



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

January 27, 2025

ALL AGREEMENT AND NON-AGREEMENT STATES  
STATE LIAISON OFFICERS  
ALL FEDERALLY RECOGNIZED AMERICAN INDIAN AND ALASKA NATIVE TRIBES

NOTIFICATION OF THE LAW ENFORCEMENT RESPONSE IN POWER REACTOR  
PHYSICAL PROTECTION PROGRAMS PROPOSED INTERPRETIVE RULE (STC-25-003)

**Purpose:** To inform States and all Federally recognized Tribes that the U.S. Nuclear Regulatory Commission (NRC) published a *Federal Register* (FR) notice on January 17, 2025, requesting comments on a proposed interpretation of regulatory requirements, "Law Enforcement Response in Power Reactor Physical Protection Programs" (90 FR 5743).

**Background:** In the current regulatory framework, power reactor licensees regulated under title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, "Domestic Licensing of Production and Utilization Facilities, or 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," are required to provide physical protection sufficient to prevent radiological sabotage from a hostile adversary, the characteristics of which fall within a defined design basis threat (DBT). The DBT of radiological sabotage has been part of the NRC's regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials," since 1979. To date, the NRC has interpreted its regulatory requirements to mean that a licensee's defense against the DBT may not consider the assistance provided by local, State, or Federal law enforcement agencies.

On June 6, 2024, the Commission issued SRM-SECY-20-0070, "Staff Requirements—SECY-20-0070—Technical Evaluation of the Security Bounding Time Concept for Operating Nuclear Power Plants," approving the staff's recommendation to reinterpret existing security regulations through a notice of interpretation. This proposed interpretation of regulatory requirements would reinterpret § 73.1 and § 73.55 to allow a licensee to consider the assistance of law enforcement responders as part of its physical protection program through a site-specific SBT and revise its security plans and site procedures to reflect this reading of the regulations in Part 73.

**Discussion:** The NRC developed a proposed interpretation of regulatory requirements to clarify that a power reactor applicant or licensee may, when designing or updating its physical protection program, incorporate law enforcement response into its site physical protection program through the implementation of a site-specific Security Bounding Time. This proposed interpretation would provide flexibility to applicants and licensees by allowing them to consider the assistance of law enforcement responders as part of the physical protection program.

The NRC published a notice in the FR on January 17, 2025, requesting comments on the proposed interpretive rule (90 FR 5743). The comment period closes on March 3, 2025. You can access the FR notice using the following link: [Federal Register :: Law Enforcement Response in Power Reactor Physical Protection Programs](#).

Instructions on how to submit comments are provided in the FR notice. We encourage electronic comment submission through the Federal rulemaking website <https://www.regulations.gov> under Docket ID NRC-2024-0167.

The NRC also plans to hold a public meeting on the proposed interpretation at a future date. Specific details about the meeting will be made available on the NRC's public meeting webpage at <https://www.nrc.gov/pmns/mtg>.

If you have any questions regarding this correspondence, please contact Soly Soto Lugo at [Soly.SotoLugo@nrc.gov](mailto:Soly.SotoLugo@nrc.gov) or 301-415-7528.

Sincerely,



Signed by Morgan, Nadiyah  
on 01/27/25

Nadiyah S. Morgan  
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STC-25-003 LAW ENFORCEMENT RESPONSE IN POWER REACTOR PHYSICAL PROTECTION  
PROGRAMS PROPOSED INTERPRETIVE RULE DATE January 29, 2025

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