



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

April 20, 2022

MEMORANDUM TO: Daniel H. Dorman
Executive Director for Operations

FROM: Stephanie M. Coffin, Chairman */RA/*
Committee to Review Generic Requirements

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS:
MINUTES OF MEETING NO. 458

On February 15, 2022, the Committee to Review Generic Requirements (CRGR, the Committee) held Meeting No. 458. The purpose of this meeting was to review the analysis of a potential physical security-related backfit supporting the rulemaking on “Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing.” The overall goal of the rulemaking is to amending regulations to improve consistency and efficiencies in new reactor licensing reviews, reduce the need for exemptions from existing regulations and license amendment requests, and address other licensing issues.

The staff from the U.S. Nuclear Regulatory Commission (NRC) Office of Nuclear Material Safety and Safeguards, the Office of Nuclear Security and Incident Response, and the Office of Nuclear Reactor Regulation presented the draft proposed rule language and the staff’s positions on backfitting plans for physical security-related protections. Enclosure 1 lists the meeting attendees. Enclosure 2 provides information on accessing the draft proposed rulemaking, the staff’s presentation, and the supporting staff analysis for the physical security-related backfit.

During the meeting, the staff discussed how it identified the existence of a regulatory gap in the security requirements for the protection of Category II and III quantities of special nuclear material stored within the owner-controlled area but outside the protected area for power reactor operating licensees under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, “Domestic Licensing of Production and Utilization Facilities.” The NRC staff proposes to change 10 CFR 70.22(k), 10 CFR 73.67(d), and 10 CFR 73.67(f) to revise the security requirements, and these changes would constitute backfitting. The CRGR found that the staff appropriately identified this change as a backfit. The CRGR focused its attention on the type of backfit (i.e., adequate protection, compliance, or cost justified). The staff presented its view that the proposed backfitting was justified under the backfitting provisions of 10 CFR 50.109(a)(4) because the proposed action would be necessary to ensure that these facilities provide adequate protection of public health and safety and are in accordance with the common defense and security.

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In its review of the subject rulemaking, the CRGR engaged the staff in discussions to understand the purpose, backfitting approach, and intent for this portion of the rulemaking. The CRGR members discussed the identified regulatory gap, its hazard, regulatory history and actions, and risk considerations.

The CRGR recognizes the Commission as the appropriate authority to determine adequate protection. Within its roles and responsibilities, the CRGR agreed that the staff's analysis was consistent with agency backfitting policy and endorsed the characterization of the security requirements for Category II and III special nuclear material as an adequate protection backfit.

CONCLUSIONS

Following the review of the rulemaking package, staff presentation, and regulatory analysis, the CRGR endorsed the draft proposed rulemaking package without modification.

Enclosures:

Enclosure 1: CRGR Meeting No. 458 List of Attendees

Enclosure 2: CRGR Meeting No. 458 List of References

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS: MINUTES OF MEETING NUMBERS 458: DATED APRIL 20, 2022

DISTRIBUTION:

Chairman Hanson	Michael King, NRR
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Mirela Gavrilas, NSIR	CRGR r/f

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OFFICE	RES/TA	QTE	CRGR
NAME	N. DiFrancesco	J. Dougherty	S. Coffin
DATE	3/31/2022	4/8/22	4/20/22

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**COMMITTEE TO REVIEW GENERIC REQUIREMENTS MEETING NO. 458
LIST OF ATTENDEES
(February 15, 2022)**

CRGR Members

Stephanie M. Coffin, Chairman
Craig G. Erlanger, NSIR
Robert Lewis, NMSS
Raymond K. Lorson, RI
Susan Vrahoretis, OGC
Nicholas DiFrancesco, CRGR Staff

NRC Staff

Jim Beardsley, NSIR
Howard Benowitz, OGC
Ilka Berrios, NMSS
Cindy Bladey, NMSS
Anthony Bower, NSIR
Phil Brochman, NMSS
Michael Dudek, NRR
Jonathan Fiske, NSIR
Antonio Gomez, NMSS
Clare Haffner (ICF—NRC Contractor)
Tim Harris, NMSS
Trish Holahan, NMSS
Tara Inverso, NMSS
Stacy Joseph, NMSS
Audrey Klett, NRR
Christine Mellen (ICF—NRC Contractor)
Adrian Muniz, NRR
James O'Driscoll, NMSS
Alison Rivera, NSIR
Michele Sampson, NRR
Aaron Sanders, NMSS
Fred Schofer, NMSS
Jill Shepherd, NMSS
Niry Simonian, NSIR
Brian Smith, NRR
Norman St. Amour, OGC
Omid Tabatabai, NRR
John Tappert, NMSS
Robert Taylor, NRR

**COMMITTEE TO REVIEW GENERIC REQUIREMENTS MEETING NO. 458
LIST OF REFERENCES**

Package of Draft Proposed Rulemaking, Committee to Review Generic Requirements Meeting Presentation, and Staff Analysis for Physical Security-Related Backfit (Agencywide Documents Access and Management System Package No. ML22089A012)