

## SUMMARY OF AUGUST 31, 2016 CLOSED MEETING ON EARLY WARNING SYSTEMS

1. **Question:** Can the EWS be used to determine Pre-determined Responder Timelines?

**Answer:** Response timelines used by licensees to develop their physical protection programs to include protective strategy, must be based on the implementation of physical protection systems that are required to meet 10 CFR 73.55(b) and cannot be based on a voluntary EWS. Licensees may be granted credit for the EWS in developing pre-determined response timelines, however, this practice will categorize the EWS as a “*required*” system. Therefore, the applicable requirements associated with 10 CFR 73.55(e) and (i) would apply. Specifically, for a regulatory required EWS the NRC would find it acceptable to develop the physical protection program, to include the protective strategy (responder timelines) based on detection at the EWS. Conversely, for a voluntarily implemented EWS the NRC would find it unacceptable to grant credit for the EWS in the development of the required physical protection program, to include the protective strategy (responder timelines).

A responder timeline is based on the *maximum* time allowed for a responder to travel from a starting location (point-A) to a pre-planned response position (point-B) to ensure that interdiction/neutralization will be on time and effective. The location from which an initiating event has been received (i.e., OCA patrol, EWS, or Isolation Zone) does not impact, affect, or change the time it should take a responder to travel from point-A to point-B because this timeline is required to be less than the *minimum* time that it could take for an adversary to reach a given location (i.e., point-B) in response to a required alarm notification. With respect to a “Voluntary” EWS, the basis/premise of this EWS is that because it is not “required” to meet Commission requirements, this EWS simply provides “*additional*” (greater margin) time for engagement. Therefore, the NRC may give credit for a voluntary EWS as an initiating event provided the EWS is adequately described in the NRC-approved security plans and responder timelines remain the same as if the initiating event was the receipt of an alarm at a required intrusion detection system such as is required in the Isolation Zone. Because a “Voluntary” EWS is not associated with compliance, a licensee cannot be granted credit for, nor consider the existence of the EWS when evaluating/analyzing any changes to the required site physical protection program, NRC-approved security plans, or response strategy. All such changes must be based on the licensee’s capability to satisfy NRC requirements without consideration to the EWS.

2. **Question:** What is meant by “submit security plan prior to next inspection” ?

**Answer:** Licensees should review current security plan descriptions of the Early Warning System to validate that the security plan description contains sufficient detail to allow NRC inspection. NRC will inspect the EWS against the NRC-approved security plan description. Components, equipment, systems, or processes of the EWS that are not sufficiently described or identified in the security plan cannot be credited. If changes are made under 10 CFR 50.54(p) and implemented prior to inspection, notification of the change to the NRC within two months is applicable and credit can be given. Changes made under 10 CFR 50.90 must be approved by the NRC prior to implementation.

3. **Question:** What will inspectors look for when they come to the site?

**Answer:** NRC inspectors will inspect to the security plan description and site procedures of the Early Warning System to validate the as found EWS is as described in the security plan and site procedures. Inspectors will validate that, *as described in the security plan*, the intended function of the EWS is clearly defined; the EWS is designed, constructed, and equipped to perform the intended function; personnel duties and responsibilities are defined; the equipment, components, and systems, used provide the capability to perform the intended function; communication and information transmission methodologies are defined; the EWS will be consistently and reliably maintained; and appropriate measures will be taken to maintain and restore the EWS function in the event of failure/degradation. NRC inspectors will verify that the licensee is performing appropriate testing and maintenance to ensure the EWS function is reliable and consistent.

4. **Question:** Do you expect every detail in the plan? Or can we rely on the procedures?

**Answer:** The security plan description must contain a level of detail needed for NRC inspectors to determine: what the intended function of the EWS is; the design, layout, and/or configuration of the EWS; location of the EWS; the equipment, features, components, and processes used to perform the intended function; personnel duties and responsibilities; how/where the EWS is monitored; how information is communicated; and how the EWS will be maintained to perform the function consistently and reliably. The security plan must contain a meaningful and clear description of the intended function/purpose of the EWS within the physical protection program; how the function/purpose is accomplished; and how consistent and reliable performance will be maintained (i.e., testing and maintenance).

5. **Question:** Where do OCA patrols fit in this equation? How do they compare?

**Answer:** The "Voluntary" EWS is a physical protection program measure that is implemented inside the Owner-Controlled Area (OCA) that supports the {Site} physical protection program similar to that of OCA patrols (i.e., "*the identification of unauthorized activities in the OCA*"). The "Required" EWS is a component of the required Protected Area physical protection measures. Because OCA patrols may not observe any one location continuously, the patrol may or may not identify an unauthorized activity (i.e., hit or miss). A difference between Patrols and the EWS is that the EWS is stationary/static (i.e., observes the same area all the time, therefore, the expectation is that any unauthorized activity in that area, will be identified). Once an unauthorized activity is detected, both the OCA patrol and EWS would report the activity (i.e., Early Warning) to the individual responsible for directing the activities of the security organization/personnel.

6. **Question:** Why are there different standards for the "Required"-v-"Voluntary" EWS?

**Answer:** The "Required" EWS, is an EWS that a licensee determines is necessary to meet a Commission requirement such as, responder timelines, detection prior to penetration of the protected area, assessment of required alarms, protected area access controls, or any other Protected Area physical protection program requirements. For the "Required" EWS, the standards, criteria, and performance that must be met by the EWS, and against which

the NRC will inspect, are contained in 10 CFR Part 73 and as described in the NRC-approved security plan, site protective strategy and site procedures. The “Voluntary” EWS is a physical protection program measure that is not required, or relied upon, to meet NRC regulations but is nonetheless implemented by a licensee inside the OCA as an additional/supplemental measure used to provide *additional margin* for engagement, or otherwise support the required {Site} physical protection program similar to that of OCA patrols (i.e., “*the identification of unauthorized activities in the OCA*”). For the “Voluntary” EWS, the licensee determines the function(s) that the EWS will perform within the licensee physical protection program as well as the associated standards, criteria, and performance that the EWS is required to meet to ensure the intended function can and will be performed consistently and reliably. The licensee documents this in the EWS description contained in the NRC-approved security plan. The NRC will inspect the voluntary EWS against that plan description. Credit can only be given to those voluntary EWS functions, equipment, features, components and processes that are clearly described in the NRC-approved security plan. Functions, equipment, features, components, and processes of the voluntary EWS that are *not* clearly described in the security plan will *not* be subject to NRC inspection and therefore, credit *cannot* be given for them. For inspection purposes, the NRC would expect that the EWS plan description, site procedures, and the as-found condition of the EWS will be consistent and clearly identifiable.

7. **Question:** If a licensee believes that the current EWS description in their NRC-approved Security Plan is adequate, must the licensee resubmit that plan?

**Answer:** Each licensee, if applicable, is responsible to ensure that the NRC-approved security plan adequately describes the EWS. Therefore, each licensee should review the EWS description currently written in their NRC-approved security plan and determine if that description provides the clarity and detail needed. If the licensee determines that additional information is needed the licensee should submit changes under the applicable security plan change requirements in 10 CFR 50.54(p), 10 CFR 50.90, 10 CFR 73.5, and/or 10 CFR 73.55(r). If the licensee determines that the current plan description is adequate, then the licensee need not change or resubmit, however, that description is subject to NRC inspection and if found to be insufficient to support NRC inspection activities, the licensee may not be given credit depending on the specific circumstances.

8. **Question:** Should industry/NEI develop a security plan template or appendix for EWS?

**Answer:** This is an industry/NEI decision to make. Any proposed security plan template (i.e., revision to NEI 03-12) must be based on the information presented in the closed meeting. The NRC requires that each licensee submit a site-specific plan.

9. **Question:** Under which Inspection Procedure; IP 71130.04 &/or IP 71130.05 will NRC conduct inspection activities related to the Voluntary –v- Required EWS?

**Answer:** The NRC will utilize the following inspection procedures when inspecting EWS: Region-led - IP 71130.04, Equipment Performance, Testing and Maintenance; IP 71130.05, Protective Strategy Evaluation and Performance Evaluation Program; and Headquarters

Security Performance Evaluation Branch-led - IP 71130.03, Contingency Response – Force-on-Force Testing.

10. **Question:** What will be inspected for the IP 71130.04 Inspection for credit?

**Answer:** The NRC will utilize the inspection requirements found in IP 71130.04, Equipment Performance, Testing and Maintenance to verify the EWS as described in the licensee's physical security plan meets its intended functions and regulatory requirements if applicable.

**Director closing statement:** Review the 4<sup>th</sup> paragraph of the NRC letter for understanding the NRC's approach regarding EWS. You will be in good shape if you follow that.