



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

March 2, 2021

Mr. David Young, Technical Advisor
Nuclear Security & Incident Preparedness
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

SUBJECT: NRC REVIEW OF NUCLEAR ENERGY INSTITUTE 20-05,
"METHODOLOGICAL APPROACH AND CONSIDERATIONS FOR A
TECHNICAL ANALYSIS TO DEMONSTRATE COMPLIANCE WITH THE
PERFORMANCE CRITERIA OF 10 CFR 73.55(A)(7)," DRAFT B.

Dear Mr. Young:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), we are responding to the Nuclear Energy Institute's (NEI's) email dated April 13, 2020, that submitted to the NRC staff for review Draft B of NEI 20-05, "Methodological Approach and Considerations for a Technical Analysis to Demonstrate Compliance with the Performance Criteria of 10 CFR 73.55(a)(7)" (Agencywide Documents Access and Management System Accession No. ML20107D894). We appreciate the NEI's efforts to develop this initial draft of NEI 20-05 to support the Alternative Physical Security Requirements for Advanced Reactors rulemaking (Docket ID NRC-2017-0227).

NEI 20-05 provides guidance for performing a technical analysis to demonstrate that a nuclear power reactor applicant would be eligible for voluntary, performance-based alternatives to certain physical security requirements contained in Title 10 of the *Code of Federal Regulations* (10 CFR) 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage." In 2020, the NRC staff focused its efforts on enhancing the scope of the proposed rule and developing preliminary proposed rule language to address several topics raised by stakeholders, including the NEI. The NRC last issued preliminary proposed rule language for this rulemaking on September 14, 2020 (85 FR 56548).

As expected for an initial draft document, the NRC found that NEI 20-05 needs to include additional information to ensure that it provides reasonably complete and sufficient guidance on acceptable methods for performing the technical analyses necessary to demonstrate that the proposed consequence-based eligibility criteria contained in the preliminary proposed rule are met.

The inclusion of guidance addressing the areas detailed in the enclosures to this letter will ensure that acceptable guidance is established for applicants and licensees choosing to implement the preliminary proposed rule's alternative physical security requirements using NEI 20-05. The NRC notes that additional guidance may be helpful, especially for applicants for non-light-water reactors (non-LWRs), to support the guidance in NEI 20-05 (e.g., on the establishment of target sets). Furthermore, other supporting guidance is under development but has not yet been endorsed by the NRC (e.g., the non-LWR PRA standard). Lack of final

guidance in some areas may necessitate more detail from early applicants wishing to take advantage of the alternatives in this proposed rulemaking.

Please review the enclosed comments suggesting revisions to the guidance in NEI 20-05. If the NEI decides to submit a revised version of NEI 20-05 addressing these comments, the NRC will review the revised document and determine if it is acceptable for use by NRC licensees and applicants. If the NRC finds the revised NEI 20-05 acceptable for use, the staff plans to endorse NEI 20-05 in draft regulatory guide DG-1365, "Guidance for Alternative Physical Security Requirements for SMRs and Non-LWRs," which is currently under development.

If you have any questions, please contact Dennis Andrukat at (301) 415-3561 or by sending an email to Dennis.Andrukat@nrc.gov. For more information and access to additional rulemaking documents, go to <https://www.regulations.gov> and search for Docket ID NRC-2017-0227

Sincerely,

Kevin A. Coyne, Acting Director
Division of Rulemaking, Environmental,
and Financial Support

Enclosures:

1. February 2021 NRC comments on NEI 20-05, Draft B
2. February 2021 NRC markup of NEI 20-05, Draft B

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