

June 23, 2009

Dr. Mario V. Bonaca, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

SUBJECT: DRAFT FINAL REGULATORY GUIDE 1.214 (DG-1212), "RESPONSE PROCEDURES FOR POTENTIAL OR ACTUAL AIRCRAFT ATTACKS"

Dear Dr. Bonaca:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your May 18, 2009, letter which summarized the views of the Advisory Committee on Reactor Safeguards (ACRS) regarding draft final Regulatory Guide 1.214, "Response Procedures for Potential or Actual Aircraft Attacks" (the Guide). The staff and I appreciate your continued interest in, and comments on, the development of this guidance.

You noted in your letter that the staff should revise the Guide to emphasize the need for site-specific mitigation strategies and clarify that the lists of actions in Appendix A are examples and may not be appropriate for all sites. The staff agrees with these observations and has revised Section C-5 and Appendix A to reflect these comments. Section C-5 now specifically emphasizes the following:

- Paragraph C-5.2, paragraph C-5.3, and Appendix A contain pre-event measures licensees should consider when developing their response procedures.
- Licensees should conduct plant-specific analyses before deciding which of the measures contained in Appendix A, if any, are appropriate for their facilities.
- Licensees may choose to incorporate some mitigative measures (e.g., filling water tanks, aligning valves) into daily facility operations, when appropriate, to reduce the number of actions they need to accomplish during the pre-event notification period.

The staff also changed the titles of the Guide and Appendix A to ensure that licensees understand that the measures and the recommendations in the Guide are optional. The change in the Guide's title from "Response Procedures for Potential or Actual Aircraft Attacks" to "Response Strategies for Potential Aircraft Threats" reinforces the voluntary nature of the guidance and aligns the title with the language in the final rule. For similar reasons, the staff changed the word "Template" to "Considerations" in the title of Appendix A.

With respect to the second ACRS recommendation, the staff agrees that several instances of the word "possible" in the Guide could be interpreted as setting unreasonable expectations or could lead to significant problems in determining the acceptability of licensee programs. Consequently, the staff eliminated references such as "the most effective responses possible" and "to the extent possible" from paragraphs C-1.2, C-1.3, C-3.1(1), and C-6.2. In these instances, the staff clearly articulated that licensees should perform actions that are practical given the circumstances.

The staff and I appreciate your point that we will need exercises, training, and other activities to ensure that licensee procedures developed using the Guide will enhance mitigation capabilities for potential aircraft threats. As you likely discussed with the staff, the NRC tests several aspects of its response protocols for a potential aircraft threat. First, the NRC Headquarters (HQ) Operations Center staff conducts plant status checks every morning to verify the proper functioning of the communications system, practice the authentication process, and provide licensees with the new daily authentication code. Second, the NRC HQ Operations Center staff also participates in the monthly Amalgam Arrow exercises with the U.S. Department of Defense (DoD) to exercise DoD's response to potential aircraft threats. Third, the NRC HQ Operations Center currently participates in one hostile action-based drill each year. A recent drill involved a simulated aircraft threat. The staff will continue to identify and evaluate methods for improving NRC and licensee responses to potential aircraft threats.

The staff and I appreciate the comments and recommendations provided by the ACRS and thank you for helping to make Regulatory Guide 1.214 a cornerstone upon which licensees can build effective procedures to respond to potential aircraft threats.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

cc: Chairman Jaczko
Commissioner Lyons
Commissioner Klein
Commissioner Svinicki
SECY

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