



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

June 18, 2024

SECRETARY

MEMORANDUM TO: Raymond V. Furstenau
Acting Executive Director for Operations

FROM: Tomas E. Herrera, Acting Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-22-0072 – PROPOSED RULE:
ALTERNATIVE PHYSICAL SECURITY REQUIREMENTS FOR
ADVANCED REACTORS (RIN 3150-AK19)

The Commission has approved the staff's recommendation to publish the proposed rule to establish voluntary alternative physical security requirements for advanced reactors for publication in the *Federal Register* for public comment. The staff should consider the suggested edits described in the enclosure to address typographic errors and inconsistencies in the *Federal Register* notice.

While this change to 10 CFR § 73.55 is warranted to make the security performance objectives more technology-inclusive, this change was not included in the 10 CFR § 73.55 section of the Part 53 rulemaking. As both rules are developed further, the 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.

In the course of this rulemaking, the staff should work with stakeholders by seeking specific comment on methods to address alternatives to the prescriptive security requirements in part 73 early in the design process similar to the manner in which we allow applicants for early site permits to address emergency preparedness requirements in that review process. The request for comment should solicit feedback on the manner and extent to which the Commission should consider security matters resolved under § 52.63(a)(5) for a design certification that includes the review of those matters.

The staff should align the sunset provisions of this rulemaking with those existing in § 50.54(hh)(2) and § 50.155(a)(1).

The staff should seek comment on crediting reliance on law enforcement in this proposed rule either by augmenting the second specific request for comment or adding a new specific request for comment to support: (1) that the proposed requirement in 10 CFR 73.55(s)(2)(ii) sufficiently addresses uncertainties that may be associated with crediting local law enforcement given reduced licensee security presence, and (2) how the proposed requirement might address potential usage models involving a combination of licensee security staff and law enforcement (e.g., the "hybrid approach" referred to in the paper).

Enclosure: Suggested edits to *Federal Register* notice

cc: Chair Hanson
Commissioner Wright
Commissioner Caputo
Commissioner Crowell
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP
PDR