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U.S NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING TO DISCUSS THE PROPOSED REQUIREMENTS
FOR PHYSICAL PROTECTION OF NUCLEAR POWER REACTORS

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WEDNESDAY,

NOVEMBER 15, 2006

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The meeting convened at 8:30 a.m. in the
Commissioner's Meeting Room at One White Flint
North, 11555 Rockville Pike, Rockville, Maryland,
Kevin Williams, Facilitator, presiding.

FACILITATOR:

KEVIN WILLIAMS

NRC PARTICIPANTS:

PHIL BROCHMAN

MIKE CASE Director, Policy Rulemaking
Branch, NRR

DENNIS GORDON NSIR

HO NIEH Deputy Director, Division of
Policy and Rulemaking, NRR

VONNA ORDAZ Reactor Security and
Rulemaking, NSIR

RICK RASMUSSEN Chief, Security Rulemaking
Branch, NSIR

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1 NRC PARTICIPANTS: (CONT.)

2 TIMOHTY REED NRR

3 JASON ZORN Office of the General Counsel

4

5 PUBLIC PARTICIPANTS:

6 RICH JANATI State of Pennsylvania

7 RICHARD ROSANO USProtect

8 PEDRO SALAS AREVA

9 DOUG WALTERS NEI

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P-R-O-C-E-E-D-I-N-G-S

(8:30 a.m.)

MR. WILLIAMS: Good morning. My name is Kevin Williams. And I'm going to be the facilitator for the meeting. The meeting has three purposes.

And it's one, to encourage public participation in our regulatory process. It's to provide a public forum, such that we can engage and obtain stakeholder input on a proposed rule, Part seven. And it also is an opportunity for us to promote openness in our regulatory process.

So as we move through the day, we want you to understand that we're soliciting information from you. It will be an information exchange to the best of our ability.

And one of the things that we're also looking at is that this is, you know, it's a category three meeting. As you guys all have an agenda, your public comments will be allowed as stated in the agenda.

I believe we will have enough time to get through all the issues that we have today. But what we want to say is this is your meeting. You know, it's your opportunity to provide us input, provide us feedback on the issues that matter most

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1 to you.

2 And we see it as an opportunity --
3 opportunity for us to engage in active listening,
4 such that we're hearing what you're saying. We're
5 going to -- as a result of that, we will inform our
6 proposed rule. And it's just an opportunity for you
7 to be engaged in the process.

8 Now, as we move out throughout this day,
9 we have found that engaging you in this manner, has
10 been an effective mechanism for us to inform our
11 processes. So we -- we encourage you to engage with
12 us, provide comments to us, provide feedback.

13 And as we -- we looked and we recognized
14 that this has an opportunity perhaps spirited and
15 passionate discussions. The key thing is to make
16 sure that you are heard and that's what we're here
17 for. We're here to hear what you have to say.

18 The staff will key up a topical issue as
19 related to the proposed rule, and shouldn't spend
20 more than about five minutes on that issue. And
21 then we'll open it up for public comment.

22 It's my job to make sure that we stay on
23 time, stay on task. Make sure that, you know, we
24 are being responsive. In order to do that, we can
25 setup a few, you know, a few guidelines, which is

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1 make sure that your comments are clear, articulate,
2 you know, technically-based, and focus on the issue.

3 We want to keep the discussions, you
4 know, in a professional manner. We recognize that,
5 and I think, we have enough time, so we shouldn't
6 get to that issue, we should be able to move through
7 all of the issues in a -- in a smart fashion.

8 The other thing that we want to
9 recognize is we may get to an area that has -- where
10 we talk about safeguards. And we're not in a --
11 we're not in a position to discuss safeguard issues
12 at this time.

13 We're going to be looking forward to,
14 you know, actively engaging with you. We're going
15 to have, you know, this will be transcribed. So
16 when you guys get up to the, you know, to the mics,
17 we want you to state your name, your affiliation,
18 and the section or applicable paragraph of the rule
19 because that allows us to be able to respond to all
20 comments.

21 We will be responding to the verbal
22 comments, the written comments. We'll provide you
23 three by five cards, such that if there's -- you
24 don't want to come up to the mic, but you want to
25 provide us a written comment, you can do it that

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1 way.

2 And we have another mechanism to -- to
3 talk about transcribing. You know, we're going to
4 do -- everything will be verbal, so everything you
5 say here we will -- we will address. And as you see
6 here, and it's in your packet there, how you can
7 provide the written comments.

8 At this time, I'd like to turn it over
9 to Ho Nieh, who is the Deputy Director for the
10 Division of Policy and Rulemaking, out of the office
11 of Nuclear Reactor Regulations.

12 MR. NIEH: Thanks, Kevin. Can you hear
13 me? Oh, I can hear myself. Well, good morning.
14 And welcome to NRC Headquarters. I'm very pleased
15 today to have this opportunity to engage with our
16 external stakeholders to obtain your comments on a
17 proposed rule to amend the requirements in 10 C.F.R.
18 Part 73, for physical protection at nuclear power
19 reactors.

20 Before we get going into the discussion
21 today, I want to take a moment to introduce the NRC
22 staff here at the table. We have representation
23 from our Office of Nuclear Security and Incident
24 Response, and our Office of General Counsel, and the
25 Office of Nuclear Reactor Regulation.

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1 As Kevin mentioned, my name is Ho Nieh.
2 I'm the Deputy Division Director in the Division of
3 Policy of Rulemaking in NRR.

4 MR. REED: I'm Tim Reed. I'm one of the
5 contacts listed also from NRR. And basically the
6 guide was following the rulemaking process and
7 supporting NSIR in that respect.

8 MR. GORDON: I'm Dennis Gordon. I'm
9 with the Rulemaking Branch in NSIR.

10 MR. RASMUSSEN: Rick Rasmussen. I'm the
11 chief of this Security Rulemaking Branch, in the
12 Office of NSIR.

13 MR. ZORN: Good morning. I'm Jason Zorn
14 from the Office of the General Counsel.

15 MR. NIEH: Okay. Thank you. I do want
16 to take this opportunity to acknowledge the hard
17 work and efforts that went into the development of
18 this proposed rule. If you've made it through the
19 thousand plus pages, you can see it was a
20 comprehensive effort. And it was as a result of the
21 hard work and dedication of the NRC staff. So thank
22 you for that.

23 I want to get into some -- oh, I'm
24 sorry. One other thing I wanted to do was to take
25 an opportunity to introduce any of the NRC staff

1 that are in the audience. So if we could have the
2 NRC staff here today to introduce themselves.

3 MR. CASE: I'm Mike Case. I'm the
4 director of the Policy Rulemaking Branch in NRR.

5 MR. BROCHMAN: I'm Phil Brochman. I'm
6 in the Division of Security.

7 MS. ORDAZ: I'm Vonna Ordaz at the
8 Reactor Security and Rulemaking in NSIR.

9 MR. NIEH: Okay. Thank you. I want to
10 provide you with some general details about the
11 rulemaking package. And I'm looking at the second
12 bullet in this welcome slide here.

13 This proposed rule was, again, it's
14 designed to amend the NRC security regulations
15 related to physical protection at nuclear power
16 reactors. And the proposed rule was published in
17 the Federal Register on October 26, 2006, with a 75-
18 day comment period that ends on January 9, 2007.

19 This rulemaking effort was undertaken
20 after the issuance of orders following the attacks
21 of September 11, 2001. The NRC chose to undertake
22 this rulemaking effort because it recognizes the
23 importance of public participation and wants to give
24 the public an opportunity to participate in the
25 formulation of security policy.

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1 As -- as Kevin mentioned, Kevin is our
2 facilitator for today's meeting, the NRC staff are
3 here today to listen to you and your comments. Your
4 input is important to us. And I want to encourage
5 your participation today and make this a very
6 productive meeting.

7 With that I'd like to turn it over to
8 Rick Rasmussen in our Office of Nuclear Security and
9 Incident Response to get us into the details of the
10 rule. Thank you.

11 MR. RASMUSSEN: Sure. Thanks, Ho. I'd
12 like to go over a little background, how we got
13 here. Following September 11, the NRC took a hard
14 look at security at our facilities. Series of
15 orders were issued. Licensees were tasked with
16 revising their security plans, which they did.

17 The NRC reviewed and approved those
18 plans. That effort was completed October 29, 2004.
19 This rulemaking builds on those efforts.

20 It's -- the objectives of this
21 rulemaking were to develop generic performance-based
22 requirements that captured the requirements of the
23 safeguards level orders that were issued in a rule
24 language that could be made public and not disclose
25 the essential details behind the rule that -- that

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1 we're not free to disclose.

2 Since the time of the September 11,
3 there was the Energy Policy Act of 2005. Several of
4 the provisions of that Act are included in this
5 rule. Specifically, the weapons' enhancements that
6 are in 73.18 and 19, and also some details regarding
7 force-on-force testing.

8 Through the rulemaking -- well, through
9 the security plan review efforts, the
10 implementation, the force-on-force testing, the
11 baseline inspections that we did, we got a lot of
12 insights into security. And so this rule
13 incorporates some of those insights. And there are
14 some improvements noted in the rule that -- that
15 achieve that.

16 One of our goals was to establish the
17 regulatory framework for future reactors so that
18 they'll have something to design their security
19 plans based upon. And it also addresses a petition
20 that came to us regarding the safety security
21 interface.

22 And this is a -- a new regulation in
23 this package that requires licensees to assess and
24 manage the impacts of safety activities on plant
25 security and security activities on plant safety.

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1 And so that's kind of how we got where we're at.

2 The package, it seems big at first, and
3 then you start to read it, and I think it gets
4 bigger. The 73.55 establishes the general physical
5 protection framework that licensees need to put into
6 their security plans.

7 73.56 works with that with regard to
8 access authorization requirements for the nuclear
9 power plants.

10 73.71 was amended. That has some
11 details for reporting of safeguard events.

12 The Appendix B to Part 73, provides
13 general criteria for security personnel. This is
14 the training and qualifications for the Guard Force.

15 Appendix C, is the licensee's safeguards
16 contingencies plans. These are the details of what
17 licensees need to preplan, prepare, and how they do
18 that.

19 The Appendix G, reportable safeguards
20 events. This works with the 73.71 on the reporting.

21 There's also three completely new
22 sections. The 73.18, firearms background checks for
23 armed security personnel. This describes what they
24 have to do if they want to take advantage of the
25 authorization for the enhanced weapons that were

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1 afforded in the Energy Policy Act of 2005.

2 73.19 describes that application process
3 and how they actually go about implementing it.

4 And the 73.58 is the safety security
5 interface requirements.

6 And so that's the -- that's the 2000
7 foot overview and we'll go through it section by
8 section. I'll turn it over to Dennis to start off
9 with 73.55.

10 MR. GORDON: Thank you, Rick. I'd just
11 like to go over the major attributes that are listed
12 in the FRN for section, the proposed section 73.55.

13 And those attributes are defense-in-
14 depth to enhance the licensees' programs, protection
15 against a single act, the insider mitigation
16 program, performance evaluation program, video-
17 capture, uninterruptible power source, functionally
18 equivalent alarm stations, equivalent alarm stations
19 for the new reactors, the cyber security program,
20 moving the protection or zone of detection out into
21 the OCA where a licensee determines their protected
22 strategy may require that, and mixed-oxide fuel.

23 Those sections, or those topics, are
24 addressed in detail in the 73.55, and incorporate
25 the orders, or -- and enhance the current

1 requirements in some of those areas.

2 I'd like to open it up for comment.

3 MR. WILLIAMS: If you have comments,
4 what we've done is we provided, you know, two
5 microphones on each side here. If you come up to
6 the mic, you know, state your name, your
7 affiliation, and then we can, you know, we can
8 address the comment, or hear the comment, and then
9 move forward.

10 MR. WALTERS: Doug Walters with NEI. On
11 your list, have you done any kind of evaluation or a
12 matrix that would show in these different areas how
13 many new requirements there are versus the
14 requirements that you're integrating, if you will,
15 because of the orders?

16 MR. RASMUSSEN: We have that. In
17 general, there are less new requirements than would
18 appear. Those -- probably the best place to find
19 those summarized is in the regulator analysis where
20 they are costed out point-by-point.

21 But in general there's a lot of new
22 language. It's a complete rewrite. This is a
23 completely new structure to the regulation. Taking
24 the deterministic requirements that were provided in
25 the orders and turning them into performance-based

1 language requires new rule texts.

2 And so I think if you -- if you compare
3 the old rule and the new rule side-by-side, you'll
4 see a lot of change, but if you actually compare the
5 details, and how the rules have been implemented,
6 and where we are today, it's not quite as onerous as
7 all that.

8 MR. REED: This is Tim Reed from NRR.
9 Let me just add a little bit to what Rick just said.
10 In addition to that, if you look in the regulatory
11 analysis, it will in the beginning there identify
12 what we view as the truly new requirements.

13 We're taking the baseline of current
14 requirements to be the orders as implemented. Okay.
15 So you can get an idea that those are obviously
16 what's in the Code of Federal Regulations, which
17 often go back to the 1970s.

18 So the actual true requirements, of
19 course, were the -- the orders after 9/11. And
20 that's what we started with the reg analysis. So
21 just to give you --

22 MR. WALTERS: Yes, understand. I was
23 looking -- and I should have been clearer in my
24 question, as we go through the table, I agree with
25 what Rick said. When you look at the table, or

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1 tables, it's very difficult to tell what's new and
2 what's -- what's there because of the orders.

3 And I think one could interpret some of
4 that language perhaps as new absent seeing the
5 guidance, for example. But I was more curious
6 whether in that table format, did you have an
7 assessment of yes, this is new, this is existing,
8 meaning -- well, could be existing, or this is
9 incorporation of a -- of a requirement from one of
10 the orders that was issued?

11 MR. RASMUSSEN: Right. And I would
12 point you to exhibit 4.2 of the Regulatory Analysis.
13 That's the most, the simplest, that we have of the
14 new requirements. They're not trivial. It's about
15 a million and a half dollars on average per site for
16 initial implementation, two hundred thousand
17 annually.

18 It's not a simple rewrite. It's an
19 extensive new regulation.

20 MR. REED: That's also some place where
21 we really want comment because we really took our
22 best effort to identify those -- those new
23 requirements and to as honestly and objectively as
24 possible cost them.

25 And the guys out on the street where the

1 rubber hits the road, they know that a lot better
2 than us. And that's we're looking to see whether in
3 fact we hit the mark or missed it. So if we're high
4 or low or we missed something, that's where we'd
5 really like to get comment. It would be
6 constructive there.

7 MR. ROSANO: Question. Dick Rosano from
8 USProtect. This is a follow-up to Doug's question.
9 And it links his question with this issue of
10 performance-based regulation. And you made it clear
11 and I recognize from history that that's been sort
12 of the driving force behind a lot of the
13 regulations, especially in security.

14 Going back to 1982 when the issue came
15 up as to what is the legally controlling document.
16 Under the new rule, two part question, under the new
17 rule, will the plans be subject to approval by the
18 NRC; and b) what will be the legally controlling
19 document for matters of compliance?

20 MR. GORDON: The -- as far as -- and I'm
21 taking it that you mean the relationship between the
22 regulations and the security plan approval. The way
23 it's written would be that the regulations are the
24 top tier and they are generically applied to
25 everyone.

1 The sites would look at those
2 requirements and rate their plans accordingly to
3 tell us in their security plans, how those
4 requirements would be implemented at each site.
5 Therefore, the plan implements the requirements of
6 the NRC.

7 And procedures that would be written to
8 implement the plans can also implement specific
9 requirements without having to repeat the specific
10 requirement in the security plan. And that was a
11 process we developed during the security plan review
12 in October of '04.

13 The intent would be that the
14 requirements have to be satisfied. And if an
15 inspection were to occur and the plan was found to
16 not -- or the implementation of the plan was found
17 to not satisfy the requirement, then an adjustment
18 to either procedures or the plan would be necessary
19 to ensure that the requirement itself has been met.

20 MR. REED: Just -- I think I know what
21 you're asking. Let me just, correct me if I'm
22 wrong, but basically, I think, what you're saying is
23 it going to be the same regulatory structure in
24 terms of security plan submittals? The NRC reviews
25 and approves that, writes the license condition.

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1 MR. ROSANO: And beyond that because
2 what would be the regulatory -- I'm sorry.

3 MR. REED: In other words, I think it is
4 the same structure.

5 MR. ROSANO: What would be the
6 regulatory conclusion if a utility was found to be
7 in compliance with their plan, but appeared to not
8 be in compliance with the regulation?

9 MR. ZORN: Well, I don't think that this
10 rulemaking changes the scheme that was in place
11 before in terms of the way that the requirements
12 were enforce. We enforce the -- we require the
13 licensees to implement the regulations through their
14 security plans. That's the legally enforceable
15 document.

16 I understand the regulations are
17 obviously also legally enforceable, but to the
18 extent --

19 MR. ROSANO: Yes. Since May 13, 1982,
20 the security regulations have not been legally
21 enforceable. I have a history with that having been
22 the senior enforcement officer for security here.

23 The reason I raise it, it's a very, very
24 key point for the utilities. If they do everything
25 they can to comply with an NRC approved plan, they

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1 need to have some assurance that that is what's
2 expected of them.

3 Now, I'm not saying that needs to be the
4 result, but the industry needs to understand what it
5 is. So 73.55, B through H have not been legally
6 controlling documents since 1982. And I'm just --
7 I'm just asking, I'm not being argumentative, I'm
8 just asking what will the course of action in the
9 future?

10 MR. ZORN: Well, I'm not really familiar
11 with the basis for your statement about the legal
12 enforceability of the regulations.

13 MR. REED: I'm mean, obviously, we would
14 want to implement the security plans be one,
15 consistent with the regulations, obviously, so this
16 issue doesn't even -- doesn't come up again. All
17 right.

18 I mean, that's the goal here that that
19 doesn't happen --

20 MR. ROSANO: I agree.

21 MR. REED: -- number one. So I don't
22 know if we want to get into the possibility of it
23 happening, you know, again. But if you want to --

24 MR. GORDON: Well, the enforceability,
25 you know, you get into that question, as I said, the

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1 way it's written would be that the licensee, and
2 this is a current requirement in B, 73.55(B), that
3 the licensee is responsible to the Commission for
4 the satisfying commission requirements.

5 And that concept is -- is captured in
6 the proposed rule, such that the licensees are
7 responsible for implementing Commission requirements
8 through their security plans. Those security plans
9 are reviewed and approved still by the -- by the
10 staff.

11 And where there may be a conflict during
12 an inspection with respect to an inspector feeling
13 that a requirement is not satisfied then the process
14 would be to come to a conclusion of how to satisfy
15 that requirement, whether it be through a planned
16 revision or a revision to a procedure.

17 As we did with the SPRT, the Security
18 Plan Review, the concept was that we don't want the
19 licensees to have to state each and every
20 requirement that appears in the 73.55 in their
21 security plan; that would become cumbersome.

22 Therefore, they can satisfy those
23 requirements through procedures. And if they're not
24 meeting the requirement then the enforcement actions
25 would then come into play as a result of an

1 inspection.

2 And that would be -- that's the intent
3 of the way it's written. And as far as OGC, or
4 Office of Enforcement, each scenario would have to
5 play out by itself.

6 MR. RASMUSSEN: I think it's a good
7 issue, Dick. And -- and given the history of the
8 evolution of security, I think it's something that
9 based on this comment, we'll make sure we address
10 that in the final rule and make it clearer.

11 MR. JANATI: Good morning. Rich Janati.
12 I'm from Pennsylvania, Pennsylvania DEP, Bureau of
13 Radiation Protection. Since this is a public
14 meeting, I thought it would be appropriate for you
15 to talk a little bit about those provisions of the
16 Energy Policy Act that are not included in this
17 rulemaking, and what your plans are for implementing
18 those provisions.

19 And also I want to mention that there is
20 a lot of information in this rulemaking. So the
21 period for public comment, you may want to consider
22 extending it. As I said, there's a lot of
23 information in this document.

24 MR. NIEH: Okay. We've done that before
25 in the past where we've extended comment periods for

1 -- for certain rulemakings based on schedule issues,
2 complexities of the rule. And that's something that
3 we'll take into consideration.

4 MR. RASMUSSEN: Rich, regarding the
5 Energy Policy Act, specifically the 12 items that
6 were requested to be evaluated, those generally
7 pertain to the design basis threat. And we have
8 that rulemaking ongoing also.

9 It was sent to the Commission in final
10 form October 30 of this year, just a little while
11 ago. And as a matter of fact, yesterday that SECY
12 paper was released publically in our ADAMS system.
13 So if you wanted to see it, you can.

14 MR. JANATI: I haven't seen it, but I
15 would like an issue.

16 MR. RASMUSSEN: But each of those items
17 is discussed in great detail in that rulemaking
18 package. And the Commission will ultimately vote on
19 it and that will be the NRC position. And so that's
20 where we're going to leave that.

21 MR. JANATI: Are there any provisions of
22 the Energy Policy Act that are not included in the
23 DBT process?

24 MR. RASMUSSEN: The Energy Policy Act --
25 well, Kevin you can speak --

1 MR. ZORN: Are there specific provisions
2 you're interested in?

3 MR. JANATI: Specific security
4 provisions that are not included in the rulemaking,
5 this particular rulemaking, and not including the
6 DBT.

7 MR. ZORN: Well, I can tell you what
8 provisions are included in the rulemaking. And I
9 supposed by default, that would be -- the only
10 provisions are the Energy Policy Act, which were
11 implicated in this rulemaking, were the provisions
12 involving force-on-force testing, which I don't have
13 the section number off the top of my head.

14 MR. JANATI: That's fine.

15 MR. RASMUSSEN: Well, I think, the
16 answer is yes. There are some items, one of the
17 items wanted us to look at the potential for attacks
18 on spent fuel shipments. For instance, that's not
19 part of the DBT and it's not part of this rule.

20 It is part of a future rulemaking that
21 the agency is planning to do and will address that
22 there. So there are a few things that was --

23 MR. JANATI: Does that include
24 transportation aspect of it also.

25 MR. RASMUSSEN: Yes. And so that's not

1 in this rule.

2 MR. REED: Is it also, is it fair to say
3 that in terms of the weapons authorization and
4 branch and authority, that we haven't decided how
5 far we're going to go with that yet at this point in
6 time? I mean, obviously, for power reactors and
7 CAT-1 facilities, we've -- you see the staff
8 position at this point. But I don't know how far
9 we're going to take this. Is that a fair statement?

10 MR. RASMUSSEN: Yes, that's true. That
11 could be expanded beyond just these licensees.

12 MR. NIEH: And sir, there is another
13 element. And again, I'm not trying to be completely
14 comprehensive about all the things in the Energy
15 Policy Act, but there was a requirement in the Act
16 that dealt with fingerprinting for access to
17 safeguards information --

18 MR. JANATI: Yes, I'm aware of that.

19 MR. NIEH: -- and certain utilization
20 facilities. And that's not part of this rulemaking.
21 And that's being handled under a separate activity
22 at the agency.

23 MR. WILLIAMS: Do we have any more
24 comments? We have plenty of time that we've
25 afforded for this. So if you have any more

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1 comments, feel free to --

2 MR. WALTERS: Doug Walters with NEI. In
3 the 73.55 tables, in particular for the item, for
4 example, on single act, the consideration discusses
5 the basis, at least as I read it, as being the
6 Commission's view that, or in light of changes in
7 the threat environment are because of changes in the
8 threat environment.

9 I'm a little perplexed by that since
10 that was the basis for making the DBT changes back
11 in `03. This particular provision obviously was not
12 part of that order. Is this implying that there's a
13 change in the threat environment from `03 and that's
14 the basis? Or what is the -- can you maybe provide
15 some clarification on that -- that particular
16 statement?

17 MR. GORDON: The reference to the threat
18 environment refers to the September 11. And this
19 was good -- the single act requirement is a current
20 requirement and because of the change in the threat
21 environment, the application of single act has been
22 enhanced.

23 MR. WALTERS: But the threat environment
24 you're talking about is -- is the September 11th.

25 MR. GORDON: September 11th, yes.

1 MR. WALTERS: Thanks.

2 MR. RASMUSSEN: Well, the context of the
3 -- of the rule is the 73.55 history. And so the old
4 version predates September 11 obviously.

5 MR. WILLIAMS: If we don't have any more
6 comments, I believe we can move onto the next topic.

7 MR. GORDON: Okay. The next topic would
8 be the proposed Appendix B. The major attributes to
9 Appendix B would be we created a new Section VI in
10 order to keep the application of the revised
11 requirements to power reactors for the purpose of
12 this rulemaking.

13 It enhances the training and
14 qualification requirements. It establishes a
15 minimum age for unharmed personnel, which did not
16 exist in the current requirement. Qualification and
17 re-qualification scores clarifies those. And
18 instructor certification and qualification and
19 establishes a requirement for on-the-job training.

20 Are there any comments on Appendix B?

21 (No response.)

22 MR. GORDON: Okay. If we don't have any
23 comments on Appendix B, we can move to Appendix C.

24 MR. RASMUSSEN: I think we're running a
25 little ahead of schedule this morning.

1 MR. GORDON: Just a bit. Appendix C,
2 would be the licensee safeguards contingency
3 planning. The major attributes of this proposed
4 rule would be the establishment of a new Section II.
5 Again, to keep application of the revised
6 requirements to the power reactors only.

7 It establishes seven new categories of
8 information that would be addressed in the
9 contingency plan. It establishes control or
10 qualification requirements for the conduct of force-
11 on-force drills and exercises.

12 It establishes the performance
13 evaluation program, which essentially is the force-
14 on-force program. Establishes requirements for
15 mitigating strategies and integrated response plan
16 to bring in all the potential responding agencies
17 from onsite and offsite. And establishes a
18 requirement for the threat warning system.

19 Are there any comments on Appendix C?

20 (No response.)

21 MR. GORDON: Moving along then. Okay.
22 The next revision would be the section 73.56, which
23 is our personnel access authorization requirements.
24 The major attributes to this proposed section are
25 increased rigor of the access authorization process.

1 Elimination of temporary unescorted access.

2 Elimination of a relaxation that was in
3 the current rule for cold shutdown. Establishment
4 of cyber or computer security access, and
5 information sharing.

6 Are there any questions on 56?

7 MR. NIEH: Let me just -- I want to make
8 one point too. I know that this rule was just
9 recently published and we recognize that. And we
10 are trying to make these opportunities for the staff
11 to be available.

12 This is isn't, as Kevin mentioned
13 before, this really isn't the only opportunity for
14 you to provide your comments. We know it's a lot of
15 information to read, process, and digest, and
16 understand.

17 So there are other vehicles for you to
18 provide your comments. And, you know, as needed,
19 the staff will certainly make available any other
20 public opportunities to discuss this with you. But
21 please continue.

22 MR. GORDON: Okay. No comments on
23 access authorization?

24 (No response.)

25 MR. GORDON: Okay. The next section

1 would be the enhanced weapons energy -- these two
2 sections for firearms and background check and
3 preemption authority incorporate the Energy Policy
4 Act. And their major attributes would be NRC's
5 authorization to preempt federal or state firearms'
6 laws and the use of an expanded arsenal of weapons,
7 including machine guns.

8 The fingerprinting and background checks
9 against the FBI's NC -- or, National Instant
10 Criminal Background Check, NICS. It would be
11 conducted to ensure that the personnel who are
12 provided these types of weapons have been checked
13 and meet the minimum requirements for access to such
14 weapons and don't have a background that would
15 preempt their access.

16 Their training and qualification on
17 those weapons and a safety assessment at each site
18 for the proposed use of those weapons.

19 And the NRC and the Attorney General are
20 -- or Department of Justice, are developing
21 guidelines that would establish some of the guidance
22 for the use of these weapons.

23 Are there any comments on 73.18 or 19?

24 MR. RASMUSSEN: Let me expand on this
25 one just a little bit. This is an interesting

1 situation. It's brand-new requirements. It was put
2 forth in the Energy Policy Act. And the foundation
3 of this rule needs to be these Department of Justice
4 Guidelines. They're still in draft form and likely
5 to change slightly from the form we know today.

6 There may or may not be changes
7 necessary in the rule that builds on those
8 guidelines. So that's -- that's a bit of a moving
9 target for us today. This was put out as a starting
10 point and our hopes are that there won't be
11 substantial changes that are -- that are outside the
12 scope of what we've written here. But that is a
13 possibility.

14 MR. WALTERS: Doug Walters with NEI. So
15 does that mean we get another bite at the apple on
16 this?

17 MR. RASMUSSEN: It really depends on the
18 logical outgrowth aspects of it. If it's a minor
19 tweak then the answer would be no. But it may
20 necessitate re-noticing.

21 MR. WALTERS: Okay. Well, I thought
22 logical outgrowth at least has to be in part based
23 on discussions so that the parties understand what
24 that outgrowth may be. I mean, are we going to get
25 any insights into the -- into the guidance prior to

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1 it being published. I think you said you were going
2 to publish it in the Federal Register.

3 MR. RASMUSSEN: That's correct.

4 MR. WALTERS: So will we get any
5 insights into that before it's published?

6 MR. RASMUSSEN: I don't think so, no.

7 MR. WALTERS: Okay.

8 MR. RASMUSSEN: No, I -- that's -- the
9 guidance is between us and the Department of
10 Justice.

11 MR. WALTERS: I understand. But if we
12 choose to take advantage of the enhanced weaponry,
13 we do that following the guidelines. I mean, we
14 have to follow the guidelines to --

15 MR. RASMUSSEN: No, not really.

16 MR. WALTERS: Okay.

17 MR. RASMUSSEN: The guidelines form the
18 foundation for the rule. So the guidelines are more
19 of a basis document for our rulemaking.

20 MR. WALTERS: Okay.

21 MR. GORDON: Doug, we will be providing
22 separate regulatory guidance to the licensees that
23 is separate from the DOJ guidelines. The DOJ
24 guidelines are established between the NRC and DOJ.

25 MR. WALTERS: Right, I understand.

1 MR. GORDON: And then the guidance that
2 you'll receive is going to be in the regulatory
3 guidance from the --

4 MR. WALTERS: Well, I just want to, I
5 mean, if we comment on the rule, then you turn
6 around and change it, it just seems to me we ought
7 to have an opportunity to at least see that and if
8 we --

9 MR. GORDON: I think that's what Rick
10 was getting at for the potential for re-noticing.
11 DOJ provides additional information from what
12 they've already given us that would dictate a major
13 change to what you see in this proposed rule then
14 that would require the re-noticing. So you would
15 have an opportunity then to comment on a re-notice.

16 MR. WALTERS: And it would just be that
17 portion, right?

18 MR. GORDON: Right.

19 MR. WALTERS: Okay.

20 MR. ZORN: And just to be clear Doug,
21 the guidelines are a very high level document. All
22 the specific details of implementation are going to
23 be in the rules themselves. So the guidelines are
24 sort of intended to describe the program and not the
25 specific requirements of what a licensee would have

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1 to do to apply for the authority and then comply
2 with any of the subsequent requirements after that.

3 So the rule -- really what the
4 guidelines do with the legal -- it makes effective
5 that provision of the Energy Policy Act to give us
6 the ability to grant that authority to licensees.

7 MR. WALTERS: Yes, understand that.
8 Again, I don't want to -- I want to make sure that
9 we comment appropriately. We'll do that, but if
10 there's going to be a change, or you anticipate
11 there's a change, the question is, are we going to
12 get another opportunity to see that. That's all.

13 MR. JANATI: Rich Janati again. I have
14 a question, the use of enhanced weapons. Is it
15 mandatory or optional rule?

16 MR. RASMUSSEN: No, this is an optional
17 rule. Licensees would have to decide that it would
18 benefit them. They would apply to us and show us in
19 their security plans how they would utilize them.
20 And the rule also has provisions for them to -- to
21 discuss things like safety, collateral damage,
22 range, training, that kind of thing.

23 MR. JANATI: A follow-up question. If
24 it is -- if it's not mandatory, if it's optional,
25 concerning additional costs and additional

1 requirements for background check, do you think the
2 licensee will be -- the licensees -- what's the
3 incentive for the licensees to, on their own
4 initiative, to -- to enhance weaponry? And going
5 through the process that's obviously incurred --
6 incurred additional costs?

7 MR. RASMUSSEN: Well, given a
8 performance-based regulation that we have, there are
9 multiple ways to comply with the regulations. It's
10 conceivable that licensees could develop plans
11 utilizing enhanced weapons that would have other
12 benefits to them.

13 MR. JANATI: Something to consider.

14 MR. RASMUSSEN: Yes. And so we're --
15 we're thinking that that is -- because we've had
16 requests for this. And so we think that some people
17 will opt to utilize it.

18 MS. ORDAZ: Depending on the type of
19 enhanced weaponry, you might be able to be more
20 efficient with the resources that would have long-
21 term -- licensees would have long-term financial
22 enhancements based on deploying enhanced weaponry
23 within their protective strategy. So it depends on
24 their balance -- balancing the sheet in terms of up-
25 front costs versus a long-term cost.

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1 MR. JANATI: Is DBT considering
2 advancement weaponry also? You don't have to talk
3 about details, but is that a proposed --

4 MR. RASMUSSEN: The DBT describes the
5 threat, what the -- what the adversaries can
6 possess. And weapons are a consideration of that.
7 It's not about what the Guard Force would use
8 against the adversaries.

9 MR. JANATI: Yes, I was -- the reason I
10 asked that question is obviously the licensee, if I
11 were the licensee, I would want to look at the new
12 DBT and see what the requirements are before I make
13 any decisions on any advanced weaponry.

14 MR. RASMUSSEN: Obsoletely. Yes, sir.
15 And that rule is in final form with the Commission
16 right now.

17 MR. WILLIAMS: Just one point of
18 clarification, if Rick, you could address that? The
19 way that you wrote the rule is it's more
20 performance-based, as such there's a variety of
21 methods that you allow the licensee to meet what
22 they require.

23 MR. RASMUSSEN: That's correct, yes.
24 And the whole weapons -- there's actually two tiers
25 to these weapon requirements. There's preemption,

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1 and then there's the actual advanced hardware
2 itself, the machine guns. And we think that some
3 licensees will choose to take advantage of the
4 preemption, but not go for the machine guns, and
5 other licensees will do both.

6 MR. WILLIAMS: Okay. Are there any
7 additional comments in regards to this area?

8 MR. ROSANO: Yes, Dick Rosano again,
9 USProtect. Quick question on this. Because the
10 rule allows enhanced weaponry and that's part of the
11 protective strategy. Does the rule allow the room
12 to use enhanced technologies as a substitute for
13 uniform guards or other weapons?

14 So -- and I raise that because
15 historically the regulatory structure has not been
16 good about allowing the use of new technologies as a
17 replacement. But that's just as important to the
18 protective strategy as allowing enhanced weaponry.

19 MR. GORDON: If I understand the
20 question, you're asking if the regulatory, or the
21 proposed rule, would allow for replacement of
22 personnel with technology. The -- that's a concept
23 that would probably allow some reduction in the
24 number of personnel where the licensee shows the use
25 of the technology can facilitate the protective

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1 strategy to the point where they succeed. And that
2 would be tested with the force-on-force test.

3 As far as being able to replace an
4 entire response force, as far as having no people
5 and just technology, I don't think the technology is
6 there quite yet. And no, the current requirements
7 would not allow that.

8 MR. ROSANO: The most common comparison
9 is for example, the difference between industrial
10 facilities protected and weapons' facilities are
11 protected. And I say that because the most common
12 example is at weapons' facilities, typically the
13 protected area is not illuminated because that makes
14 it more difficult for the Defensive Force to carry
15 out its function.

16 Whereas, in the industrial world, we
17 have always reversed that and insisted that there be
18 illumination throughout the protected area and
19 isolation zones.

20 And so I raise that as an example
21 because if a licensee, if a utility decided to
22 incorporate night vision devices and technologies to
23 maintain surveillance of the area, would that be an
24 acceptable methodology under the new rule, that as
25 an example?

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1 MR. GORDON: That specific example would
2 be acceptable because 73 -- the proposed 73.55 does
3 address the use of low light technology with the
4 response strategy. So the licensee would have an
5 option to either comply with the .02 foot candle
6 requirement, or use low light technology where they
7 can demonstrate force-on-force that that technology
8 is effectively used and they can protect the site
9 using it.

10 MR. ZORN: Let me just say one more
11 thing on that. And you may not have been -- your
12 comment or question to 73.18 or 19, but to the
13 extent that the Energy Policy Act increased these
14 authorizations for us and then by that to licensees,
15 it expanded our authority to grant access to weapons
16 under -- as defined by the Gun Control Act, which is
17 18 U.S.C. 921.

18 And that to my knowledge, the
19 definitions of machine guns, short barrel shot guns,
20 short barrel rifles, would only include weapons, you
21 know, operated by humans at that -- I don't think
22 that it expands it beyond any technologies as what
23 the Gun Control Act describes.

24 MR. GORDON: Are there any other
25 comments on 18 and 19?

1 (No response.)

2 MR. GORDON: Okay. The next proposed
3 section is 73.71 and Appendix G, which is basically
4 event reporting. The major attributes of these two
5 proposed rules are the expedited notification to the
6 NRC of specific events, imminent threat notification,
7 notification for suspicious activities, tampering
8 events, and then continuous communication between
9 the licensee and the NRC.

10 Are there any comments on reportability?

11 (No response.)

12 MR. GORDON: No comments? The next
13 proposed section is 73.58 and that is a brand-new
14 section dealing with the safety security interface.
15 Its major attributes are operational and security
16 changes, the coordination of those changes one with
17 the other. Ensuring communication between
18 operations and security when those changes are made.
19 And it in part addresses the petition for rulemaking
20 PRM 50.80.

21 Are there any comments on 73.58?

22 (No response.)

23 MR. GORDON: I guess we wrote it real
24 well.

25 MR. RASMUSSEN: I think so.

1 MR. GORDON: Okay.

2 MR. WILLIAMS: Are there any other
3 aspects? I know we have the agenda here, but are
4 there any other aspects that you guys have questions
5 because we do have time to address the panel if you
6 feel free to. But are there any other aspects of
7 the proposed rule that you guys would like to
8 discuss with the panel?

9 MR. ROSANO: The current comment period
10 ends, I'm afraid I've lost it, but is it January
11 7th?

12 MR. GORDON: January 9th.

13 MR. WILLIAMS: January 9th.

14 MR. ROSANO: January 9th. Has there
15 been any pro forma request for extension of the
16 comment period?

17 MR. RASMUSSEN: I don't think we've
18 received anything formally.

19 MS. ORDAZ: I'd just like to mention
20 that we did try every effort to give you as much
21 time as possible to comment on this rule package.
22 So when we did make the proposed rule publically
23 available before it was published in the Federal
24 Register to give some additional time if at all
25 possible to extend your review time. So we did try

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1 to afford that to you.

2 In addition, as Rick mentioned the 73.1
3 rule, is now publically available also. So that
4 give you an opportunity to take a look at that in
5 advance.

6 MR. WALTERS: A question for the panel.
7 Could you comment on the status of the reg guides?
8 What's your plans are for making those available?
9 What you time frame is?

10 MR. RASMUSSEN: Sure. The regulatory
11 guidance is being revised. The history of
12 regulatory guidance with regard to security, it's
13 been around for a long time. Pieces have been
14 added. Pieces are no longer applicable.

15 And so we're taking an effort to
16 completely restructure the regulatory guides so that
17 they match the rule framework that we have here.
18 And our goal is to make it easier for licensees to
19 know what's there, to find it, to use it.

20 It's not our intent to significantly
21 revamp guidance where -- what we have in place still
22 works. We're just going put in this new format.
23 That said, we're going through the efforts right
24 now. Our goal is get these out in draft in the
25 February or April springtime -- April, I think, is

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1 our goal.

2 A significant portion of this guidance
3 is going to be safeguards. So it may be available
4 to stakeholders. It may not be available to the
5 public. That's the nature of this.

6 The Commission in the SRM regarding this
7 rule challenge the staff to make as much of that
8 guidance publically available as possible. We're
9 taking that on.

10 The first round of the drafts are likely
11 to be more safeguards as we work through the details
12 of what can and cannot be released. But at least
13 that will get something out there to help people
14 that have to implement it.

15 MR. SALAS: Pedro Salas with AREVA. Let
16 me ask you just in the -- of the rule. Could you
17 explain me in the rule if we make the relationship
18 between target sets and vital equipment?

19 In reading some of the provisions for
20 vital equipment, it touches some of the studies that
21 you did in the `90s. And at some point in time,
22 target sets and vital equipment seem to be -- come
23 close, but never quite match.

24 And reading through the rule, I still
25 struggle to find out what the -- from a legal point

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1 of view and from a licensing basis point of view,
2 what is the relationship today between the two?
3 Because I think I understood it in the '90s, but it
4 has evolved, and now I lost my understanding.

5 MR. GORDON: The most major premise
6 between vital equipment and target sets would be
7 that target sets include vital equipment, but vital
8 equipment do not always contain everything that may
9 be part of a target set. Target sets would be the
10 combination of equipment, systems, even personnel,
11 that would need to be disabled or destroyed in order
12 to cause something bad to happen.

13 So naturally a vital equipment would be
14 part of the target set, but the target set itself
15 may include additional things to it that would also
16 be protected.

17 MR. SALAS: So legally --

18 MR. GORDON: So by having the licensees
19 protect target sets, then they're protecting those
20 systems, personnel, or equipment that they need in
21 order to ensure that they can have a safe shutdown.

22 MR. SALAS: I thought that was the
23 definition of vital equipment.

24 MR. GORDON: Yes. If you took out
25 enough vital equipment, you would take out a target

1 set.

2 MR. RASMUSSEN: Vital equipment is
3 related to safe shutdown. Target sets are related
4 to release.

5 MR. GORDON: Good clarification. Thank
6 you.

7 MR. SALAS: Right. But let me go back.
8 If I look at the, and I forget now, the NUREG that
9 had the assumptions back in the '90s that you did
10 that establishes what is a good selection for vital
11 equipment because that was my other question that I
12 was getting at. I was hoping that with this
13 rulemaking, it would clarify what is vital equipment
14 in terms of some of the technical assumptions.

15 And I think that you have a study that
16 was done in the '80s and '90s that went through a
17 series of 12-13 assumptions and said, "Here's what
18 you would do," and tackle some of the questions that
19 you have in here and what to do if you take vital
20 equipment out of service.

21 But by reading your proposed rule, that
22 indeed if you take some vital equipment out of
23 service, you have to do certain things, it means
24 that I got to have real good technical understanding
25 of what my vital equipment is and a real good

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1 definition.

2 And what I was getting at are you
3 finally endorsing that study that you did earlier on
4 that says for vital equipment the criteria that was
5 in, I think, it was guide 17 back from the 1970s, it
6 was confusing, you chartered a major study and you
7 went back and had some technical assumptions? And
8 said, "Here's some technical assumptions that you
9 can follow."

10 And then it makes it easier to go back
11 and say, "Okay, this is what it is." It's not
12 simply all of my safety-related equipment. Here's
13 what it is. Have you taken a position on that study
14 that you did on the NUREG for vital equipment?

15 MR. RASMUSSEN: I don't -- I can't
16 answer that from my perspective, but that is a topic
17 that we'll be sure to address in the guidance going
18 forward. I mean, it's -- the target sets are now a
19 foundation in this rule.

20 And so we need to be able to provide a
21 clearer example through our regulatory guidance of
22 what's included in target sets and the difference
23 between vital equipment and -- and other things that
24 are target set elements.

25 MR. SALAS: Right. And that's what --

1 if you look at that -- the correspondence in the
2 late '90s, the definition of target sets came
3 straight out of the study that you did that was a
4 study on vital equipment. Somehow the language
5 changed.

6 MR. RASMUSSEN: Okay.

7 MR. SALAS: But the -- definition, I
8 can't go to one document and say, "Technically, here
9 are the assumptions that I will make." I do have
10 it, I think, in the NUREG for vital equipment and I
11 still pose the question, is that study that you did
12 a good source to go and if I say, "If I am defining
13 from scratch, will my vital equipment should be, per
14 the definition, because that definition of vital
15 equipment it also goes back to releases?

16 That set of assumptions that I had --
17 that you had in the NUREG that you published this,
18 is that still a good place to go?

19 MR. RASMUSSEN: Right. Unfortunately, I
20 can't answer that for you right now, but we will.

21 MR. ROSANO: The gentleman's question --
22 Dick Rosano, again. The gentleman's question about
23 target sets, is a very, very good question. Target
24 sets are an evolved concept that have benefitted all
25 of this analysis.

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1 And since the use of vital areas, which
2 was created back in the mid -- late '60s early '70s,
3 target sets are better. So my first question would
4 be, can you lose some vital equipment without either
5 losing the ability for safe shutdown or losing a
6 target set. And I think the answer is, yes.

7 MR. RASMUSSEN: Absolutely.

8 MR. ROSANO: Right. In which case,
9 would it be simpler, would it be -- would it
10 communicate better in terms of the rule for us to
11 evolve just as the concept has and to abandon the
12 use of vital areas and vital equipment and simply
13 adopt the premise of target sets as a better way to
14 define what sabotage events could do in terms of
15 harm to the facility whether -- including both
16 releases and, you know, the loss of say shutdown
17 capability?

18 MR. RASMUSSEN: You know, we had that
19 discussion at some detail when were formulating
20 this. And we opted to stick with the target sets.
21 Do you have a little more background?

22 MR. GORDON: We made no adjustment to
23 the current concepts that are applied with respect
24 to vital equipment. The discussion we concluded
25 that it would be better just to leave that vital

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1 equipment definition and what was applied in the
2 past, and apply the target set concept in addition
3 to that.

4 But we will take that back and
5 reconsider that.

6 MR. RASMUSSEN: Yes, I think, as we dig
7 through this guidance, and if we discover any
8 inherent conflicts, we'll certainly reevaluate that.

9 MR. GORDAN: Are there any additional
10 comments?

11 MR. WALTERS: Doug Walters with NEI.
12 Just a comment since I guess we're close to the end
13 here. But we're starting obviously, the industry is
14 to take a pretty hard look at the rule language. It
15 is pretty voluminous as you alluded to.

16 And absent the guidance when we review
17 the tables, in some cases, it's difficult to
18 understand whether it is in fact a new requirement
19 or a rewording of an existing requirement to make it
20 performance-based. So we think that it's extremely
21 important for us to at least have the benefit of the
22 guidance.

23 Having said that, our leaning at this
24 point is to suggest to the agency that perhaps a
25 better way to proceed with this rulemaking is to

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1 identify the requirements that are in fact embedded
2 in -- in previous orders and that the new
3 requirements may be, I don't know how it would work
4 process-wise, but in essence, we look at those later
5 in time.

6 We need more time, I think, to look at
7 some of those new requirements, especially in light
8 of, and I couldn't, I was looking in the Federal
9 Register Notice, I'm not if that's where I read it,
10 but it may be in the reg analysis that says, "You
11 want information on that impacts."

12 And that's not a trivial task,
13 especially when you're talking about new
14 requirements. So that's just a kind of a closing
15 comment from us that that's our leaning at this
16 point having gone through, you know, the package
17 that was released back in October.

18 MR. RASMUSSEN: Well, Doug, I think, on
19 a couple of levels, we wish we could have done that.
20 It would have been a lot easier for us writing this
21 and you reviewing it. Unfortunately, that quickly
22 escalates into SGI details.

23 We can't reiterate the safeguard orders.
24 And so that was not accomplished. Now, that being
25 said, our position on guidance is guidance -- is

1 guidance for a method to implement the rule. The
2 rule needs to stand on its own

3 And did you want to expand on that?

4 MR. ZORN: There's not a whole lot more
5 to say about it. Obviously, guidance documents that
6 we produce in any context, security, or otherwise,
7 are not legally enforceable documents.

8 It's the Commission's description of
9 their ways in which they -- we think the best way to
10 comply with an implemented -- a particular rule and
11 the legal requirements of the rule are stated in the
12 rule itself. So it would be in this case to set
13 that out and describe what the requirements were and
14 the safeguards orders versus, you know, the
15 difference now in the rule texts.

16 I don't think there's any -- the
17 requirements just still safeguards in the orders.
18 And as far as the legal effect of the orders, I'm
19 sorry, not the legal effect, the future effect of
20 the orders, I don't think the Commission has decided
21 that yet.

22 MR. WALTERS: Thanks.

23 MR. WILLIAMS: Do we have any other
24 comments at this time?

25 (No response.)

1 MR. WILLIAMS: If not, what I could say
2 is that the staff will be available in some fashion.
3 We will have another public meeting on November 29th
4 in Las Vegas. And that's in your packet, the
5 location of that.

6 Verbal comments will be used as based on
7 the transcription. Written comments can still be
8 provided as we stated in the -- in your packet that
9 we've given to you. And you can also email
10 comments.

11 The thing that we want to understand is
12 that we want to give you the time to make sure that
13 you guys can -- that we can receive your comments
14 and respond appropriately. I think we talked about
15 the issue of whether or not, you know, the comment
16 period needs to be extended, you know. If that is
17 necessary, I believe, Ho said that's something that
18 we could consider and look into.

19 The final rule will be -- will probably
20 draft final rules. Probably go to the Commission
21 late 2007 or early 2008. But the key thing is to
22 get your comments in. That's what we -- that's what
23 we're going to respond to. That's our process.
24 That's the mechanism for how we, you know, engage
25 you guys, and we, you know, be responsive and open

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1 in our regulatory process.

2 But if there's not any other comments,
3 we would thank you for coming out. And as we said,
4 the staff will be available in some fashion as we,
5 you know, as we have stated in our agenda. And we
6 look forward to engaging you in future endeavors.

7 (Whereupon, the above-entitled
8 matter concluded at 9:38 a.m.,
9 on November 15, 2006.

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