

**From:** Larry Harris <sup>NRD</sup>  
**To:** Bonnie Schnetzler; Douglas Huyck; Eileen McKenna; Geary Mizuno; Stewart Schneider; Wesley Held  
**Date:** Thu, Jan 4, 2007 2:14 PM  
**Subject:** Re: NEI Letter and 73.62 rulemaking

All:

As Bonnie noted below, we started thinking about revising the slides. The first attempt, before Christmas, was not satisfactory to all and (since it ran on for 8 slides or so) may not have made the points concisely.

So after discussing it over here, I took a different approach.

The attached is a two column format that would allow the TAs to catch the points in a glance. I envision it would have the background slide, about the security assessment rulemaking, preceding it.

So please take a look at the attached. It certainly can easily be modified to take in account other things you think should be covered, expanded, deleted etc.

Larry

>>> Bonnie Schnetzler 01/04/2007 9:35 AM >>>  
Team,

We requested time for a TA brief. The subject: presentation of staff review and views with respect to the Nuclear Energy Institute letter, dated December 8, 2006, regarding consolidating rulemaking efforts as requested in SRM M061212B.

Initially, we requested dates for the 12, 16, or 17. We were informed that NEI, M. Fertel, will be having a drop in visit on the 10th with the Chairman and the TA's would like the brief prior to the drop in visit. So we have offered to provide the brief on the 10th, preferably between 10am and 2pm, prior to the drop in visit.

To accomplish this, we need to meet regarding the briefing. Larry will revise our slides to meet the SRM request and distributing them for comment before the meeting. I've scheduled a meeting room for Monday, 1/8/07, from 0800 to 1000 am, in O-03B2. Please indicate if you can attend. (Geary, this was only time available-I was mistaken on prior times noted.)

thanks,  
Bonnie Schnetzler  
NSIR-Rulemaking Branch

**CC:** Juan Peralta; Richard Rasmussen; Timothy Reed

B-4

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**Subject:** Re: NEI Letter and 73.62 rulemaking  
**Creation Date** Thu, Jan 4, 2007 2:13 PM  
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NEI Proposal/Possible implementation	Potential Result/Concern
<p>Incorporate the security assessment of features related to "mitigation of beyond DBT events" into Part 52</p> <p>or</p> <p>Begin another Part 52 rulemaking to incorporate the NEI proposal</p>	<p>The comment period for current Part 52 rulemaking has closed. Other late filed comments have not been evaluated. Reopening the comment period would delay needed enhancements to the new reactor licensing process.</p> <p>SRM-05-0120 has an expectation that security assessment rulemaking would be largely complete before the bulk of COL applications were received. Unlikely to occur if a new rulemaking is undertaken.</p> <p>The NEI proposal does not include a regulatory requirement to perform an assessment of features that address DBT characteristics. As a result security may not be fully considered at the design stage, a desired outcome stated in SRM-05-0120.</p> <p>The NEI proposal would fragment current security requirements. Part 52 is not meant to include specific requirements but reference other applicable regulations (such as Part 73 for security.) Additionally, the NEI proposal references the severe accidents requirements of Part 52, not security, (a)(20) vs. (a)(24); perhaps leading applicants to conclude that this is not a security requirement.</p>
<p>Exclude new reactors from compliance with Appendix C of the proposed 73.55 rule.</p>	<p>NEI could submit this as a comment to the proposed revision of Part 73.55. However, even if done in concert with other changes proposed by NEI, the net result would be:</p> <ol style="list-style-type: none"> <li>(1) For new reactors, no requirement to maintain compliance with the requirements of the Appendix;</li> <li>(2) Results in different regulatory requirements for the existing fleet.</li> </ol>

Page 1 of 2

NEI Proposal/Possible implementation	Potential Result/Concern
Terminate the current 73.62 (security assessment) effort	<p data-bbox="822 415 1338 682">SECY-06-0204, which forwarded the proposed rule to the Commission, has been made public and the draft language was posted on the NRC website prior to that. Not allowing the publication of the proposed rule would preclude other stakeholders, already knowledgeable of the rulemaking effort, of the opportunity to comment.</p> <p data-bbox="822 716 1338 772">Termination of the draft rule would result in:</p> <ol data-bbox="865 779 1338 1234" style="list-style-type: none"><li data-bbox="865 779 1338 863">(1) no regulatory requirement to assess features that address DBT events;</li><li data-bbox="865 869 1338 1020">(2) No regulatory requirement to incorporate security features into the design or identify security design features in facility security plans;</li><li data-bbox="865 1026 1338 1136">(3) Potential submittal of several applications before any type of security assessment rulemaking was finalized;</li><li data-bbox="865 1142 1338 1234">(4) Potential ad-hoc consideration of security related issues during plant licensing.</li></ol>

Page 2 of 2