

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION AND  
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
WASHINGTON, D.C. 20555-0001

March 19, 2003

**NRC REGULATORY ISSUE SUMMARY 2003-05  
ISSUANCE OF ORDERS IMPOSING ADDITIONAL PHYSICAL  
PROTECTION MEASURES FOR INDEPENDENT SPENT FUEL  
STORAGE INSTALLATIONS USING DRY STORAGE**

**ADDRESSEES**

All U.S. Nuclear Regulatory Commission (NRC) licensees who hold general licenses for independent spent fuel storage installations (ISFSIs) using dry storage pursuant to 10 CFR Part 72 and all applicants for site-specific licenses for ISFSIs pursuant to 10 CFR Part 72.

**INTENT**

The NRC is issuing this regulatory issue summary (RIS) to inform addressees of the issuance of orders to selected licensees requiring implementation of interim compensatory measures (ICMs) concerning the physical protection of ISFSIs using dry storage. These physical protection measures are intended to supplement the current physical protection requirements of 10 CFR 72, Subpart H, during the current threat environment.

**BACKGROUND**

On September 11, 2001, terrorists simultaneously attacked targets in New York, New York, and Arlington, Virginia, using large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the NRC undertook a review of its current safeguards and security plan requirements.

After considering current safeguards and security plan requirements and information provided by the intelligence community, the Commission has determined that certain compensatory measures are required to be implemented by licensees as prudent interim measures to address the current threat environment in a consistent manner. Therefore, via orders dated October 16, 2002, the Commission has imposed requirements on all holders of licenses pursuant to 10 CFR Part 50 who have exercised their general license granted pursuant to 10 CFR Part 72 for onsite ISFSIs using dry storage, all holders of licenses pursuant to 10 CFR Part 50 who have notified the NRC of their plans to begin storage under a general license by the end of 2003 (NRC Agencywide Documents Access and Management System (ADAMS) Accession No. ML022870008), and all holders of site-specific licenses to receive, transfer, and possess power reactor spent fuel in an ISFSI pursuant to 10 CFR Part 72 (ADAMS Accession No. ML022870004).

**ML030650068**

## **DISCUSSION**

The interim requirements contained in the October 16, 2002, orders supplement existing regulatory requirements, and provide the Commission with reasonable assurance that the common defense and security will continue to be adequately protected in the current threat environment. These requirements will remain in effect until the Commission determines otherwise.

The NRC has not issued this order to licensees who are authorized to store spent nuclear fuel in dry casks pursuant to the general licensing provisions of 10 CFR Part 72 but who have not notified NRC of their plans to exercise the general license before the end of 2003, nor has NRC issued this order to applicants for site-specific licenses to receive, transfer, and possess power reactor spent fuel in an ISFSI pursuant to 10 CFR Part 72. However, if the holder of a general license subsequently decides to exercise its general license in 2003 or later, or upon licensing of a site-specific ISFSI pursuant to 10 CFR Part 72, the NRC will consider the current threat environment and issue, as appropriate, any necessary orders to implement the ICMs.

Addressees should note that some of the ICMs—which must be in place prior to receipt of spent nuclear fuel at a general or site-specific licensed ISFSI—may take several months to complete. Consequently, licensees should foresee the actions that will be required and allow themselves sufficient time to implement the ICMs after receiving orders and before receiving spent nuclear fuel at the ISFSI.

## **FEDERAL REGISTER NOTIFICATION**

A notice of opportunity for public comment was not published in the *Federal Register*.

## **PAPERWORK REDUCTION ACT STATEMENT**

This RIS does not request any information collection.

If you have any questions about this matter, contact the person listed below.

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