

November 9, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Sher Bahadur, Chairman */RA/*
Committee to Review Generic Requirements

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS: MINUTES
OF THE MEETING NUMBER 411

The Committee to Review Generic Requirements (CRGR) Meeting Number 411 was held on October 23, 2006, at 2:30 P.M., with the attendees listed in the enclosure. The purpose of the meeting was to review the draft final rule, 10 CFR Part 73.1, "Design Basis Threat," (DBT) and conduct an internal CRGR discussion on issues related to the Committee's business. The transmittal memo for the Part 73.1 rulemaking package and the associated CRGR Charter Appendix C responses along with the staff presentation slides are located in ADAMS (respectively, ML062960178, ML062960185 and ML062980581).

Messrs. Manash Bagchi of the Office of Nuclear Reactor Regulation (NRR), and Richard Rasmussen, Glenn Tracy of the Office of Nuclear Security and Incident Response (NSIR), and Jason Zorn of the Office of the General Counsel (OGC) briefed the CRGR on the draft final rule.

Item 1: Part 73.1, "Design Basis Threat"

The staff discussed the draft final rule and indicated that backfit rule exceptions, 10 CFR 50.109(a)(4)(iii) and 10 CFR 70.76(a)(4)(iv) are being invoked because Part 73.1 is redefining the level of adequate protection. Furthermore, the staff indicated that the intent of the draft final rule is to codify requirements which are consistent with the April 29, 2003 Orders, and Interim Compensatory Measures (ICM) Orders. As such, the rulemaking does not impose any additional burden on affected licensees since these licensees are already in full compliance with the existing requirements in the Orders, and ICM Orders.

The staff indicated that the DBT rule also incorporated cyber threat considerations. The considerations are the result of previous agency communications issued to the licensees, a component of the Energy Policy Act of 2005 and public comments provided on the DBT rule.

The CRGR had no objection to the staff proceeding with the final rule.

Item 2: Internal CRGR discussion

The CRGR discussion in part was the result of a commitment made in the CRGR Annual Report (SECY-06-0201, ML062410524) to address the stakeholder feedback received through a presentation by Mr. Keith Jury of Exelon given at

an industry conference on August 9, 2009. Also, the CRGR members discussed the scope and future role of the Committee.

The CRGR Chairman pre-briefed the DEDMRS on item 2 on Wednesday, November 8, and will brief the EDO on Tuesday, November 14, 2006.

an industry conference on August 9, 2009. Also, the CRGR members discussed the scope and future role of the Committee.

The CRGR Chairman pre-briefed the DEDMRS on item 2 on Wednesday, November 8, and will brief the EDO on Tuesday, November 14, 2006.

Enclosure:
As stated

cc: See Enclosed list
C:\FileNet\ML062990050.wpd

OAR in ADAMS? (Y or N) Y ADAMS ACCESSION NO.: ML062990050 TEMPLATE NO. CRGR-001
Publicly Available? (Y or N) N DATE OF RELEASE TO PUBLIC N/A SENSITIVE? N
To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

| | | | | |
|--------|------------|---|------------|--|
| OFFICE | CRGR | E | CRGR | |
| NAME | L. Cupidon | | S. Bahadur | |
| DATE | 11/09/06 | | 11/09/06 | |

(RES File Code) RES _____

MEMORANDUM DATED: 11/09/2006

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS: MINUTES OF THE
MEETING NUMBER 411

cc w/Enc: (via e-mail)
Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
Annette Vietti-Cook, Secretary of the Commission
Luis A. Reyes, EDO
William F. Kane, DEDR
Martin J. Virgilio, DEDMRS
Michael R. Johnson, AO
Hubert T. Bell, OIG
Karen D. Cyr, OGC
Kathryn L. Winsberg, OGC
John T. Larkins, ACRS
Jack R. Strosnider, NMSS
Margaret V. Federline, NMSS
William Borchardt, NRO
Gary M. Holahan, NRO
Charles L. Miller, FSME
George C. Pangburn, FSME
James E. Dyer, NRR
John A. Grobe, NRR
Roy P. Zimmerman, NSIR
William A. Dean, NSIR
Brian W. Sheron, RES
James T. Wiggins, RES
Mark A. Cunningham, RES
Sher Bahadur, RES
Les R. Cupidon, RES
Eliot B. Brenner, OPA
Samuel J. Collins, Region I
William D. Travers, Region II
James L. Caldwell, Region III
Bruce S. Mallett, Region IV
Thomas P. Gwynn, Region IV
Dwight D. Chamberlain, Region IV
Gary S. Janosko, NMSS/FCSS/FFLD
Glenn M. Tracy, NSIR
James W. Clifford, NRR
Ho K. Nieh, NRR
Timothy S. McCune, NSIR
Manash K. Bagchi, NRR
Jason C. Zorn, OGC
Richard A. Rasmussen, NSIR
Aaron A. Danis, NSIR
Roberta S. Warren, NSIR
Juan D. Peralta, NSIR

CRGR MEETING No. 411
LIST OF ATTENDEES
(October 23, 2006)

CRGR Members

Sher Bahadur, Chairman
William M. Dean, NSIR
Gary S. Janosko, NMSS/FCSS/FFLD for Margaret V. Federline, NMSS
John A. Grobe, NRR
Thomas P. Gwynn, RIV
Gary M. Holahan, NRO
George C. Pangburn, FSME
James T. Wiggins, RES
Kathryn L. Winsberg, OGC

Les R. Cupidon, CRGR Staff

NRR

James W. Clifford, NRR/ADRA/DPR/PRA
Manash K. Bagchi, NRR/ADRA/DPR/PRA

NSIR

Glenn M. Tracy, NSIR/DSP
Richard A. Rasmussen, NSIR/DSP/DDRSR/S
Timothy S. McCune, NSIR/DSO/DDSP/LP
Aaron A. Danis, NSIR/DSO/DDSP/IL
Yong S. Kim, NSIR/DSP/DDRSR/S
Roberta S. Warren, NSIR/DSO/DDSP/IL
Juan D. Peralta, NSIR/DSP/DDRSR/S

OGC

Jason C. Zorn, OGC/GCLR/RFC

Enclosure