



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 16, 2015

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-14-0112

TITLE: RECOMMENDATIONS FOR A PATH FORWARD FOR
CHEMICAL SECURITY

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 16, 2015.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in red ink, appearing to read "Annette Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
OGC
EDO
PDR

VOTING SUMMARY - SECY-14-0112

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. BURNS	X		X			4/1/15
COMR. SVINICKI			X			4/3/15
COMR. OSTENDORFF			X			11/17/14
COMR. BARAN	X					1/12/15

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Burns
SUBJECT: SECY-14-0112: RECOMMENDATIONS FOR A PATH FORWARD FOR CHEMICAL SECURITY

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

1 April 2015

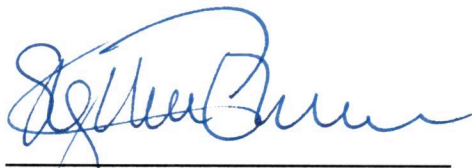
DATE

Entered on "STARS" Yes No

**Commissioner Burns' Comments on SECY-14-0112:
"Recommendations for a Path Forward for Chemical Security"**

I approve the staff's recommended Option 4 to the extent that the staff proposes to maintain awareness of chemical inventories through an annual survey of chemical inventories possessed by fuel cycle facility licensees. As Commissioner Ostendorff suggests, the staff should maintain awareness of changes in the OHS CFATS listing of chemicals of interest and inform licensees of those changes through, e.g., an Information Notice.

I believe this approach should result in a minimal burden on staff and licensee resources commensurate with the NRC's legitimate oversight interest. Given licensee performance to date, I would expect the need to consider additional regulatory action rare. Staff should report to the Commission in 2 to 3 years whether the survey approach has the expected benefits and whether it should be continued.



Stephen G. Burns
1 April 2015

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-14-0112: RECOMMENDATIONS FOR A PATH FORWARD FOR CHEMICAL SECURITY

Approved _____ Disapproved XX Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached XX None ___



SIGNATURE

04/  /15

DATE

Entered on "STARS" Yes No _____

**Commissioner Svinicki's Comments on SECY-14-0112
Recommendations for a Path Forward for Chemical Security**

This paper provides the staff's response to the Commission's prior direction in the Staff Requirements Memorandum on SECY-11-0108, "Regulation of Chemical Security," dated February 15, 2012, wherein the Commission disapproved the staff's recommendation to undertake a rulemaking to establish chemical-security requirements for NRC-licensed facilities and instead directed the staff to gather information from all fuel cycle facilities (FCFs) to determine which facilities possess chemicals in quantities of interest stored outside existing security areas, the amounts and location of these chemicals, the current level of security for the chemicals, and any security enhancements proposed to be implemented. Additionally, the NRC staff interviewed site personnel to develop an understanding of safety and administrative features that would support the security of chemicals in use at the sites.

The staff completed this data collection and analysis effort and found, for all sites, that there were no security gaps in the protection of chemicals from sabotage, theft, or diversion. The staff used the Department of Homeland Security (DHS) process to determine the tier of each facility. NRC screened multiple facilities through this tiering process; none came out higher than Tier 2. The staff consequently determined that facility security features such as fencing, vehicle barriers, and access controls exceeded DHS requirements. NRC staff stated further that "[n]o information gathered from subsequent site visits changed this conclusion."

Through this exercise, the staff confirmed that "all FCFs store and use [chemicals of interest] COIs within their security footprint. NRC security regulations for nuclear material at FCFs exceed DHS requirements for COIs. Given the DHS-approved security measures for Tier 2 and 3 facilities, it is clear that all COIs at NRC-regulated fuel cycle facilities are adequately protected, having at least comparable protection to that required under [the Chemical Facility Anti-Terrorism Standard] CFATS."

As noted by the staff, all NRC-regulated facilities are required to comply with relevant safety and environmental regulations promulgated by both Federal and State agencies that pertain to the safe use, storage, and disposal of chemicals. For FCFs, the NRC's current regulations address chemical-safety risks associated with licensed materials, facility conditions which affect the safety of licensed material, and hazardous chemicals produced from licensed material. On the basis of the staff's evaluation, therefore, Options 2 through 5 lack a regulatory basis. I disapprove them and approve Option 1.



Kristine L. Svinicki

04/ 3 /15

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: SECY-14-0112: RECOMMENDATIONS FOR A PATH
FORWARD FOR CHEMICAL SECURITY

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

11/17/14

DATE

Entered on "STARS" Yes X No ___

Commissioner Ostendorff's Comments on SECY-14-0112,
"Recommendation for a Path Forward for Chemical Security"

I appreciate the staff's ongoing efforts to address the Department of Homeland Security's (DHS) Chemical Facility Anti-terrorism Standards (CFATS) applicability to NRC and Agreement State facilities. Significant progress has been made since the staff's 2011 Commission Paper, including signing a Memorandum of Understanding with DHS and assessing all of our facilities of concern. Option 4, to maintain awareness of chemical security at our facilities on an annual basis, imposes an additional burden on the industry and staff without a defined increase in security. The robust NRC security measures already in place, the lack of a regulatory gap between DHS CFATS and NRC security measures, and our licensees' security for chemicals of interest already being at or above what is recommended in the CFATS strengthen my belief that no further action is necessary at this time. Therefore, I disapprove Option 4 and approve Option 1, maintain the current level of security, with an additional action described below.

I agree with the staff that we should maintain awareness of changes in the DHS CFATS listing of chemicals of interest and make our licensees aware of those changes. I expect that changes would be rare. Our licensees have demonstrated that they understand the need to keep quantities of chemicals of interest secure. The staff informed us of two separate instances where licensees evaluated their new processes that involved DHS CFATS chemicals of interest and self-identified the need to secure the chemical inside the security perimeter. This implies that our licensees only need to be informed of what chemicals of interest, and quantities, are on the DHS CFATS list. Therefore, the staff should identify a mechanism (i.e., Information Notice) to inform relevant licensees of changes to the DHS CFATS list of chemicals of interest.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Baran
SUBJECT: SECY-14-0112: RECOMMENDATIONS FOR A PATH FORWARD FOR CHEMICAL SECURITY

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None

Jeff Baran
SIGNATURE

1/12/15
DATE

Entered on "STARS" Yes No

Commissioner Baran's Comments on SECY-14-0112

Under a memorandum of understanding with the Department of Homeland Security, NRC has exclusive regulatory responsibility for the security of all "chemicals of interest" in quantities of concern at category I, II, and III fuel cycle facilities. I appreciate the NRC staff's efforts to collect information from the fuel cycle facilities about the types and locations of onsite chemicals and the security measures protecting them. The staff also toured the sites to determine where chemicals were stored and to observe physical security for those areas. The staff found that currently "for all sites, there were no security gaps in the protection of chemicals from sabotage, theft, or diversion" because the chemicals of interest were co-located with secured nuclear materials.

However, as the staff explains, the location of chemicals of concern at fuel cycle facilities and the level of security for such chemicals can change over time. I agree with the staff that, as the sole regulator of chemical security at these facilities, NRC has a responsibility to maintain up-to-date knowledge of the quantities, locations, and level of security of chemicals of concern. I believe that we have an ongoing duty to ensure that these chemicals remain secure.

Therefore, I approve the staff's recommended Option 4. NRC should annually review the inventories, locations, and adequacy of security of chemicals of interest possessed by licensees at fuel cycle facilities and monitor any plans to add or remove inventories of chemicals of interest. As the staff explains,

Based on this review, no action would be required if the chemical quantities are maintained below certain threshold levels or if chemicals are located within the security boundary at the site. Chemicals above threshold limits located outside the licensee's security boundary would result in additional review and additional engagement with the licensee on how to achieve adequate protection for those chemicals.

The staff should conduct confirmatory visits, as necessary. This approach will minimize the resource burden on NRC and its licensees while fulfilling NRC's responsibilities as a regulator. The staff should notify the Commission if the results of the annual reviews or confirmatory visits identify problems with chemical security at fuel cycle facilities.

I also agree with Commissioner Ostendorff that NRC should have a mechanism to make our licensees aware of changes in the CFATS listing of chemicals of interest. An Information Notice informing relevant licensees of changes to the CFATS list of chemicals of interest would be a prudent measure.