

RULEMAKING ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Carrie M. Safford, Secretary
FROM: Commissioner Wright
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

**Commissioner Wright's Comments on SECY-22-0072,
Proposed Rule: Alternative Physical Security Requirements for Advanced Reactors**

I appreciate the staff's work in developing this proposed rule, which would establish voluntary alternative physical security requirements for advanced reactors. Specifically, this rule would allow licensees that meet certain eligibility criteria to use alternative security requirements related to (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.

As described in the SECY paper, "some advanced reactor designs will include attributes that could result in smaller and slower releases of fission products following the loss of certain safety functions when compared to operating large LWRs." Additionally, as noted in a white paper submitted by the Nuclear Energy Institute¹, "advanced reactor designers are also incorporating engineered physical security systems, hardware, and features into their facilities, which will considerably reduce or eliminate reliance upon an onsite armed responder force to prevent radiological sabotage." Therefore, I believe it is appropriate to provide voluntary, alternative physical security requirements for advanced reactor designs that meet the appropriate consequence-based eligibility criteria, and I applaud the staff's efforts in working with external stakeholders to develop this proposed rule language. I approve publication of this proposed rule in the *Federal Register* for public comment.

I also join my colleagues in recognizing the differing views raised during the development of this proposed rule, which were presented as part of the package for the Commission to consider. As Commissioner Caputo noted in her vote on this proposed rule, such frank and open discussion is an important element of the NRC's safety culture, and as Chair Hanson noted in his vote, this openness leads to better decision-making.

I do want to highlight one area in which the agency will need to be mindful of consistency, given the parallel rulemaking tracks of both this proposed rule and that of 10 CFR Part 53 (Risk-informed Technology Inclusive Regulatory Framework for Advanced Reactors). In this proposed rule, the staff is proposing to add a new requirement for advanced reactors to protect against the design-basis threat (DBT) of radiological sabotage. As described in the draft *Federal Register* notice, this new provision would require that an advanced reactor licensee's physical protection program be designed to prevent a significant release of radionuclides from any source. Given that the current fleet of large light water reactors protects against the DBT of radiological sabotage by preventing significant core damage and spent fuel sabotage, I believe this change to 10 CFR § 73.55 is warranted to make the security performance objectives more technology-inclusive. However, this change was not included in the 10 CFR § 73.55 section of the Part 53 rulemaking. As both rules are developed further, staff should ensure that the security performance objectives in 10 CFR § 73.55 are consistent in both rulemaking packages and reflect the technology-inclusive changes proposed as part of this limited scope rulemaking.

¹ <https://www.nrc.gov/docs/ML1702/ML17026A474.pdf>