

August 26, 2000

MEMORANDUM TO: Glenn Tracy, Chief
Operator Licensing, Human Performance
and Plant Support Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

FROM: Richard P. Rosano, Chief **/RA/**
Reactor Safeguards Section
Operator Licensing, Human Performance
and Plant Support Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

SUBJECT: MINUTES OF THE JULY 12, 2000, PUBLIC MEETING WITH THE
NUCLEAR ENERGY INSTITUTE (NEI) TO DISCUSS THE RE-
EVALUATION OF 10 CFR PART 73

On July 12, 2000, NRC staff held a public meeting with representatives from NEI, industry, and the public. The purpose of this meeting was to discuss the agenda regarding re-evaluation of 10 CFR 73.55 and specific items associated with safeguards performance assessment (Attachment 1).

The NRC staff opened the public meeting with a brief synopsis of the 10 CFR Part 73.55 rulemaking activity to date. The NRC staff continued with a presentation of the principle staff comments on industry's proposed Safeguards Performance Assessment (SPA) program (Attachments 2 and 3 provide NRC comments on draft 4 of the SPA and draft 5 of the SPA, respectively). These comments included: adversary characteristics to be used in the SPA (limited information provided to the public with detailed, sensitive information provided in a subsequent closed meeting); limitations on credit for operator actions in exercises; enforcement of NRC requirements related to the SPA; mechanisms for future changes to the SPA; protection of critical safety functions versus protection to prevent core damage; and specification of the number of scenarios in an exercise and the frequency of exercises.

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The NRC staff informed industry that the staff is proceeding with its review of the Commonwealth Edison Company request for four exemptions under the provisions of 10 CFR 73.5 and the Texas Utilities request for seven plan changes under the provisions of 10 CFR 50.90. The NRC staff stated that the NRC Office of the General Counsel (OGC) has been requested to provide legal review of six specific questions directly related to changes to physical security plans, safeguards contingency plans, and guard training and qualification plans with respect to 10 CFR 73.5, 10 CFR 50.90, and 10 CFR 50.54(p). The NRC staff also stated that the staff's interim position is that each licensee's NRC-approved plan establishes the level of effectiveness against which all plan changes are compared with respect to a decrease of effectiveness, and that NRC-approved plan changes are only applicable to the requesting licensee.

Other topics discussed included, target sets, target set development, potential changes to 10 CFR 73.55, and the schedule for development of the Adversary Characteristics Document.

The information above and the information in Attachments 1 through 3 were shared and discussed between NRC staff, NEI representatives, and the public, and are not intended as verbatim record. Attachment 4 lists the attendees of the July 12, 2000, public meeting.

Attachments: As stated.

cc: R. Beedle, NEI
R. Enkeboll, NEI
J. Brons, NEI
J. Davis, NEI
E. Lyman, NCI

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K. Barr, Region II	J. Creed, Region III/DRS			G. Good, Region IV	
A. Rayland, NMSS	C. Emeigh, NMSS			S. Lewis, OGC	
D. Thompson, Region II	T. Reis, OE			J. Birmingham, DRIP	
S. Frattali, PGEB	C. Holden, DIPM			A. Fragovannis, NMSS	
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