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United States Nuclear Regulatory Commission
Preliminary Proposed Rule Language
Part 73 of Title 10 of the *Code of Federal Regulations* (10 CFR)
[NRC-2017-0227]

The NRC is proposing to amend the following sections as indicated by text in red:

10 CFR 73.55 - Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

- (a) Introduction.** (1) By March 31, 2010, each nuclear power reactor licensee, licensed under 10 CFR part 50, shall implement the requirements of this section through its Commission-approved Physical Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Cyber Security Plan referred to collectively hereafter as “security plans.” Current applicants for an operating license under 10 CFR part 50, or combined license under 10 CFR part 52 who have submitted their applications to the Commission prior to the effective date of this rule must amend their applications to include security plans consistent with this section.
- (2) The security plans must identify, describe, and account for site-specific conditions that affect the licensee's capability to satisfy the requirements of this section.
- (3) The licensee is responsible for maintaining the onsite physical protection program in accordance with Commission regulations through the implementation of security plans and written security implementing procedures.
- (4) Applicants for an operating license under the provisions of part 50 of this chapter or holders of a combined license under the provisions of part 52 of this chapter, shall implement the requirements of this section before fuel is allowed onsite (protected area).

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(5) ~~[Reserved]The Tennessee Valley Authority Watts Bar Nuclear Plant, Unit 2, holding a current construction permit under the provisions of part 50 of this chapter, shall meet the revised requirements in paragraphs (a) through (r) of this section as applicable to operating nuclear power reactor facilities.~~

(6) Applicants for an operating license under the provisions of part 50 of this chapter, or holders of a combined license under the provisions of part 52 of this chapter that do not reference a standard design certification or reference a standard design certification issued after May 26, 2009 shall meet the requirement of § 73.55(i)(4)(iii). Applicants for a small modular reactor, as defined in 10 CFR 171.5, or non-light water reactor applying for an operating license under the provisions of part 50 of this chapter or holders of a combined license under the provisions of part 52 of this chapter may elect to meet the alternate requirements as specified in § 73.55(s).

(7) A licensee of a small modular reactor, as defined in 10 CFR 171.5, or non-light water reactor licensed under the provisions of part 50 of this chapter or a holder of a combined license under the provisions of part 52 of this chapter, that satisfies one or more of the performance criteria in § 73.55(a)(7)(i), may elect to meet one or more of the alternatives to certain security requirements as specified in § 73.55(s).

(i) A licensee must satisfy one or more of the following performance criteria:

A. The radiological consequences from a hypothetical, unmitigated event involving the loss of engineered systems for decay heat removal and possible breaches in physical structures surrounding the reactor, spent fuel, and other inventories of radioactive materials result in offsite doses below the reference values defined in §§ 50.34(a)(1)(ii)(D) and 52.79(a)(1)(vi) of this chapter; or

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B. The plant features necessary to mitigate an event and maintain offsite doses below the reference values in §§ 50.34(a)(1)(ii)(D) and 52.79(a)(1)(vi) of this chapter cannot reasonably be compromised by an adversary as defined by the design basis threat for radiological sabotage; or

C. Plant features include inherent reactor characteristics combined with engineered safety and security features that allow for facility recovery and mitigation strategy implementation if a target set is compromised, destroyed, or rendered nonfunctional, such that offsite radiological consequences are maintained below the reference values defined in §§ 50.34(a)(1)(ii)(D) and 52.79(a)(1)(vi) of this chapter.

(ii) A licensee must provide a technical analysis demonstrating how it meets one or more of the criteria in § 73.55(a)(7)(i).

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(s) Alternative physical security requirements.

(1) Identification and analysis.

(i) General requirement. A licensee meeting one or more of the performance criteria in § 73.55(a)(7)(i) may elect to meet one or more of the alternatives to certain security requirements set forth in § 73.55 in developing their physical protection program.

These alternative physical security requirements are set forth in § 73.55(s)(2).

(ii) Identification and analysis. The licensee must identify the alternative physical security requirements it is implementing to protect against radiological sabotage and

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include an analysis that demonstrates how the identified alternative requirements meet the performance objectives set forth in § 73.55(b).

(2) Alternative physical security requirements.

(i) Alternative requirements for physical barriers. A licensee meeting one or more of the performance criteria in § 73.55(a)(7) may utilize means other than physical barriers to satisfy the physical protection program design requirements of § 73.55(e). Acceptable means can be any methods that accomplish the intended functions of delay and access control.

(ii) Alternative requirements for onsite secondary alarm stations. A licensee meeting one or more of the performance criteria in § 73.55(a)(7) may elect to have one alarm station located offsite notwithstanding the requirement in § 73.55(i)(2) to have at least two alarm stations located onsite. The central alarm station must remain onsite.

(iii) Alternative requirements for vital areas. A licensee meeting one or more of the performance criteria in § 73.55(a)(7) that does not have an onsite secondary alarm station is relieved from the requirement listed in § 73.55(e)(9)(v) to designate the offsite secondary alarm station as a vital area. The licensee is also relieved from the requirement in § 73.55(e)(9)(vi) to locate the secondary power supply systems to the offsite secondary alarm station in a vital area.

(iv) Alternative requirements for armed responders. A licensee meeting one or more of the performance criteria in § 73.55(a)(7) is relieved from the requirement for the minimum number of armed responders in § 73.55(k)(5)(ii).