

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

October 6, 2008

**NRC REGULATORY ISSUE SUMMARY 2008-22
NOTIFICATION OF LICENSEES REGARDING AIRCRAFT THREATS**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, except those that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to clarify the process for notifying licensees of potential aircraft threats to nuclear power reactor facilities.

BACKGROUND

In Safeguards Advisory (SA)-05-02 (Official Use Only—Security-Related Information), dated January 26, 2005, the NRC provided power reactor facility licensees with information regarding the NRC's process for notifying licensees regarding potential aircraft threats. Since the agency issued SA-05-02, the NRC has modified and refined its internal processes for responding to a potential aircraft threat so that they can be implemented more quickly and effectively.

SUMMARY OF ISSUE

Notification of Potential Aircraft Threat

Since the issuance of SA-05-02, changes have occurred in the process used by the North American Aerospace Defense Command (NORAD) and the U.S. Northern Command (USNORTHCOM) to notify the NRC regarding potential aircraft threats within or affecting the airspace above the United States and Canada. The enclosure, which is designated as Official Use Only—Security-Related Information, provides details regarding these changes.

These changes have resulted in better situational awareness on the part of the NRC. The NRC staff will continue to work with NORAD-USNORTHCOM, the Nuclear Energy Institute, and licensees to further refine the process for notifying licensees of potential aircraft threats to NRC-licensed facilities.

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Document transmitted herewith contains sensitive unclassified information. When separated from enclosures, this document is "DECONTROLLED."

BACKFIT DISCUSSION

This RIS is being issued to inform licensees and interested stakeholders of the revision of existing internal NRC procedural guidance applicable to power reactor licensees regarding aircraft threats. The requirement was originally established in Section B.5.a of the 2002 Interim Compensatory Measures Orders issued to power reactor facility licensees. Further guidance regarding licensee response to aircraft threats was most recently provided to addressees in SA-05-02. The Backfit Rule applies to the procedures necessary to operate a nuclear power plant. The revision of the procedural guidance associated with notification of licensees regarding aircraft threats impacts the NRC's internal processes. These internal processes do not affect licensee procedures required for operating the plant. Therefore, pursuant to 10 CFR 50.109(a)(1), the backfit rule does not apply, and a backfit analysis is not required.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because the RIS is informational and does not represent a departure from current regulatory requirements.

CONGRESSIONAL REVIEW ACT

This RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. §§ 801–808) and, therefore, is not subject to the Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.).

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a current valid Office of Management and Budget control number.

CONTACT

Please direct any questions about this matter to the technical contact listed below.

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Enclosure: Notification of Licensees Regarding Aircraft Threats (OUO)

BACKFIT DISCUSSION

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Enclosure:
Notification of Licensees Regarding Aircraft Threats (OUO)

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