioner Lyons  
OGC  
CFO  
OCA  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR