



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, DC 20555 - 0001**

May 18, 2009

Mr. R. W. Borchardt
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

Dear Mr. Borchardt:

During the 562nd meeting of the Advisory Committee on Reactor Safeguards, May 7-8, 2009, we completed our review of the draft final Regulatory Guide 1.214 (DG-1212), "Response Procedures for Potential or Actual Aircraft Attacks." This Guide was also reviewed at a Subcommittee meeting on May 6, 2009. During these meetings, we had the benefit of discussions with the staff and other stakeholders. We also had the benefit of the documents referenced.

RECOMMENDATIONS

1. Regulatory Guide 1.214 should be issued after incorporation of recommendations two and three.
2. The Guide should be revised to emphasize the need for site specific mitigation strategies and make clear that the lists of actions in Appendix A are examples and may not be appropriate for all sites.
3. The staff should review the use of the word "possible" in the document and revise the text where it sets unreasonable expectations.

DISCUSSION

After the events of September 11, 2001, the Commission reevaluated the adequate protection requirements for security at nuclear power reactor facilities. New requirements were promulgated through orders. Regulations are being revised to incorporate the requirements in these orders. One of these regulations is 10 CFR 50.54 (hh)(1) which provides requirements that licensees must meet in the event of potential or actual airborne attacks against their facilities. This regulation requires licensees to develop procedures and actions for responding to aircraft threats. Regulatory Guide 1.214 was developed to provide a method, acceptable to the NRC staff, for licensees to comply with the requirements of 10 CFR 50.54 (hh)(1). This Guide will be applicable to existing licensees as well as applicants for new nuclear power plants.

This Guide focuses on the procedures a licensee or applicant must have in place to prepare for potential or actual aircraft attacks against their nuclear power plants. The procedures address the actions that need to be taken at that power plant once the licensee is notified of an aircraft threat. The actions are intended to enhance the plant's ability to cope with an aircraft attack.

Our review of this Guide was limited to the technical issues associated with the guidance. Consistent with the October 31, 2003, Staff Requirements Memorandum, we did not review issues associated with threat assessment, physical security, or force-on-force assessments.

Section C-5, "Onsite Actions Necessary to Enhance the Capability of the Facility to Mitigate the Consequences of an Aircraft Impact," and Appendix A, "Potential Aircraft Threat Procedure Template," provide examples of actions to be considered by a licensee in developing site-specific procedures. Some of the actions listed in Regulatory Guide 1.214 include filling water tanks and other activities involving valve lineups and other operations activities. We question the practicality of expecting an operating crew to accomplish some of the listed actions at a time when the crew may be involved in a plant shut down or other critical plant activities.

Different plant designs and sites will require different mitigation strategies. This Guide does not make it clear that the actions listed in Appendix A are examples and not NRC expectations for all plants. The Guide should be revised to clearly identify the need for plant-specific analyses and to eliminate any implication that the actions identified in section C-5 and Appendix A are necessary for all sites.

In the draft final Regulatory Guide, the word "possible" is used numerous times. One example is in paragraph C-1.2 where it is stated that "These pre-event preparations should provide the most effective responses possible." These types of statements can lead to significant problems in determining the acceptability of licensee programs. One can always identify additional actions that could be done to make something "more effective." The staff should review the use of the word "possible" in the document and revise text where it sets unreasonable expectations.

Although not part of this Guide, we discussed the need for exercises, training, and other activities necessary to gain and maintain confidence that the procedures will enhance mitigation capabilities. These exercises and training included the NRC and other governmental agencies as well as the licensees. For example, the communication protocols for notification of a potential threat need to be exercised for cases in which the initial notification comes from a non-governmental source.

With the clarifications identified above, we believe Regulatory Guide 1.214 will provide an acceptable approach for compliance with 10 CFR 50.54 (hh)(1). Therefore, once the document has been revised to incorporate the recommended clarifications, Regulatory Guide 1.214 should be issued as final.

Sincerely,

/RA/

Mario V. Bonaca
Chairman

References:

1. Draft Final Regulatory Guide 1.214 (DG-1212), "Response Procedures for Potential or Actual Aircraft Attacks," 4/2009 (ML090900426).
2. Security rulemaking, paragraph 73.54(hh)(1) Federal Register Notice (74 FR 1.3926), 3/27/2009.
3. Letter to John T. Larkins, U.S. Nuclear Regulatory Commission, titled "Staff Requirements - Meeting with the Advisory Committee on Reactor Safeguards, 9:30 A.M., Thursday, October 2, 2003, Commissioners' Conference Room, One White Flint North, Rockville, Maryland (Open to public attendance)," 10/31/2003 (ML033040278).

References:

1. Draft Final Regulatory Guide 1.214 (DG-1212), "Response Procedures for Potential Actual Aircraft Attacks," 4/2009 (ML090900426).
2. Security rulemaking, paragraph 73.54(hh)(1) Federal Register Notice (74 FR 13926), 3/27/2009.
3. Letter to John T. Larkins, U.S. Nuclear Regulatory Commission, titled "Staff Requirements - Meeting with the Advisory Committee on Reactor Safeguards, 9:30 A.M., Thursday, October 2, 2003, Commissioners' Conference Room, One White Flint North, Rockville, Maryland (Open to public attendance)," 10/31/2003 (ML033040278)

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