



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

September 12, 2022

Dr. Jennifer Uhle
Vice President, Generation
and Suppliers
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

**SUBJECT: FEEDBACK ON APRIL 19, MAY 24, AND JUNE 1, 2022, PUBLIC MEETINGS
ON OPTIONS FOR POTENTIAL CODIFICATION OF POST-SEPTEMBER 11,
2001, SECURITY REQUIREMENTS ISSUED TO NRC LICENSEES
(SECY-19-0095 AND SECY-19-0100; SRMS DATED AUGUST 4, 2021)**

Dear Dr. Uhle:

Thank you for your July 1, 2022, letter regarding the U.S. Nuclear Regulatory Commission (NRC) staff's development of a notation vote paper as directed by the Commission in Staff Requirements Memorandum (SRM)-SECY-21-0095, "Discontinuation of Rulemaking – Enhanced Security of Special Nuclear Material," dated August 4, 2021 (Agencywide Documents Access and Management System Accession No. ML21217A065). In this SRM, the Commission directed the staff to provide a "full range of options" regarding "the scope of the rule and the potential regulatory, resource, and timing impacts of those options."

As we conveyed during public meetings on April 19 and June 1, 2022, the staff agrees that the existing regulatory framework currently provides reasonable assurance of adequate protection for all our licensees. The staff plans to present options to the Commission addressing topics that emerged since publication of the 2015 regulatory basis document "Rulemaking for Enhanced Security of Special Nuclear Material" (ML14321A007). Among those topics are the sufficiency of the existing framework for proposed advanced reactor fuels, specifically those using high assay low-enriched uranium, and the consideration of requirements for spent nuclear fuel.

The April and June public meetings were largely intended to identify additional information that the staff should consider in developing options in response to the Commission's SRM. The staff recognizes the importance of Section 104(c) of the Atomic Energy Act of 1954, as amended, and is exploring alternatives that minimize the regulatory impacts of any proposed options on the research and test reactor community.

We have benefitted from your and other external stakeholders' perspectives, including those raised in your July 1, 2022, letter, and we welcome continuing dialogue regarding the options

that the NRC staff will put forward to the Commission. If the Commission directs the staff to proceed on a rulemaking path, the staff looks forward to working with you and other stakeholders more closely during that phase of the rulemaking process.

Sincerely,



Signed by Gavrilas, Mirela
on 09/12/22

Mirela Gavrilas, Director
Office of Nuclear Security
and Incident Response

Response to NEI ltr J. Uhle to M. Gavrilas Feedback on 2022 Public Mtgs on Options for Potential Codification of Post-Sep11 2001 Security Requirements Issued to NRC Licensees DATE September 12, 2022

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