

April 13, 2017

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SUBJECT: PROTECTED AREA CONSIDERATIONS FOR VOGTLE ELECTRIC  
GENERATING PLANT UNITS 3 AND 4 AND VIRGIL C. SUMMER NUCLEAR  
STATION UNITS 2 AND 3

Dear Messrs. Whitley and Jones:

During recent meetings with Southern Nuclear Operating Company and South Carolina Electric & Gas Company (licensees) the U.S. Nuclear Regulatory Commission (NRC) staff was requested to provide some clarifications regarding the timing and the relationship between the implementation of the Title 10 of the *Code of Federal Regulations* (10 CFR) 73.55 plan (protected area declaration) and the 10 CFR 52.103(g) finding by the NRC staff for Vogtle Electric Generating Plant Units 3 and 4, and Virgil C. Summer Nuclear Station Units 2 and 3. The purpose of this clarification is to gain a common understanding between the NRC staff and the licensees for determining if a protected area can be declared operable before the NRC staff makes the 10 CFR 52.103(g) finding required for these plants licensed under 10 CFR Part 52.

The licensees have asked whether they may complete the protected area and declare it operable before the NRC staff makes the 10 CFR 52.103(g) finding. After considering this question, the NRC staff has determined that the licensees may do this. Although this protected area does have Physical Security Hardware-related Inspections, Tests, Analyses, and Acceptance Criteria (PS-ITAAC) associated with it, that does not prohibit the declaration of the area in advance of the 10 CFR 52.103(g) finding. This is because an operable protected area before the 10 CFR 52.103(g) finding would be supporting only those activities that can be legally undertaken before the 10 CFR 52.103(g) finding is made. For such activities, the 10 CFR 52.103(g) finding is not required for the NRC staff to conclude that the protected area provides adequate protection of the public health and safety and the common defense and security. Thus, the declaration of the protected area has no direct connection to the 10 CFR 52.103(g) finding.

However, the licensees need to ensure that all the elements of the security plans required by 10 CFR 73.55 are implemented or that compensatory measures that meet the requirements of 10 CFR 73.55(o) have been implemented. The programs required by 10 CFR 73.55 are listed in the Updated Final Safety Analysis Report, Table 13.4-201. In addition, the licensees need to ensure that all the structures, systems and components necessary to meet the 10 CFR 73.55

requirements are in operable condition. The licensee also must satisfy the PS-ITAAC related to the Physical Protection Program and submit the ITAAC closure notifications for these ITAAC.<sup>1</sup> The establishment of the protected area before the 10 CFR 52.103(g) finding indicates the readiness of the licensees to protect the special nuclear material (SNM) received at the site in accordance with the Commission-approved physical security, training and qualification, safeguards contingency, and cyber security plans required by 10 CFR 73.55. Whether to declare the protected area prior to the 10 CFR 52.103(g) finding is the licensees' choice. If the licensees choose to declare the protected area prior to the 10 CFR 52.103(g) finding, the licensees need to consider whether their proposed approach is consistent with the license condition on implementation of the 10 CFR 73.67 plan. As an alternative the licensees may, as originally intended, rely on their NRC-approved 10 CFR 73.67 plans to protect SNM prior to the 10 CFR 52.103(g) finding, with the protected area being declared when the 10 CFR 52.103(g) finding is made.

Before the protected area is declared operable, the NRC staff shall have the opportunity to inspect the licensees' implementation of the 10 CFR 73.55 plan to ensure that the plan is properly implemented in accordance with regulatory requirements. The NRC staff will need to confirm that all PS-ITAAC related to the Physical Protection Program are satisfactorily met and applicable operational programs are in place or that compensatory measures are implemented for both. In addition the NRC staff will conduct, as appropriate, the inspection of all programs and procedures required under 10 CFR 73.55, before the licensee declares the protected area operable.

If you have any questions or comments concerning this matter, please contact the Project Manager, Chandu Patel, at 301-415-3025 or via e-mail at [Chandu.Patel@nrc.gov](mailto:Chandu.Patel@nrc.gov).

Sincerely,

*/RA/*

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Office of New Reactors

Docket Nos.: 52-025  
52-026  
52-027  
52-028

cc: See next page

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<sup>1</sup> Although the protected area may be declared before the 10 CFR 52.103(g) finding, it is still necessary to satisfy the PS-ITAAC before declaring the protected area because the PS-ITAAC incorporate required elements of the licensees' 10 CFR 73.55 programs and plans.

B. Whitley  
R. Jones

PROTECTED AREA CONSIDERATIONS FOR VOGTLE ELECTRIC GENERATING  
PLANT UNITS 3 AND 4 AND VIRGIL C. SUMMER NUCLEAR STATION UNITS 2 AND 3  
DATED: APRIL 13, 2017

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