

**Public meeting to gather Information concerning the questions POSED BY The
COMMISSION in Staff Requirements Memorandum (SRM) COMGEA/COMWCO-14-0001
(Closed Session)**

The following is a summary of the closed session of the Category 3 Public meeting held on May 5, 2014. The meeting was chaired by Dr. Ralph Way, Senior Technical Advisor for Security, U.S Nuclear Regulatory Commission (NRC), Office of Nuclear Security and Incident Response. Dr. Way opened the meeting and introduced himself, Mr. Clay Johnson, Chief, Security Performance Evaluation Branch, and Mr. George Smith, the meeting's facilitator.

Dr. Way opened the closed session on the Force-on-Force (FOF) lessons learned review and asked if there was anyone present who did not attend the open session in the morning. Only one NRC staff member was not present for that meeting. Ralph Way introduced Mr. Clay Johnson, Chief, Security Performance Evaluation Branch, Mr. George Smith, the meeting's facilitator and the technical staff supporting the response to the Staff Requirements Memorandum (SRM). Dr. Way stated that the objective of the meeting is to gather comments and insights and stated that input would be considered in the staff response back to the Commission. He stated that the meeting is cleared for the discussion of safeguards information (SGI) and introduced Krista Ziebel, who gave a briefing on SGI. He stated that in order for comments to be considered, they have to be received by the NRC by close of business on May 7, 2014.

Mr. Smith reiterated that the purpose of the meeting was for the NRC to receive comments and insights. He asked that electronic devices be checked at the door, as they are not allowed in an SGI meeting. He covered the logistics of escort requirements, restrooms, and evacuations in the event of an emergency. Ms. Krista Ziebel provided a reminder that the meeting is cleared for safeguards information and that any SGI needs to be marked, protected and referred the attendees to the technical staff if they need a safeguards review of their notes.

Dr. Way stated that the meeting would move straight to the discussion of the questions from the SRM, because the other material was covered in the morning session.

Mr. Dave Klein, representing the Nuclear Energy Institute (NEI), stated that he would like to comment on Question 1. He stated that it is the industry's view point that the current policies and practices go beyond the NRC's requirements and the Design Basis Threat (DBT), including multiple insiders, NRC staff providing insight to the Composite Adversary Force (CAF), information provided by the advisors, and tactics that are beyond the adversary characteristics and go into a military level of training.

Mr. Klein stated that he would like to comment on Question 2. He stated that notifications should be consistent with other regulatory programs, especially with regards to the significance of the information and should be strictly factual in nature.

Mr. Klein stated that he would like to comment on Question 3. He stated that it is the industry's view point that scenarios should be realistic and consistent with the adversaries' capabilities and stated that some current scenarios are not realistic or unlikely.

Mr. Klein stated that he would like to comment on Question 4. He stated that the current tactics and techniques exceed the DBT and that the CAF exceeds the adversary characteristics with the intelligence and the information provided by the NRC advisors. He stated that the CAF tactics and techniques are increasing while the actual threat is decreasing. Andrew Rander from B&W expanded on NEI's comment and stated that he thinks it is critical that tactics and techniques are shared with industry before they are implemented in the field in order to provide appropriate control and to ensure that the industry understands the tactics and techniques to be used and also cited safety concerns. He stated that the use of advisors results in the FOF exercises greatly exceeding the DBT and that this has a ripple effect on the complexity of the exercises, which does not improve the results.

Mr. Klein stated that he would like to comment on Question 5. He stated that the information provided by the insider and the inspection team goes well beyond that of an unwitting insider and demonstrated the actions of someone who is willing to commit conspiracy and be part of a crime. Andrew Rander (B&W) agreed and stated that the role of the insider has gone beyond the DBT and what an insider would be expected to have in most cases.

Dr. Way clarified that nuclear power plants and fuel facilities have different DBTs.

Mr. Klein stated that he would like to comment on Question 6. He stated that there is no doubt that time-outs impact the exercises. He stated that during the expanded FOF, there was an effort to reduce the number of time-outs and got down to one or two time-outs. There was even one exercise with no time-outs. He suggested that the more time-outs, the more difficult it is to evaluate the protective strategy and the scenario. Mission complexity equals more timeouts.

Mr. Klein stated that he would like to comment on Question 7. He stated that "as a man of my size" he has difficulty accepting the small diameter of the unattended openings and asks that the NRC consider the size of the opening and the probability of these openings being exploited and suggests that the NRC re-evaluate these. Mike Pollard from B&W asked that the NRC also consider the mission capability of the pathway. He stated that it should be considered in the significance because some of them are not feasible. His example was while an opening may fit the definition of "pathway", the reality is the pathway is not feasible to use to access the facility.

Mr. Klein stated that he would like to comment on Question 8. He stated that the industry believes that deficiencies should be handled consistent with other regulated areas and suggested that the Physical Protection Significance Determination Process is not clear, predictable, and repeatable. Andrew Rander suggested that the fuel facilities also need transparency and reliability in significance determination.

Mr. Klein stated that he would like to comment on Question 9. He stated that it is the industry's view that compensatory measures should be handled with regard to safety significance; and the site corrective action program as it relates to significance would be sufficient. Andrew Rander (B&W) commented that, from the fuel facilities perspective, they do not understand the value of holding the NRC team at a site until the compensatory measure is in place. It was suggested that the resident could do whatever necessary follow up is needed. He suggested that this results in expedient rather than correct compensatory measures.

Dr. Way opened the meeting to additional comments on any of the questions or other comments.

Mr. Josh Berry, NRC staff, commented that most of the input provided in this meeting could have been provided in a public forum rather than a closed meeting, as it was not SGI.

Mr. Andrew Rander, B&W, commented that most of the answers to the Commission questions will be subjective, expert opinion and comments that, in order for the Commission to have a broad understanding of the issues, all perspectives should be provided. He offered to work with the NRC staff to ensure that other viewpoints are considered.

Dr. Way commented that the purpose of this meeting was to gather those issues. He commented that the report provided by the technical staff will be factual and will be provided for consideration under Phase 2 of the process discussed in the morning session. He stated that because the SRM was public, at least some part of the staff response will be publicly available.

There are no additional comments and Dr. Way closed the meeting.