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**To:** Bonnie Schnetzler; Daniel Dorman; David Matthews; Eileen McKenna; John McKirgan  
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**Subject:** Talking Points on new reactor security requirements

Thank you all for meeting on short notice Tuesday to discuss relevant points for any follow-up to the 12/25 NYTimes and AP stories on NEI's 12/8 letter on security requirements for new reactors. Scott and I have pulled together the following talking points. We would appreciate your comments/corrections/additions.

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## DISCUSSION POINTS ON SECURITY REQUIREMENTS FOR NEW REACTORS

- The Nuclear Regulatory Commission has ordered changes to increase security at all commercial nuclear power plants operating in the United States and is in the process of incorporating these requirements into its regulations and applying them to new reactor designs.
- With regard to a December 8 letter to the NRC from the Nuclear Energy Institute, the nuclear power industry fails to raise any new issues or expand beyond what the NRC has already underway including numerous public meetings on security.
- The NRC has four rulemakings in progress; three deal with reactor security in Part 73 and one deals with new reactor licensing in Part 52. They are in various stages of development as follows:
  - **Design Basis Threat (Revision to 10 CFR Part 73.1)** - characteristics against which licensee security programs must defend and forms the basis for site-specific defensive strategies. It requires consideration of potential terrorist suicide attacks but does not include protection against a deliberate hit by a large aircraft. Under Commission review. Final rule to be issued in early 2007.
  - **Physical protection of operating power reactors (Revision to 10 CFR 73.55)** - security requirements for all currently operating plants, most of which have been imposed previously by NRC Order. Proposed rule change out for comment (due 2/23/07). Final rule to Commission 12/07.
  - **New plant security assessments (New 10 CFR 73.62)** - requires future applicants to assess specific security design features that would be incorporated into the facility design (includes CPs, OIs, COLs, standard designs and certification.) Proposed rule currently under Commission review (FRN 2/2007?)
  - **New Reactor Licensing Process (Revision to 10 CFR Part 52)** This has been out for public comment and is before the Commission.
- Over the last several months, NRC has developed a proposed rule (73.62) to ensure that security design features are assessed early in the design and regulatory review process and could be incorporated into a new plant design (including site layout) to enhance security effectiveness. NRC has briefed reactor design vendors to share this information for consideration in the design of new reactors.
- The Commission further directed that assessments include the relevant security requirements and enhanced mitigative measures that were established by order for the operating plants. Mitigative measures are those measures licensees would have in

place prior to, and execute during, a terrorist attack to minimize the potential consequences.

- Vendors with previous NRC-certified designs would not be required to perform these security assessments, although applicants for combined licenses would be required to meet the security regulations in effect at the time the application is submitted. Applicants whose reactor designs are in the design certification review process before the final rule is issued will be encouraged, but not required, to submit a design-specific safety and security assessment as part of the application.
- Once the Commission reaches a decision on how to move forward with the proposed 73.62 rule, all members of the public, including NEI, will have the opportunity to comment on it.
- Part 52 rulemaking is in the final rule stage and as such cannot incorporate the Part 62 rulemaking that is just now beginning and will need to go through a public comment period.
- Part 52 The proposed final rule has long passed its public comment period and would have to be reopened for additional comment from everyone. This would significantly delay needed enhancements to the NRC's new reactor licensing process.
- Part 52 is not meant to include specific requirements but instead reference other NRC regulations including security. The process for considering proposed rules on 73.55 (existing plant assessments) and 73.62 is where NEI should be offering its comments.
- The Commission has left the door open for future discussions of the design basis threat and airplane attacks. At the moment, preventing possible terrorist misuse of commercial aircraft remains the responsibility of the Department of Homeland Security, the Federal Aviation Administration and other federal agencies.