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Cc: Schiller, Alina
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Implementation of 10 CFR 73.55

10 CFR 73.55(a)(4)

- 10 CFR 73.55(a)(4): “[H]olders 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).”
- 2009 Power Reactor Security Rule: “Section 73.55(a)(4) establishes when an applicant’s physical protection program must be implemented. The Commission concluded that the receipt of special nuclear material (SNM) in the form of fuel assemblies onsite, i.e. in the licensee’s protected area, is the event that subjects a licensee to the requirements of § 73.55. It is the responsibility of the applicant/licensee to implement an effective physical protection program before SNM in the form of fuel assemblies is received in the protected area.” (74 FR 13936, Mar. 27, 2009)

Protected Area at 52.103(g) Finding

- The “protected area” exists when the 10 CFR 52.103(g) finding is made because:
 - The licensee will have a constructed plant with all physical security hardware required by regulation (including the protected area hardware required by 10 CFR 73.55).
 - The NRC, through making the 52.103(g) finding, will have found that the requirements for this hardware were met.
 - 10 CFR 73.55 provides requirements for a power reactor in the operations phase and the facility is in the operations phase when the 10 CFR 52.103(g) finding is made.

Prior to 52.103(g) Finding

- To implement 10 CFR 73.55 in advance of the 10 CFR 52.103(g) finding, licensees would need to follow guidance in the April 13, 2017, letter from the NRC ([ML17074A370](#)).
- Alternatively, licensees may rely on their NRC-approved 10 CFR 73.67 plans to protect special nuclear material prior to the 10 CFR 52.103(g) finding.

10 CFR 73.55 Considerations

- The licensee is required to implement the requirements of 10 CFR 73.55 before the following conditions are met:
 - 10 CFR 52.103(g) finding (because the protected area exists by this point), and
 - fuel assemblies onsite in the licensee's protected area.

10 CFR 73.55 Considerations

For Example:

- If a licensee does not implement 10 CFR 73.55 before the 52.103(g) finding and is protecting the fuel under its 10 CFR 73.67 plan at a location within what will become the protected area, then it would have to meet the requirements of 10 CFR 73.55 at the 52.103(g) finding, as required by 10 CFR 73.55(a)(4).
- If a licensee does not implement 10 CFR 73.55 before the 52.103(g) finding and is protecting the fuel under its 10 CFR 73.67 plan at a location outside the protected area after the 52.103(g) finding—the licensee is not required to implement 10 CFR 73.55 until it brings the fuel into the protected area after the 52.103(g) finding is made.

Questions?



Background Slide

Specifics on April 13, 2017 Letter

Although the protected area does have physical security-inspections, tests, analyses, and acceptance criteria (PS-ITAAC) associated with it, that does not prohibit implementing 10 CFR 73.55 in advance of the 10 CFR 52.103(g) finding. An operable protected area before the 52.103(g) finding would be supporting only those activities that can be legally undertaken before the 52.103(g) finding is made. However, licensees need to ensure that all the elements of their security plans required by 10 CFR 73.55 are implemented or that compensatory measures that meet the requirements of 10 CFR 73.55(o) have been implemented.

Licensee:

- Ensure that all the structures, systems and components necessary to meet the 10 CFR 73.55 requirements are in operable condition.
- Satisfy the PS-ITAAC related to the Physical Protection Program and submit the ITAAC closure notifications for these ITAAC.

NRC:

- Shall have the opportunity to inspect the licensees' implementation of the 10 CFR 73.55 plan to ensure that the plan is properly implemented in accordance with regulatory requirements.
- Will need to confirm that all PS-ITAAC related to the Physical Protection Program are satisfactorily met and applicable operational programs are in place or that compensatory measures are implemented for both.
- Will conduct, as appropriate, the inspection of all programs and procedures required under 10 CFR 73.55, before the licensee declares the protected area operable ([ML17074A370](#)).