

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** Chairman Burns

**SUBJECT:** COMSECY-15-0024: Proposed Rulemaking on Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_ Not Participating \_\_\_\_\_

COMMENTS: Below  X  Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's recommendation to delay the proposed rulemaking to develop security requirements for facilities providing interim storage of spent nuclear fuel and high-level radioactive waste until the staff has completed a technical review that results in the staff's determining that the rulemaking is warranted. I approve the staff's recommendation to conduct this technical review in five years or sooner, based on external factors. I agree with the staff that the existing security requirements, additional requirements in security orders issued after September 11, 2001, and triennial security inspections for independent spent fuel storage installations provide continued high assurance of adequate protection of public health and safety.

**Entered in STARS**

Yes  ✓

No \_\_\_\_\_

  
\_\_\_\_\_  
Signature

22  September 2015

\_\_\_\_\_  
Date

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER SVINICKI

SUBJECT: COMSECY-15-0024: Proposed Rulemaking on Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_ Not Participating \_\_\_\_\_

COMMENTS: Below XX Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's recommendation to delay for a period of five years the commencement of a proposed rulemaking on security requirements for facilities storing spent nuclear fuel and high-level radioactive waste. At the end of that period, the staff will once again re-evaluate whether rulemaking in this area is warranted. As the staff notes, the existing security regulations for independent spent fuel storage installations, together with the additional security orders issued subsequent to September 11, 2001, provide continued high assurance of adequate protection of public health and safety. Although not strictly an outgrowth of the Project Aim rebaselining effort, the analysis provided by the staff in the COMSECY paper is consistent with the agency's current efforts to prioritize and sequence work in light of matters before the agency now and forecast for the near future, rather than heedlessly continuing a task to completion (in this case, a task begun over 8 years ago) simply because we are tracking it "in the system." I encourage the staff to approach the agency-wide rebaselining of work with similarly systematic deliberation.

  
\_\_\_\_\_  
SIGNATURE

09/14 /15  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** COMMISSIONER OSTENDORFF

**SUBJECT:** COMSECY-15-0024: Proposed Rulemaking on Security Requirements for Facilities Storing Spent Nuclear Fuel and High-Level Radioactive Waste

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_ Not Participating \_\_\_\_\_


COMMENTS: Below  X  Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's recommendation to delay commencing this security rulemaking for facilities storing spent nuclear fuel and high-level waste for a period of five years. As the staff notes, the existing security regulations for independent spent fuel storage installations together with the additional security orders issued subsequent to September 11, 2001, provide continued high assurance of adequate protection of public health and safety. In addition, the staff continues to inspect for compliance with the regulations and orders. I agree that at the end of the five-year period, the staff should re-evaluate whether rulemaking in this area is warranted. However, the staff notes several scenarios under which the staff would accelerate this rulemaking. If the staff determines that acceleration of the rulemaking is warranted, the staff should provide the Commission with its basis for that determination before it reinitiates the rulemaking.

**Entered in STARS**

Yes  X

No \_\_\_\_\_

  
\_\_\_\_\_  
Signature

9/18/15  
\_\_\_\_\_  
Date

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Baran

SUBJECT: COMSECY-15-0024: Proposed Rulemaking on  
Security Requirements for Facilities Storing Spent  
Nuclear Fuel and High-Level Radioactive Waste

Approved XX Disapproved XX Abstain \_\_\_\_\_ Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached XX None \_\_\_\_\_

Entered in STARS

Yes XX

No \_\_\_\_\_

*Jeff Baran*  
Signature

9/25/15  
Date



**Commissioner Baran's Comments on COMSECY-15-0024, "Proposed Rulemaking on Security Requirements for Facilities Storing Spent Nuclear Fuel & High Level Radioactive Waste"**

I appreciate the staff taking a fresh look at the appropriate timing of this security rulemaking in light of its potential interaction with the decommissioning rulemaking and the possibility that NRC will receive one or more license applications for consolidated interim storage facilities in the near future. While delaying this security rulemaking ultimately may make sense, I disapprove a five-year delay at this time. Through Project Aim, the agency is about to embark on a comprehensive re-baselining and prioritization effort. Instead of deciding whether to discontinue or postpone individual regulatory activities in isolation, I believe it would be better to consider such proposals in the context of this overall assessment. The Commission's decision-making would benefit from the results of the coming agency-wide examination and prioritization of all agency activities.

I recognize that the staff is facing a December 2015 deadline for completing the technical basis for this rulemaking. In order to provide the staff with the time to consider this rulemaking through the Project Aim process, I support a 12-month extension of the rulemaking deadlines. Any request for a longer extension should be included in the April 2016 re-baselining assessment, which will include a complete list of activities the staff concludes can be shed, de-prioritized, or performed with fewer resources.