

Group A

FOIA/PA 2015-0232

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1. NRC Information Notice No. 89-05: Use of Deadly Force by Guards Protecting Nuclear Power Reactors Against Radiological Sabotage (8 Pages)

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555

January 19, 1989

NRC INFORMATION NOTICE NO. 89-05: USE OF DEADLY FORCE BY GUARDS PROTECTING
NUCLEAR POWER REACTORS AGAINST RADIOLOGICAL
SABOTAGE

Addressees:

All holders of operating licenses for nuclear power reactors.

Purpose:

This information notice is being provided to present NRC responses to questions raised during safeguards inspections and discussions with licensees concerning use of deadly force by guards protecting nuclear power reactors against radiological sabotage. The information provided in this notice does not constitute NRC requirements; therefore, no specific action or written response is required.

Description of Circumstances:

During recent inspections and discussions with the NRC staff, some licensees expressed reservations about their authority to use deadly force to protect nuclear power reactors. The NRC considers use of deadly force justifiable in protecting nuclear power reactors against radiological sabotage in circumstances under which a guard could reasonably believe that the use of deadly force is necessary to counter an immediate threat of death or severe bodily injury to self, to others in the facility, or to members of the public. This is already embodied in NRC regulation 10 CFR 73.55(h)(5), which requires licensees to "instruct every guard and all armed response personnel to prevent or impede attempted acts of theft or radiological sabotage by using force sufficient to counter the force directed at him including the use of deadly force when the guard or other armed response person has a reasonable belief it is necessary in self-defense or in the defense of others."

Discussion:

The staff considers use of deadly force justifiable in protecting nuclear power reactors against sabotage if there is reasonable belief that an act of radiological sabotage will be perpetrated unless deadly force is used to prevent it. Radiological sabotage as defined in 10 CFR 73.2(p) means any "deliberate act" directed against a plant or against a component of

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a plant, that "could directly or indirectly endanger the public health and safety by exposure to radiation." At nuclear power reactors, the principal focus of safeguards is to protect against deliberate acts that could result in substantial meltdown of the core. Components of a plant that must be protected are those considered "vital equipment," defined in 10 CFR 73.2(i) as "any equipment, system, device, or material the failure, destruction, or release of which could directly or indirectly endanger the public health and safety by exposure to radiation. Equipment or systems which would be required to function to protect public health and safety following such failure, destruction, or release are also considered to be vital."

Some situations and circumstances that could justify the use of deadly force in protecting nuclear power reactors are as follows:

(1) Defending Against Violent Armed Assault

Use of deadly force could be justified in defending a power reactor against a determined violent armed assault.

(2) Defending Against Armed Attack By Stealth

Use of deadly force could be justified for defenders intercepting armed intruders who have penetrated the protected area and are attempting to break into an area containing vital equipment, ignoring defenders' challenges and warnings to stop.

(3) Defending Against Attackers Employing Explosives and/or Incendiaries

Use of deadly force could be justified for defenders intercepting intruders placing explosives or incendiary devices near vital equipment if the intruders ignore defenders' warnings to stop.

(4) Defending Against Perceived Armed Attack

Use of deadly force could be justified for defenders intercepting heavily armed intruders who enter the protected area ignoring challenges and warnings.

Under these and similar conditions, facility guards do not have to abandon cover and concealment or their defensive positions, or wait for the adversaries to fire the first shot. Such actions may expose the guards to casualties and jeopardize their ability to defeat or contain the attacking forces.

No specific action or written response is required by this information notice. If you have any questions about this matter, please contact the technical contact listed below or the Regional Administrator of the appropriate regional office.

Charles E. Rossi
Charles E. Rossi, Director
Division of Operational Events Assessment
Office of Nuclear Reactor Regulation

Technical Contact: Nancy Ervin, NRR
(301) 492-0946

Attachment: List of Recently Issued NRC Information Notices

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*See previous concurrence

OFC	:RSGB:NRR	:RSGB:NRR	:RSGB:NRR	:TECH EDITOR	:D:DRIS:NRR	:OGC
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DATE	:12/21/88	:12/21/88	:12/21/88	:12/20/88	:1/3/89	:12/28/88
OFC	:OE	:OGCB:DOEA:NRR	:D:DOEA:NRR	:	:	:
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DATE	:1/4/89	:1/12/89	:1/12/89	:	:	:

LIST OF RECENTLY ISSUED
NRC INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
89-04	Potential Problems from the Use of Space Heaters	1/17/89	All holders of OLS or CPs for nuclear power reactors and test and research reactors.
89-03	Potential Electrical Equipment Problems	1/11/89	All fuel cycle and major nuclear materials licensees.
89-02	Criminal Prosecution of Licensee's Former President for Intentional Safety Violations	1/9/89	All holders of a U.S. NRC specific license.
88-23, Supp. 1	Potential for Gas Binding of High-Pressure Safety Injection Pumps During a Loss-of-Coolant Accident	1/5/89	All holders of OLS or CPs for PWRs.
89-01	Valve Body Erosion	1/4/89	All holders of OLS or CPs for nuclear power reactors.
88-46, Supp. 2	Licensee Report of Defective Refurbished Circuit Breakers	12/30/88	All holders of OLS or CPs for nuclear power reactors.
88-101	Shipment of Contaminated Equipment between Nuclear Power Stations	12/28/88	All holders of OLS or CPs for nuclear power reactors.
88-100	Memorandum of Understanding between NRC and OSHA Relating to NRC-licensed Facilities (53 FR 43950, October 31, 1988)	12/23/88	All major nuclear materials licensees and utilities holding CPs and OLS.
88-99	Detection and Monitoring of Sudden and/or Rapidly Increasing Primary-to-Secondary Leakage	12/20/88	All holders of OLS or CPs for PWRs.

OL = Operating License
CP = Construction Permit

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(3) Defending Against Attackers Employing Explosives and/or Incendiaries

Use of deadly force could be justified for defenders intercepting intruders placing explosives or incendiary devices near vital equipment if the intruders ignore defenders' warnings to stop.

(4) Defending Against Perceived Armed Attack

Use of deadly force could be justified for defenders intercepting heavily armed intruders who enter the protected area ignoring challenges and warnings.

Under these and similar conditions, facility guards do not have to abandon cover and concealment or their defensive positions, or wait for the adversaries to fire the first shot. Such actions may expose the guards to casualties and jeopardize their ability to defeat or contain the attacking forces.

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Use of deadly force could be justified for defenders intercepting intruders placing explosives or incendiary devices near vital equipment, if they ignore defender's warnings to stop.

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