



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

August 6, 2009

MEMORANDUM TO: Otto Maynard, Chairman
Safeguards and Security Subcommittee

FROM: Maitri Banerjee, Senior Staff Engineer */RA/*
Reactor Safety Reactor Safety Branch A

SUBJECT: CERTIFIED MINUTES OF THE ACRS SUBCOMMITTEE
ON SAFEGUARDS AND SECURITY MEETING –
MAY 6, 2009

The minutes of the subject meeting, issued on July 18, 2009, have been certified as the official record of the proceedings for that meeting. A copy of the certified minutes is attached.

Attachment: As stated

cc w/o: Attachment: C.Santos
A.Dias

cc: w/Attachments: ACRS Members

George, Apostolakis
Danna, Powers
Dennis, Bley
Mario, Bonaca
Otto, Maynard
Harold, Ray
John, Sieber
John, Stetkar
Charlie Brown



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July 18, 2009

MEMORANDUM TO:

Maitri Banerjee, Senior Staff Engineer
Reactor Safety Branch A

FROM:

Otto Maynard, Chairman
Safeguards and Security Subcommittee

SUBJECT:

CERTIFICATION OF THE MINUTES OF THE ACRS
SUBCOMMITTEE ON SAFEGUARDS AND SECURITY
MEETING – MAY 6, 2009

I do hereby certify that, to the best of my knowledge and belief, the minutes of the subject meeting
are an accurate record of the proceedings for that meeting.

/RA/

7/18/2009

Otto Maynard

Date

Certified by: Otto Maynard
Certified: July 18, 2009

Issued: July 18, 2009

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
MINUTES OF THE MEETING OF THE SUBCOMMITTEE ON SAFEGUARDS AND
SECURITY REGARDING DRAFT REGULATORY GUIDE 1.214
ON MAY 6, 2009,
IN ROCKVILLE, MARYLAND

On May 6, 2009, the ACRS Subcommittee on Safeguards and Security held a meeting in Room T-2B3, 11545 Rockville Pike, Rockville, Maryland. The purpose of the meeting was to receive a briefing from the NRC staff regarding the draft regulatory guide RG 1.214, "Response Procedures for Potential or Actual Aircraft Attacks." This draft regulatory guide (OUO-security related) had been issued for comments to stakeholders with appropriate security clearance, and comments were incorporated. Because of the "security-related" status of the draft guide, the meeting was closed to the general public. The meeting was convened at 8:30 a.m. and adjourned around 12 noon.

Meeting Summary

Attendees

ACRS Members

Otto Maynard (Chairman)
Harold Ray
Michael Ryan
Danna Powers
John Stetkar
Charlie Brown
Jack Sieber
Sam Armijo
Dennis Bley

NRC Staff Presenters

Scott Morris, NSIR
Doug Huyck, NSIR
Louis Cubellis, NSIR
NRC Staff
Dennis Gordon, NSIR
Arlon Costa, NSIR
Bill Gott, NSIR
Mohammed Shuaibi, NSIR

ACRS Staff

Maitri Banerjee (DFO)

Introduction and Opening Remarks

The presentation slides and handouts used during the meeting are attached to the meeting transcript. The presentation to the Subcommittee is summarized below.

Mr. Otto Maynard, the Subcommittee Chairman for RG 1.214 review, convened the meeting by introducing the ACRS members present and noted the meeting was closed to the public under the Sunshine Act to allow discussion of sensitive unclassified material. Mr. Maynard noted that the venue was not appropriate to discuss any classified material and asked the staff to identify such possible situation incase questions are asked that may lead one into such areas.

Draft RG 1.214 was prepared to provide implementation guidance for the new rule in 10 CFR 50.54(hh), paragraph 1 related to nuclear power plants response to an actual or

potential aircraft attack. This rule is part of a major rule in power reactor security requirements that was published on March 27, 2009, partly to codify actions taken through NRC orders since the 9/11 incident. Paragraph B.5.a of the NRC interim compensatory measures order, issued in 2002, was intended to address the requirements now in paragraph 1 of 10 CFR 50.54(hh). Mr. Maynard noted that the Committee has been involved, since 2003, in review of staff's assessment of nuclear power plant vulnerability to aircraft attacks, and actions that were taken by the staff. Chairman Maynard asked the staff to confirm that substantive changes had not been made to the final draft copy of the RG provided to the Committee for review several weeks ago.

Staff Presentation

Mr. Doug Huyck, Chief of the Reactor Security Rulemaking and Licensing Branch in NSIR, started the staff presentation with introduction of the members of the staff present. Mr. Scott Morris, Deputy Director for Reactor Security, NSIR, noted that the subject security rulemaking was developed in close coordination with NRR and the Incident Response Branch in NSIR. Mr. Huyck recognized the staff responsibility for monitoring the meeting and to prevent discussions from going into areas of higher security classification such as safeguards related information.

Mr. Huyck discussed the steps taken by the staff to obtain stakeholders' input while preparing the draft guide and requested ACRS endorsement. Mr. Maynard noted the ACRS Full Committee meeting which had been scheduled for May 7. Mr. Huyck stated that no substantial or technical changes were made to the draft guide since a copy was provided by the staff for ACRS review.

Background Information

Mr. Louis Cubellis, NSIR started the presentation with prepared slides (attached) describing the history of staff activities since the 9/11 attack including development of NRC advisories, walk-through of licensee procedures, and development of a Commission white paper. Although an aircraft attack is considered as a "beyond-design-basis event," he noted the Commission decision that regarded protection of reactor sites from aircraft attack to be necessary for "adequate protection." He noted the extensive staff work with the industry to improve the site response and licensee compliance, and decision to formulate the aircraft attack rule. Member Power probed the process used by the staff for coming up with the requirements, and a lively discussion ensued.

Discussion on Regulatory Positions

Mr. Cubellis then discussed the significant public comments that helped shape the RG. In the areas of threat authentication, a long discussion took place regarding the interface between various involved parties. Some members felt that communication with the offsite response organizations during a site response to a potential or actual aircraft attack was an area that staff needed to emphasize. Exercising communication links in varied scenario of call initiation was another area probed by the members. Upon Member Brown's questions, the staff noted a full scale exercise, in addition to several small events, where the NRC ability to respond was tested.

Chairman Maynard pointed out the use of the terms “earliest possible,” and “as soon as possible” in the RG may be open to interpretation and may set unreasonable expectations. The staff agreed to review application of these words in the RG.

Discussion evolved around the template provided in Appendix A of the draft RG, and Member Bley asked if it were skewed towards BWRs. Member Stetkar noted that certain steps in this template may not be applicable to all plants. Some members were concerned that the draft RG needed to emphasize that the template is only an example and each plant need to develop their own plant specific response.

Upon Member Bley’s questions, Mr. Morris explained the regulatory framework that addresses the post aircraft attack requirements codified in 10 CFR 50.54(hh)(2), originally promulgated thru paragraph B.5.b of the NRC interim compensatory measures order. The staff has determined that licensees implemented this order adequately. The NRC has endorsed an NEI guidance document, and no regulatory guide development was planned at the time of the briefing.

Mr. Cubellis discussed various sections of the RG including visual discrimination of the site, dispersal of equipment and personnel, and rapid re-entry. The members asked questions to probe different scenarios and plant conditions.

Member Comments

Chairman Maynard opened the floor asking the ACRS members for comments, and key points for the Full Committee briefing scheduled for the next day and the Committee letter to be drafted. Member Stetkar noted that the RG should emphasize the site specific nature of the mitigative actions (Appendix A of the RG), and consideration of integrated risk by individual licensees in developing procedures to implement this RG. Member Powers suggested that for the Full Committee briefing the staff provide the RG recommended actions in right context. For example, Appendix A of the RG is provided as an example subject to each licensee developing their own plant specific list. Member Armijo agreed with Dr. Power’s comment and noted that the RG should stand the test of time such that, say five years from now, people who were not involved in its development will be interpreting it in the same (desired) manner.

Member Ryan noted that additional examples of staff’s interpretation of what meets the positions of the RG may be of help to the licensees. The staff (Mr. Morris) noted that pending staff assessment of licensee’s compliance with this aspect of the rule, which would most likely be done during emergency exercises (related to aircraft impact scenarios), the staff may not make those kinds of changes to the RG. Member Brown felt that verification of entry conditions and the recommended list of things to do in the draft RG may be too optimistic for the time available. The staff noted that the RG was developed in close coordination with the industry, and training and familiarization with the procedures are of absolute necessity for the licensee to make timely determination and take necessary actions. The staff also noted the NRC authority, as spelled out in the RG, to dictate the licensees to enter the procedure, if needed.

A discussion ensued as to the nature of ACRS review of the draft RG given a 2003 SRM that stated the Committee should not review physical security, threat assessment and force-on-force assessment. The members felt that the letter drafted by the Committee

after the next day's Full Committee briefing needed to identify the nature and limits of the ACRS review of the draft RG. Chairman Maynard adjourned the meeting at 12 noon.

Background Materials Provided to the Subcommittee

1. Draft Final Regulatory Guide RG-1.214 (DG-1212), "Response Procedures for Potential or Actual Aircraft Attacks," April 2009.
2. Security rulemaking, paragraph 50.54(hh)(1) Federal Register Notice (74 FR 13926), dated March 27, 2009.



Regulatory Guide 1.214 "Response Procedures for Potential or Actual Aircraft Attacks"

Advisory Committee for Reactor Safeguards
May 6, 2009

Introduction and Background

- NRC published a major rule for Power Reactor Security Requirements on March 27, 2009
- Includes requirements for 10 CFR 50.54(hh)(1), which is based on the 2002 ICM Order, paragraph B.5.a

Status of Regulatory Guide

- Stakeholder comments resolved
 - “Closed” meeting held March 17, 2009
- Technical editing complete
- Reviewed by the staffs in NRR, NRO, OGC and other NSIR Divisions including Emergency Preparedness and Incident Response
- Seeking ACRS endorsement

History of Staff Activities

- Guidance (voluntary initiative)
 - SA-04-07
 - SA-05-02
 - B.5.b. Phase I guidance (Feb 05)
- Telephonic walk-throughs
 - 2004: 6 sites
 - 2005: all 65 sites
 - 2006: 12 sites
 - Coordinated with industry, NRR, resident inspectors, Ops Center, etc.

History of Staff Activities (Cont.)

- Telephonic walk-throughs (cont.)
 - Examined 13 specific topic areas
 - Trends emerged
- Ongoing discussions w/ industry
- Commission white papers
- Spring 2007 – regulatory space
- 2007 event
- 2008 Supplemental Proposed Rule

Regulatory Guidance for 50.54(hh)(1)

- Applies to both operating and new reactors
- New requirements for licensees to develop, implement and maintain procedures for responding to aircraft threats

Regulatory Guidance for 50.54(hh)(1) (cont'd)

- Verify authenticity of threat notifications
- Maintain continuous communication*
- Contact onsite / offsite personnel*
- Onsite actions to mitigate consequences
- Reduce visual discrimination of the site*
- Disperse equipment and personnel*
 - Rapid entry into site protected areas*
- Recall site personnel

* Received a significant public comment

Summary

- Comprehensive guide providing methods to incorporate new rule requirements
- Reviewed and evaluated by reactor, legal and security staffs, as well as industry representatives
- Request ACRS endorsement