

September 9, 2005

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-05-0120 - SECURITY DESIGN
EXPECTATIONS FOR NEW REACTOR LICENSING ACTIVITIES

The Commission has approved the staff's recommendations on security design expectations for new reactor licensing activities, subject to the following comments.

1. The staff should revise the 1994 Commission Policy Statement on the Regulation of Advanced Nuclear Power Plants to integrate the expectations for security and preparedness with the current expectations for safety, and develop an implementation plan for the activities listed below. Concurrently, the staff should develop the security-related characteristics and attributes that should be included in new reactor designs, and involve stakeholders in developing guidance for applicants or prospective applicants on the security-related assessments that should be included in design certification applications.
2. The staff should conduct a rulemaking to require applicants to submit a safety and security assessment addressing the relevant security requirements which were established for currently operating plants by order¹, including the requirements for protection against the supplemented design basis threat and the requirements for enhanced mitigative measures.

Applicants whose reactor designs are in the design certification review process before the final rule is issued should be encouraged, but not required, to submit a design-specific safety and security assessment as part of the application. If an applicant voluntarily submits this assessment, the staff should review it to assure that the design features identified and described are consistent with the relevant security requirements

imposed on currently operating plants by order¹, and that reasonable and practicable safety and security features have been appropriately integrated into the design.

¹ February 25, 2002, All Operating Reactor Licensees, Order Modifying License (Effective Immediately), EA-02-26, 67 FR 9792 (March 4, 2002); April 29, 2003, All Operating Reactor Licensees, Order Modifying License (Effective Immediately), EA-03-086, 68 FR 24,517 (May 7, 2003).

Resolution of security-related design issues at the early stage of the regulatory review process should result in a more robust security posture requiring less reliance on operational security programs if a plant is constructed based on the approved design. However, resolution of the security-related design issues would not constitute final NRC approval of an applicant's overall security program. NRC review and approval of an applicant's security program would still be required before issuing a combined license, or a construction permit and operating license, for a specific site.

The staff's approach to establish security design requirements for new reactor licensing should employ clearly defined regulatory and legal processes. OGC should be an active participant in the staff's development of this approach and ensure that it does not create unnecessary adjudicatory issues.

cc: Chairman Diaz
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
DOC
CFO
OCA
OPA