

RULEMAKING ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Brooke P. Clark, Secretary
FROM: Chair Hanson
SUBJECT: SECY-22-0072: Proposed Rule: Alternative Physical Security Requirements for Advanced Reactors (RIN 3150-AK19)

Approved X Disapproved Abstain Not Participating

COMMENTS: Below Attached X None

Entered in STAR

Yes X
No

Signature
Christopher T. Hanson

Date **07/27/2023**

Chair Hanson's Comments on SECY-22-0072: Alternative Physical Security Requirements for Advanced Reactors

I thank the staff for providing this proposed rule for the Commission to consider alternative physical security requirements for advanced reactors. The existing 10 CFR 73.55 framework is based on large light water reactor technology, whereas advanced reactor designs being contemplated are wide-ranging and likely to employ design attributes that are significantly different. These design attributes may include smaller reactor cores, lower radionuclide inventories, and passive and inherent safety features, which may result in slower accident progression and low or no offsite dose consequences following initiating events. Consideration of alternative requirements that are technology-inclusive, risk-informed, and performance-based is appropriate, while ensuring that they are not inimical to the common defense and security or to the health and safety of the public.

Following Commission direction, the staff developed a limited-scope rule that retains the current overall physical security framework in 10 CFR 73.55 to protect against radiological sabotage design basis threat but provides alternatives to certain requirements that eligible advanced reactor applicants and licensees can elect to adopt. If the consequence-based eligibility criterion is satisfied, the proposed limited-scope rule would allow flexibility in how physical protection programs consider: (1) the minimum number of onsite armed responders; (2) reliance on law enforcement or offsite armed responders to fulfill interdiction and neutralization functions; (3) use of means other than physical barriers to accomplish delay and access control functions; (4) location of the secondary alarm station; and (5) designation of vital areas for the secondary alarm station and its secondary power supply.

For advanced reactors meeting certain performance requirements, it is reasonable in my view to consider a regulatory pathway that gives applicants and licensees the flexibility to justify alternative approaches to physical security. Further, consistent with the Commission's policy on advanced reactors, the limited-scope rule provides an opportunity to incorporate security-by-design principles whereby designers and prospective license applicants address security issues early in the design stage to achieve a more robust and effective security posture. I believe this will be in the interest of the public and other stakeholders.

As with other key advanced reactor policy issues such as emergency preparedness and population-based siting, providing regulatory clarity on physical security for advanced reactors is crucial as the NRC ensures its readiness to license and regulate new technologies. I find that the draft proposed rule on advanced reactor physical security is adequate to solicit public comments, and therefore approve its publication in the Federal Register.

Finally, I want to acknowledge the differing views raised during the development of this proposed rule and included for the Commission's consideration. The agency strives to create and maintain a culture that encourages free and open exchange of views, and one where alternative views are considered and addressed in a non-threatening environment. This open and collaborative culture leads to better decision-making and supports the agency's safety and security mission.