



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

September 9, 2005

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-05-0120

TITLE: SECURITY DESIGN EXPECTATIONS FOR NEW REACTOR
LICENSING ACTIVITIES

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of September 9, 2005.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
EDO

VOTING SUMMARY - SECY-05-0120

RECORDED VOTES

| | APRVD | DISAPRVD | ABSTAIN | NOT PARTICIP | COMMENTS | DATE |
|------------------|-------|----------|---------|-----------------|----------|---------|
| CHRM. DIAZ | X | | | | X | 7/28/05 |
| COMR. MERRIFIELD | X | | | | X | 8/11/05 |
| COMR. JACZKO | X | | | | X | 8/19/05 |
| COMR. LYONS | X | | | | X | 7/27/05 |

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on September 9, 2005.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN DIAZ
SUBJECT: **SECY-05-0120 - SECURITY DESIGN
EXPECTATIONS FOR NEW REACTOR LICENSING
ACTIVITIES**

Approved *[Signature]* Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

Approved with comments. Comments attached.

[Signature]

SIGNATURE
July 28, 05

DATE

Entered on "STARS" Yes No _____

Chairman Diaz' Comments on SECY-05-0120

Design features to enhance safety and security should be considered and resolved at an early stage in the regulatory process, preferably prior to receiving an application for a combined license. Early in the regulatory process, issues are easier to identify and can be more effectively addressed. Additionally, safety and security design features should be fully integrated and compliment preparedness initiatives. I agree with the substance of SECY-05-0120 and I approve the staff recommendations with the following clarifications:

- The staff should revise the Commission Policy Statement on the Regulation of Advanced Nuclear Power Plants (51 FR 24643) to integrate the expectations for security and preparedness with the current expectations for safety.
- The staff should conduct a rulemaking to require applicants to submit a safety and security assessment that addresses the relevant security requirements which are currently established by order, including the requirements for protection against the supplemented design basis threat and the requirements for enhanced mitigative measures. The staff should also work with stakeholders to develop guidance for these safety and security assessments.
- The staff should facilitate the early resolution of relevant safety and security design issues for design certifications. Until the relevant security requirements currently established by order are generically established by rulemaking, applicants should be encouraged to submit, with the application, a design-specific safety and security assessment.

Based on the information provided by the applicants, the staff should confirm that the design features are consistent with the relevant security requirements. Also, the staff should confirm that reasonable and practicable safety and security features have been appropriately integrated into the design.

- The staff should develop an implementation plan for these activities that provides for enhanced integration of safety, security and preparedness.



NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-05-0120 - SECURITY DESIGN
EXPECTATIONS FOR NEW REACTOR LICENSING
ACTIVITIES**

Approved Disapproved Abstain

Not Participating

COMMENTS:

Approved subject to the attached comments.



SIGNATURE

DATE *8/11/05*

Entered on "STARS" Yes No

Commissioner Merrifield's Comments on SECY-05-0120

I commend the staff for developing a cogent plan to address security issues during the design phase of new and next generation reactors, and I approve the staff's proposed actions in SECY-05-0120, with the following comments on Proposed Actions 1 and 2.

Proposed Action 1

I agree that the 1994 Commission Policy Statement on the Regulation of Advanced Nuclear Power Plants should be revised to explicitly encourage applicants for a design certification to consider enhancing the design of the plant to include additional security features. I believe designers of plants in the post-9/11/01 world realize that the threat environment has changed since the current fleet of operating power reactors was designed over thirty years ago. It is reasonable to assume that designers of new reactors will seek to consider the limitations of their designs from both a safety and a security perspective. Therefore, providing the design basis threat information to reactor designers, who have been given the proper clearance, will allow them to analyze ways to defend against the threat and establish security design aspects at a very early stage. Incorporating these security aspects at the early stage of the design should result in a more robust security posture requiring less reliance on operational security programs after the plant is constructed.

Proposed Action 2

I also agree that the staff should engage the industry stakeholders early on to develop guidance for the submission of security assessments and target set analysis for new and next generation reactor designs. However, I caution the staff that submission of such information by an applicant is strictly voluntary at this time, and this draft guidance cannot be used as a basis for denying applications submitted before completion of a rulemaking that would require applicants to submit this type of information. Until such a rule is promulgated, applicants should be encouraged to submit these items on a voluntary basis, but no applicant would be required to submit this information as part of the application. Further, it must be made clear to applicants that staff review of such information would not constitute a final NRC determination that design features meant to mitigate security issues fulfill any security requirements imposed by order on the existing fleet of operating reactors.



8/11/05

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: **SECY-05-0120 - SECURITY DESIGN
EXPECTATIONS FOR NEW REACTOR LICENSING
ACTIVITIES**

Approved Disapproved Abstain

Not Participating

COMMENTS:

See attached comments.



SIGNATURE
8/19/05

DATE

Entered on "STARS" Yes No

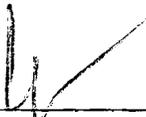
**Commissioner Jaczko's Comments on SECY-05-0120
Security Design Expectations for New Reactor Licensing Activities**

I approve the staff's recommendations in this paper which will encourage security enhancements in future nuclear power plant designs.

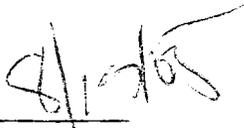
With the issuance of the 2002 security orders, the continuing implementation of measures to mitigate against the affects of large fires that is described in section B.5.B of those orders, and the policy changes outlined in this paper, the NRC has taken important steps to convey security requirements for both the current and any future plants.

I agree with the Chairman that resolving safety and security issues early in the regulatory process is better for the public, the licensee, and the agency. Just as new reactors will include enhanced safety features, I believe **advanced** designs for nuclear power plants should include **advanced** security capabilities. The current fleet of reactors is now required to mitigate against the affects of certain security threats, but it is only logical that future reactors should be engineered to *minimize* damage from these threats.

The next vehicle for the Commission to formalize such a requirement will be in the upcoming rulemaking on the design basis threat. I therefore concur with the staff that the Commission should set a clear policy so that its expectations for security in design certifications and combined operating licenses submitted while that rulemaking is under consideration are transparent.



Gregory B. Jaczko



Date

NOTATION VOTE

RESPONSE SHEET

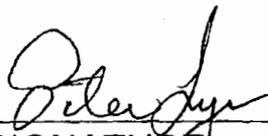
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: **SECY-05-0120 - SECURITY DESIGN
EXPECTATIONS FOR NEW REACTOR LICENSING
ACTIVITIES**

Approved Disapproved Abstain

Not Participating

COMMENTS:

See attached comments.



SIGNATURE
7/27/05

DATE

Entered on "STARS" Yes No

Commissioner Lyons' comments on SECY-05-0120

Security Design Expectations for New Reactor Licensing

I approve the staff's recommendations with the following comments:

The overall goal of these coordinated actions should be to 1) encourage applicants submitting new reactor designs for certification and/or applicants for COLs to account for the current security requirements at the earliest possible stage in the design, submittal, and approval process; and 2) to develop plant designs that effectively integrate safety and security. It is a given that any COL application must meet the Part 73 regulations and any supplemental orders existing at the time of the staff's approval of a COL application and that an application for a new plant design certification could be evaluated by the staff against the regulations and orders in existence at that time. Ideally, prior to a COL application the regulations will have been updated to incorporate the intent of the supplementary security Orders and any lessons learned from their implementation. Even more ideally, the COL application might reference a certified design that would plausibly meet many of these updated Part 73 regulations.

It is therefore imperative that the rulemaking process proceed expeditiously to update the applicable security regulations to codify the Commission's standard for adequate protection of public health and safety and common defense and security. Those portions of the current security Orders that supplement existing Part 73 regulations should be addressed during the rulemaking process. In the meantime, DC and COL applicants should be encouraged to prepare assessments and analyses of their proposed reactor design that demonstrate how the existing regulations and supplemental requirements would be met.

The staff's approach to security design requirements for new reactor licensing should be designed to stay within clearly defined regulatory and legal processes. Sequences that differ from that noted above (e.g., COL applicants that do not reference a certified design, or receipt of a COL application prior to the completion of the current security rulemaking updates) must continue to follow prescribed regulatory process. OGC should be an active participant in the staff's development of this approach, to ensure that it does not create any new adjudicatory issues.

OL 7/27/05