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Mendiola, Doris

From: Dimitriadis, Anthony
Sent: Friday, August 05, 2011 4:23 PM
To: Brochman, Phil
Cc: NRCREP Resource; Trapp, James; Wastler, Sandra
Subject: Comment on Draft Reg Guide DG-5019, Rev 1

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RULES AND DIRECTIVES

Good Afternoon:

Section 2.3.1 of Draft Regulatory Guide DG-5019 discusses the current and proposed reporting requirements applicable in part to licensees subject to 10 CFR 73.55.

The current Notification requirements listed in Appendix G to Part 73, (c) discusses "Contraband events".

Specifically, the current requirement and the proposed requirement regarding the attempted introduction of contraband makes it a One-hour notification if the person had malevolent intent to enter the PA, VA, etc.

The current Draft Regulatory Guide outlines examples of Reportable Events in section 2.3.2. Section (h) expounds on the issue of "actual or attempted introduction of contraband material (e.g., unauthorized weapons, explosives, or incendiaries) and lists in section (h)(2) the following: "If the licensee or certificate holder concludes, within an hour, that the entry of the contraband was inadvertent and did not threaten facility security, they may record this event in the safeguards event log."

As a security inspector in Region 1, I have first-hand knowledge of at least two instances where contraband (unauthorized weapons) was either attempted or introduced into the protected area of two different reactor sites in 2010. I believe that the language which permits the licensee or certificate holder to investigate and determine whether the attempted or actual entry into the PA should be deleted. I believe that the licensees should report such an event to the NRC headquarters operations officer within One-hour regardless of the intent of the individual introducing contraband.

The NRC staff encourages licensees to report security notifications and subsequently retract them, if appropriate, rather than wait for an internal investigation to be conducted and a determination of whether "malevolent intent" was present. For example, take into consideration the events of September 11, 2001, where numerous adversaries boarded 5 separate flights at 5 different airports, bypassing security at those airports. There were multiple adversaries in multiple In a similar fashion, it is not unthinkable for adversaries to present a challenge to 5 or even 10 different reactor sites where they attempt to introduce contraband on the same day in the hopes of committing: either a feeling of terror, or an attempt at radiological sabotage. If the current reporting requirement stands, and permits licensees to assess whether the individual attempting to introduce contraband into a given protected area, there will likely be a significant delay in determining whether "malevolent intent" was present. This could prevent the NRC from rapidly communicating this information to other NRC licensees, from notifying law enforcement authorities, and the intelligence community of such events in a timely fashion. This would defeat the entire purpose of the reportability requirements, as intended by the NRC staff.

As outlined in the introduction to the Draft Regulatory Guide, the licensees or certificate holder should not consider security events reported under this guide (or in the regulation) as indicative of performance failures. In the example I listed above, the discovery of contraband at the search train at a given site would be viewed as a case where the system worked in the way it was supposed to work. This would be a success. The intent of the notification of such an event is to simply have the NRC receive information early in order to be the central clearing house of such information so that the staff can assess the information as part of a larger pool of incoming notifications to be in a better position to make an intelligent decision on whether the event is unique to one plant, or if there is a pattern that clearly indicates that the nuclear infrastructure is under a coordinated attack.

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E-RIDS = ADM-03
Add = R. Carpenter (RCE1)
M. Crow (MSE) - P. Brochman (P96)

I strongly believe that the attempted introduction of contraband into any reactor site should be reported within One Hour regardless of other circumstances.

Respectfully submitted,

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