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Proposed Rule Text for the Alternative
Physical Security Requirements for
Advanced Reactors Rulemaking

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING TO DISCUSS THE PRELIMINARY PROPOSED
RULE TEXT FOR THE ALTERNATIVE PHYSICAL SECURITY
REQUIREMENTS FOR ADVANCED REACTORS RULEMAKING

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WEDNESDAY,

APRIL 22, 2020

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The Public Meeting convened via
teleconference and webinar at 1:00 p.m. Eastern Time,
Nanette Valliere, Facilitator, presiding.

NRC STAFF PRESENT:

NANETTE VALLIERE, NRR/DANU/UARP

DENNIS ANDRUKAT, NMSS/REFS/RRPB

PETE LEE, NSIR/DPCP/RSB

JOHN MONNINGER, NRR/DANU

NORMAN ST. AMOUR, OGC/GCRPS/HLWFCNS

1 ALSO PRESENT:
2 PAT ASENDORF, TVA
3 KEVIN DEYETTE, NuScale Power
4 EDWIN LYMAN, Union of Concerned Scientists
5 JEFF MERRIFIELD, Nuclear Infrastructure Council
6 Advanced Reactors Task Force
7 MARC NICHOL, NEI
8 G.L. PLUMLEE, SCE
9 DAVID YOUNG, NEI

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C-O-N-T-E-N-T-S

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Meeting Adjourned 58

P R O C E E D I N G S

1:15 p.m.

1
2
3 MS. VALLIERE: Good afternoon. I would
4 like to thank all of you for your interest in today's
5 public meeting. I apologize for the delay in getting
6 today's meeting started. We were having some issues
7 with dueling Skype sessions going for this meeting.
8 Hopefully, we've directed everybody to the right Skype
9 session now, and you should be seeing the first of our
10 slides displaying in your Skype session if you're
11 following along with us there.

12 My name is Nanette Valliere, and I'm a
13 senior project manager in the NRC's Advanced Reactor
14 Policy Branch in the Office of Nuclear Reactor
15 Regulations. I am the program office project manager
16 for the rulemaking on alternative physical security
17 requirements for advanced reactors.

18 Before we begin, I'd like to cover a few
19 meeting logistics. First off, I'd like to ask our
20 operator, Sarah (phonetic), to go over the
21 instructions for participation in today's meeting
22 through the phone line.

23 Sarah, can you please provide guidance for
24 use of the bridge line commands?

25 OPERATOR: Thank you. To ask a question

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1 or voice a comment, please unmute your phone. Press
2 *1 and state your name when prompted. You may
3 withdraw your request by pressing (telephonic
4 interference) *1. Thank you.

5 MS. VALLIERE: Thank you, Sarah. Also,
6 I'd like to remind the conference leaders to please
7 remember to mute your phones when you are not
8 speaking.

9 This meeting is open to the public and
10 scheduled to last from 1:00 to 3:00 p.m. This is a
11 Category 3 public meeting which means public
12 participation is welcomed to fully engage in a
13 discussion of the regulatory issues.

14 A list of attendees will become part of
15 the meeting summary that will be prepared for today's
16 meeting. If you are not logged into Skype and are
17 only participating through the phone line, please
18 email our rulemaking project manager Dennis Andrukat
19 your name and affiliation. You may email Dennis at
20 dennis.andrukat@nrc.gov.

21 Copies of today's presentation can be
22 found on the public meeting web page for this meeting.
23 If you would like to provide feedback on the conduct
24 of this meeting or how we might conduct better
25 meetings, you may email Dennis and he will provide you

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1 with our public meeting feedback form. Again, you may
2 email Dennis at dennis.andrukat@nrc.gov.

3 I'd also like to mention that no
4 regulatory decisions will be made at today's meeting.
5 The NRC will be using the feedback received at today's
6 meeting to inform the rulemaking going forward. But
7 we will not be providing any formal responses to
8 comments received today.

9 I would also like to note that this
10 meeting is being transcribed. And finally, I'll ask
11 anyone who is speaking to please remember to introduce
12 yourself and to speak clearly into your phone to
13 ensure everyone can hear you.

14 With that, I think we are ready to get
15 started. John Monninger is going to provide some
16 opening remarks. John is the Director of the Division
17 of Advanced Reactors and Non-Power Production and
18 Utilization Facilities.

19 John, you may go ahead.

20 MR. MONNINGER: Thanks, Nan. And I also
21 want to send my apologies to all out there for a
22 little bit of a delay in the start and also to send a
23 special thank you for the continued engagement and
24 interest as we go about looking at the NRC's
25 regulatory framework for advanced reactors. It's

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1 definitely a priority for the Commission and a lot of
2 interest from external stakeholders.

3 The rulemaking today or potential
4 rulemaking today, it's important rulemaking for the
5 Agency. And it's also a priority for our Commission.
6 We are taking an additional step with this rulemaking.
7 The release in the early potential rulemaking language
8 is not a typical step we take. But it was something
9 we intentionally wanted to do to facilitate early
10 engage with you all on the language and to obtain
11 stakeholder feedback.

12 Interest in this potential rulemaking has
13 been underway for about three years or so now. And I
14 do thank everyone for participating through that time
15 period. We are very receptive to feedback, and that's
16 really the whole purpose of the meeting is to get the
17 feedback and achieve early alignment and early
18 understanding.

19 So with that, once again, I just wanted to
20 thank you very much. And we look forward to a
21 productive discussion. Back to you, Nan.

22 MS. VALLIERE: Thank you, John. Today we
23 are meeting to discuss the proposed rulemaking for
24 alternative physical security requirements for
25 advanced reactors.

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1 On Slide 2, we have the purpose of today's
2 discussion which is to discuss NRC's preliminary
3 proposed rule language that was made available with
4 today's meeting notice. To discuss the disposition of
5 the December 12th, 2019 public meeting comments on the
6 scope of the rulemaking, and to discuss next steps.
7 In addition, we will discuss information on some
8 recently submitted draft industry guidance related to
9 the rulemaking.

10 On Slide 3, I want to provide a bit of
11 background on this rulemaking for anyone who has not
12 joined us for previous meetings on this topic. A
13 rulemaking on security considerations for advanced
14 reactors was proposed to the Commission in SECY-18-
15 0076 in August of 2018.

16 In that paper, the staff identified four
17 options to address physical security for advanced
18 reactors, including no change or the status quo,
19 addressing possible requests for alternatives to
20 existing requirements via guidance, conducting a
21 limited scope rulemaking to address what was otherwise
22 be the likely request for alternatives, or conducting
23 a broader based rulemaking to more fully reflect
24 attributes of advanced reactors.

25 In the staff requirements memorandum for

1 this paper issued by the Commission in November 2018,
2 the Commission approved a limited scope rulemaking for
3 Option 3. The Commission also directed the staff to
4 interact with stakeholders to identify specific
5 requirements within existing regulations that would
6 play a diminished role in providing physical security
7 for advanced reactors.

8 On Slide 4, we are pointing out that the
9 Commission did not approve Option 4 in SECY-18-0076
10 which included: A broad-scope rulemaking to assess and
11 define physical security requirements for advanced
12 reactor designs, a performance-based approach with
13 physical security requirements defined in terms of
14 advanced reactor attributes and design features,
15 including inherent design characteristics to address
16 the variety of technologies and designs being
17 contemplated, and possible threat assessments to
18 determine whether different Design Basis Threats, or
19 DBTs, may be warranted for advanced reactors.

20 Keeping this point in mind will be
21 important to understanding the limited scope of the
22 current rulemaking.

23 Slide 5 provides some additional points
24 regarding this rulemaking. The goal of the limited-
25 scope rulemaking is to provide near-term alternatives

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1 for specific items that can be addressed relatively
2 easily and quickly.

3 Notwithstanding the limited scope of this
4 rulemaking, the NRC is supportive of providing
5 advanced reactor applicants flexibility, to the extent
6 supported by the unique safety and security aspects
7 presented, through the use of the 10 CFR 73.55(r),
8 Alternative measures, and use of exemptions where
9 appropriately justified.

10 With Slide 6, we will transition to a
11 discussion of the proposed preliminary rule text.

12 Slide 7 provides a basic outline of the
13 preliminary proposed rule text sections we will be
14 discussing today. Those sections include inclusion of
15 performance criteria in 10 CFR 73.55(a)(7), inclusion
16 of alternative physical security requirements in the
17 new 10 CFR 73.55(s), including alternatives related to
18 the minimum number of armed guards, secondary alarm
19 stations, physical barriers, and vital areas.

20 At this point, I'd like to transition to
21 the handout of the NRC's preliminary proposed rule
22 text. Please bear with me through this portion of the
23 presentation as I will need to pause speaking several
24 times to adjust the rule text on the screen.

25 I'd like to lead off by saying that this

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1 document by no means contains all of the rule text
2 changes that will ultimately be needed for this
3 rulemaking. The staff wanted to have a discussion
4 about the key provisions of the rule. And once those
5 key provisions are firmed up, the staff will pursue
6 developing the necessary conforming changes in other
7 parts of 10 CFR Part 73 and beyond where necessarily.

8 The NRC made this preliminary proposed
9 rule language available solely for the purpose of
10 providing information to the public and to provide
11 preparatory material for this public meeting. The
12 language does not represent a final NRC staff
13 position, nor has it been reviewed by the Commission.
14 Therefore, the preliminary proposed rule language may
15 undergo significant revision during the rulemaking
16 process.

17 The NRC welcomes any comments participants
18 may have during this meeting. However, as noted
19 earlier, the NRC does not intend to provide an
20 official response to comments made today.

21 Due to the virtual format of today's
22 meeting, I will provide a quick overview of the rule
23 text and then we will open up the phone lines for
24 questions. Regarding the rule text document that was
25 included with the meeting notice and presented here,

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1 the NRC is proposing to amend the section shown as
2 indicated by red text.

3 The first revision relates to the deletion
4 of current paragraphs 73.55(a)(5), which was put in
5 place before the Tennessee Valley Authority received
6 the operating license for Watts Barr Unit 2. This
7 provision is no longer necessary, and we are proposing
8 to adopt a suggestion made at the December meeting to
9 delete this text from the rule.

10 The next revision relates to a provision
11 in Section 73.55(a)(6). This paragraph references a
12 requirement in Section 73.55(i)(4)(iii) related to the
13 construction and equipping of central and secondary
14 alarm stations by applicants and licensees.

15 Because the NRC is proposing to provide an
16 alternative requirement related to secondary alarm
17 stations in Section 73.55(s), a conforming change was
18 required here to make reference to the new
19 alternative.

20 In Section 73.55(a)(7), we have provided
21 the performance criteria that are to be used by small
22 modular reactor and non-light water reactor licensees
23 to determine eligibility to apply the alternative
24 requirements outlined in Section 73.55(s).

25 These are the same three performance

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1 criteria that were provided in the regulatory basis
2 that was issued for public comment last year with only
3 very minor editorial changes. Note that this section
4 includes a requirement that a licensee must provide a
5 technical analysis demonstrating how it meets one or
6 more of the performance criteria.

7 Moving on, we have new Section 73.55(s)
8 which is proposed -- which is a new section that would
9 contain all of the alternative physical security
10 requirements available for those facilities with
11 designs that met the eligibility requirement in
12 73.55(a)(7).

13 In the first subsection under 73.55(s), we
14 are proposing several general requirements for use of
15 the alternative. The first item sets out the
16 voluntary nature of the alternatives as well as
17 pointing out that a licensee can choose to meet one or
18 more of the alternatives.

19 The second item in this section requires
20 the licensee to identify which alternatives it is
21 needing and provide an analysis to demonstrate how
22 implementation of the alternatives meets the physical
23 security performance objectives set out in 73.55,
24 paragraph (b).

25 The first -- excuse me. The second

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1 portion of paragraph (s) provides the four
2 alternatives that the staff is proposing for inclusion
3 in this rulemaking for licensees meeting one or more
4 of the performance criteria.

5 The first alternative relates to the
6 requirements for physical barriers and allows
7 licensees meeting one or more of the performance
8 criteria to utilize means other than physical barriers
9 to satisfy the physical protection program design
10 requirements of 73.55(e) which is the current section
11 providing the requirements for physical barriers.

12 The second alternative relates to the
13 requirements for both an onsite central alarm station
14 and an onsite secondary alarm station. This
15 alternative allows a licensee to have the secondary
16 alarm station located offsite.

17 The third alternative is related to the
18 second one in that it allows a licensee that does not
19 have an onsite secondary alarm station to be relieved
20 from the requirement to designate the offsite
21 secondary alarm station as a vital area. The licensee
22 is also relieved from the requirement to locate the
23 secondary power supply systems to the offsite
24 secondary alarm station in a vital area.

25 Finally, the fourth alternative relates to

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1 the number of armed responders and relieves a
2 qualifying licensee from the requirement for the
3 minimum number of armed responded found in
4 73.55(k)(5)(ii). That provision requires a minimum of
5 ten armed responders.

6 This concludes my overview of the
7 preliminary proposed rule text. We would now like to
8 offer the opportunity for folks to ask questions or
9 provide comments on the preliminary proposed rule
10 text.

11 Operator, can you please check to see if
12 there are questions?

13 OPERATOR: As a reminder for questions,
14 please press *1 at this time. Again, *1.

15 MR. ANDRUKAT: Hey, Nan. This is Dennis.
16 While we're waiting for the operator, Dr. Lyman had a
17 question towards the beginning.

18 MS. VALLIERE: Sure.

19 MR. ANDRUKAT: And his question, I can
20 read it for him, and if he wants to chime in as well.
21 So he asked, am I reading the proposed rule language
22 correctly that it would allow current holders of part
23 52 licensees, for example, Vogtle 3 and 4, to use the
24 alternative methodology?

25 MS. VALLIERE: Okay. Thank you, Dennis.

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1 No, if the -- let me see if I can go back up to it.
2 The eligibility criteria, so at the beginning of
3 (a)(7) here. A licensee of a small modular reactor,
4 as defined in 10 CFR 70 -- I'm sorry -- 10 CFR 171.5,
5 or a non-light water reactor meeting one or more of
6 the performance criteria may elect to use one or more
7 of the alternatives. So that is the class of reactors
8 as currently written that this rule would apply to,
9 small modular reactors and non-light water reactors.

10 MR. ANDRUKAT: Correct. So this is Dennis
11 with the NRC. That's correct. That's the intent.
12 And I don't know if the language could be clarified a
13 little bit more, especially where it says, or non-
14 light water reactor applying for an operating license
15 under the provisions of part 50 of this chapter or
16 holders of a combined license under the provisions of
17 part 52. So that or for the holders is supposed to
18 apply to the SMRs and the non-lights.

19 MS. VALLIERE: Thank you, Dennis. Yeah,
20 perhaps we need to firm that up a little bit. That's
21 a good point. Thank you.

22 Sarah, do we have any questions on the
23 line?

24 OPERATOR: We do. Thank you. Our first
25 question, Marc Nichol, your line is open.

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1 MR. NICHOL: Yeah, thank you. I've got a
2 question. Depending on the answer, I may have a
3 follow up. So it wasn't clear in the draft rule text.
4 Is this rule going to eliminate the need for interdict
5 and neutralize for a licensed facility that meets
6 those criteria such that their response would be
7 detect, assess, and notify offsite law enforcement?

8 MS. VALLIERE: Yeah, thank you, Marc. So
9 I will -- I guess I will lead off, and then I'm going
10 to let our subject matter experts who are also on the
11 line chime in because, well, they are the subject
12 matter experts.

13 So at this point, so this gets directly to
14 the rule text related to the number of armed
15 responders. At this point, we've only directed rule
16 text to address the minimum number of armed
17 responders. But we are open to feedback about
18 additional provisions that would get to the subject
19 you're talking about related to armed responders that
20 should be addressed in this rule. But I think as
21 currently written, it only addresses the minimum
22 number. And now --

23 MR. NICHOL: Okay. Thank you.

24 MS. VALLIERE: Yeah, if anyone else would
25 like to add -- any of the other NRC folks would like

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1 to add to my response?

2 (Simultaneous speaking.)

3 MR. LEE: Yes, this is Pete Lee from NSIR.
4 I just want to add that if you look at the proposed
5 rule language, it does say that the alternative -- you
6 would analyze and examine how the alternative would
7 meet the requirement of 73.55(b).

8 So what we envision is you would still
9 have to address achieve the requirement in 73.55(b)
10 related to detect, assess, interdict, and neutralize.
11 And that's basically the physical protection system
12 that you would choose and you would design as a
13 designer or an applicant as to how you protect against
14 a DBT. So that's a critical piece of the physical
15 protection in order to achieve adequate protection
16 against a Design Basis Threat to radiological
17 sabotage.

18 So there's not a specific number. It's
19 just what we're doing is applying relief from that
20 minimum number of ten and provide the flexibility for
21 the designer to decide how they're going to achieve
22 that.

23 Certainly, if the intent is you're relying
24 on no one offsite. But your responders would be
25 offsite. Licensee would be providing response from an

1 offsite location. The offsite responder would be
2 addressing the capability to interdict and neutralize.

3 MS. VALLIERE: Marc, did you have any
4 follow up?

5 MR. NICHOL: We as industry would be
6 concerned with the rulemaking if that's the direction
7 it's going. So the industry's goal is to encourage
8 advanced reactors to incorporate security by design
9 consistent with Commission policy statement and the
10 need to protect the public.

11 So this approach would rely on the plant
12 design to protect against the Design Basis Threat, or
13 DBT, rather than relying on an armed security force.
14 We think those are improvements to security.

15 So in the 2016 NEI paper, we discuss that
16 if an applicant can demonstrate the proposed facility
17 meets one of the performance capabilities, which are
18 very similar to the three that you stated, then an
19 onsite armed responder force to interdict and
20 neutralize an adversary would not be needed because
21 the adversaries would not be capable of causing
22 radiological sabotage.

23 And so when a performance criterion is
24 met, a security response of detect, assess, and notify
25 would be appropriate. So our concern is if the

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1 alternative rule requires interdict and neutralize,
2 then it will non-incentivize advanced reactor
3 developers to incorporate security by design because
4 it would only increase the cost of the plants and
5 there'd be no commensurate benefits on the operations
6 side.

7 So in other words, why would the designer
8 incorporate security by design sufficient to protect
9 against the DBT if the licensee of a facility still
10 has to maintain a response capability to protect
11 against the DBT. So you're protecting against it
12 twice.

13 So the NRC -- and I'll reflect in the 2018
14 SECY proposing the Option 3 that the NRC's cost
15 benefit analysis for the rulemaking would no longer be
16 valid. The benefit of the rulemaking that was stated,
17 fewer exemptions and fewer security staff, would not
18 be realized.

19 The requirements to interdict and
20 neutralize is the main driver for the size of the
21 security force. And the proposed rule text would
22 result in minimal reduction, if any, in security
23 staffing.

24 The cost savings of five million dollars
25 per year that was referenced in SECY 18-0076 to

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1 justify Option 3, limited scope rulemaking, was based
2 on -- and NEI was quoted to referencing NEI. And our
3 estimate was based on a detect, assess, and notify
4 response that did not require interdict and
5 neutralize.

6 So if an advanced reactor design
7 incorporates security by design and can meet the
8 proponent's criteria, the applicant would still need
9 -- still be forced to seek an exemption or approved
10 use of alternative measures in order to implement a
11 response that would be commensurate with the level of
12 security that the design provides.

13 If you can eliminate the requirement to
14 interdict and neutralize in this rule, we believe that
15 that is consistent with Option 3, the limited scope
16 rulemaking that was proposed in SECY 18-0076 because
17 it references the NEI white paper as the basis for the
18 scope of that limited scope rulemaking. And our 2016
19 paper specifically discusses that this is the main
20 point for rulemaking is to eliminate the requirement
21 for interdict and neutralize.

22 So alternatives to the following -- there
23 would also be alternatives to the following
24 requirements that we believe should be included in the
25 limited scope rulemaking. And this would benefit from

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1 going back again to the NEI 2016 and 2015 papers that
2 outlined all of these.

3 So obviously, eliminating interdict and
4 neutralize and the dedicated armed responders and
5 other things related to force-on-force training and
6 firearms requirements, other conforming changes that
7 we didn't see picked up in the NRC's discussion.

8 But the last point I'll make is we did
9 look at the historical documentation on this and all
10 the way back to 2018, the SECY that proposed this.
11 And we think that eliminating interdict and neutralize
12 is consistent with what was proposed in Option 3.

13 And we're clear all the way back to 2017
14 and our 2016 and '15 papers that this was the central
15 purpose for rulemaking is to be able to eliminate
16 interdict and neutralize for facilities that can
17 protect against the DBT by design.

18 Thank you.

19 MS. VALLIERE: Thank you, Marc. If I
20 could just maybe ask you a little follow-up question.
21 So is it your vision that a rulemaking that would get
22 rid of the interdict and neutralize language and
23 otherwise address the armed responder requirements
24 that you just discussed?

25 Is it your view that such a rulemaking

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1 would continue to meet the existing Design Basis
2 Threat? Or would such a rulemaking require a
3 corresponding change to the existing Design Basis
4 Threat?

5 MR. NICHOL: It would continue to meet the
6 existing Design Basis Threat. Eliminating interdict
7 and neutralize and being able to reduce the number of
8 dedicated armed responders is only possible because
9 the burden of protecting against the DBT is shifted
10 from people to plant and physical barriers and things
11 like that, safety systems. So it's inherent in the
12 plant design and construction.

13 The Design Basis Threat under the
14 alternative rule would be the same characteristics of
15 the adversaries and it would require the same level of
16 protection, just it would be protection in a different
17 manner.

18 MS. VALLIERE: Thank you, Marc. And I
19 guess I want to provide an opportunity for any of my
20 NRC colleagues to ask any additional questions. But
21 before I do so, I just want to remind everybody that
22 we are in a public meeting on an open line. And this
23 is a discussion about security, so please take great
24 care in your words in such a public forum.

25 And now would any of my NRC colleagues

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1 like to ask any follow up?

2 (Simultaneous speaking.)

3 MR. LEE: This -- go ahead, Norm.

4 MR. ST. AMOUR: Thanks, Pete. Nan, this
5 is Norman St. Amour, NRC OGC. If I could just ask a
6 follow up. If I'm understanding what has been said --
7 and Marc, I'm sorry. I don't remember your last name.

8 MR. NICHOL: Nichol.

9 MR. ST. AMOUR: If I'm understanding what
10 you're saying, you're saying because of the potential
11 design of an advanced reactor, there can be no
12 radiological sabotage. Is that correct?

13 MR. NICHOL: That's right. Yeah, in
14 simple terms. I mean, the three performance criteria
15 that was outlined were more specific in them. But
16 yes, it will -- it may not be for every advanced
17 reactor design. And the applicant will have the
18 burden of proving that their design can protect
19 against the Design Basis Threat such that there's not
20 radiological sabotage that results in an unacceptable
21 release to the public.

22 But we believe if a design can demonstrate
23 that and therefore the design of the plant itself is
24 protecting the public health and safety, then there
25 should not be a requirement for people to interdict

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1 and neutralize. It would be more appropriate that the
2 requirement for the people be to detect, assess, and
3 notify.

4 MR. ST. AMOUR: I appreciate what you
5 said. And I appreciate also that you said it may not
6 be applicable to every advanced reactor design. And
7 that's one of the issues that the working group has
8 been struggling with. How do you craft a generic
9 alternative that may not be applicable to all advanced
10 reactor designs?

11 But I have two follow-up questions. If
12 I'm understanding you correctly, the DBT now says
13 detect, assess, interdict, and neutralize. At least
14 the DBT for RadSafe (phonetic) says that. And what I
15 think NEI is proposing if I'm correct is that the
16 licensee would have the detect and assess
17 responsibility. But that the interdiction and
18 neutralization could be given to offsite response.

19 So in effect, the licensee would notify
20 offsite response, and they would respond in a manner
21 to neutralize the adversary. Is that correct/

22 MR. NICHOL: Yeah, that's generally
23 correct. Just one thing to -- at least a distinction
24 in my mind. You mentioned that the DBT is detect,
25 assess, interdict, and neutralize. I view it as the

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1 Design Basis Threat, or DBT, is that set of adversary
2 characteristics. And we won't get into that. And the
3 response is the detect, assess, interdict, and
4 neutralize.

5 So the DBT is the same. It's just the
6 response is different. And the response can be
7 different because there's no possibility -- if the
8 security force does nothing, there's no possibility
9 that the DBT could cause harm to the public. So that
10 would be the justification.

11 I would point out that this is not new or
12 novel. That this is the approach that's being taken
13 for other regulated facilities that have similar
14 levels of risk, notably ISFSIs and I think fuel cycle
15 facilities and a couple of others.

16 MR. ST. AMOUR: Yeah, but they're governed
17 by a different set of security requirements unlike
18 advanced reactors that would be licensed under part 50
19 or 52. And we've had discussions about that. The NEI
20 proposal is actually more akin to what ISFSIs are
21 currently required -- specific licensed ISFSIs are
22 currently required to do. But there's a different set
23 of security requirements that are applicable there.

24 What the working group has been thinking
25 about -- and I wanted to get some feedback on this.

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1 Our conception was at least for this limited scope
2 rulemaking, maybe it'd be addressed differently down
3 the road in another rulemaking if one occurs.

4 If we remove the minimum number of
5 requirements, that allows the licensee to propose what
6 it believes would be an appropriate number of armed
7 responders or other methods to achieve the performance
8 objectives in 73.55(b). And you don't think that
9 flexibility would address the concerns that you all
10 have in terms of cost savings, et cetera?

11 MR. NICHOL: Right. Yeah, two comments
12 actually there. So you said that the requirements I
13 referenced that this is a way of doing it for other
14 licensed activities or a different set of security
15 requirements. And I understand that.

16 But I think that's part of the reason to
17 go through a rulemaking is that we can create the
18 rules that are appropriate for these types of reactors
19 or appropriate for that level of security that's being
20 provided. And so I don't see that as being an
21 obstacle and as long as there's a sound and
22 fundamental regulatory basis for it.

23 The second point is if I just think about
24 this from a logical standpoint, the size of the
25 security force at the nuclear power plants is not

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1 driven by the requirement of a minimum of ten. The
2 number of security officers -- armed security
3 responders at nuclear power plants is much higher than
4 that. I'm not even going to get close to the number.
5 And the reason --

6 (Simultaneous speaking.)

7 MR. NICHOL: -- they're much higher than
8 that is because it's driven by the need to interdict
9 and neutralize. And so what we're saying here is that
10 if you still have to interdict and neutralize, then
11 you're not really going to reduce your security force
12 by much. I'm not convinced that any design would be
13 able to justify less than ten if they still have to
14 interdict and neutralize.

15 MR. LEE: Hi. This is Pete Lee.

16 MR. ST. AMOUR: First, let me -- Pete, can
17 I just --

18 MR. LEE: Go ahead.

19 MR. ST. AMOUR: I'm sorry. I don't mean
20 to cut you off. I just wanted to respond. On your
21 first point, I wasn't trying to imply that the fact
22 that ISFSIs are governed by different security
23 requirements poses an obstacle. We're just trying to
24 deal with the security requirements that are
25 applicable to these types of licensees.

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1 And I guess what the working group -- I
2 understand where you're coming from. And I guess what
3 the working group -- or at least in my mind. I won't
4 speak for the working group. But in my mind, if an
5 advanced reactor were to come in and say, we don't
6 have to meet the minimum number of armed responders
7 set forth in the regulations now, that gives us the
8 flexibility to determine what are the minimum number
9 of armed responders necessary to meet our facility.

10 And at least theoretically, one of the
11 results could be none are needed to protect our
12 facility because by the basis of the design of the
13 facility, we can rely upon offsite response to
14 interdict and neutralize any adversary that comes on
15 site.

16 The reason we can rely upon that is
17 because even if the adversaries are onsite, there is
18 nothing they can do to cause radiological sabotage.
19 You don't think that would be an adequate --

20 MR. NICHOL: Yeah, that's the exact logic
21 that we're using. I think where I get hung up is the
22 specificity of the current rule that lays the burden
23 of interdict and neutralize on the licensee security
24 force. And I don't see how the current rule language
25 would allow credit for offsite law enforcement or

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1 would allow a licensee to shift the responsibility of
2 interdict and neutralize to an offsite law
3 enforcement.

4 If I'm missing something and it's
5 possible, then maybe the approach that's being taken
6 might have a little bit more value. But my
7 interpretation of the specificity and the rule
8 language, I'm not optimistic that it would allow that.

9 MR. ST. AMOUR: Okay. Well, I just want
10 to say thank you for this discussion. It's been very
11 helpful for me. And I know Pete is trying to say
12 something. So I apologize to Pete for taking so long.

13 MR. NICHOL: Yeah, thank you. I
14 appreciate the conversation too.

15 MR. LEE: No, no problem. Hi, this is
16 Pete Lee again. I think this is a very good
17 suggestion. I think one of the things that I saw in
18 the 2016 NEI white paper, as Norm indicated, the
19 alternative security measured or proposed in the white
20 paper were very similar to the site-specific ISFSI.

21 Regarding that, we have to recognize that
22 for that particular type of licensee, we do not apply
23 a design basis for radiological sabotage to it. And
24 that's true for also the other regulation of
25 facilities that regulated under -- in 73 that

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1 basically we graded the measure commensurate with the
2 risk associated with that at these facilities for the
3 use and possession of the special need for materials.

4 So for example, Cat 3 facility, we do not
5 have DBT. The only facility that has a license with
6 a Design Basis Threat, the Cat 1 and the power reactor
7 because of the consequence. Either it's because of
8 radiological sabotage, consequence to public health
9 and safety, or the potential diversion of material
10 that is at those particular facilities.

11 So I think the key here is basically if
12 you are looking at not having to undertake and
13 neutralize, let's say what we're looking at you're
14 still protecting a Design Basis Threat. The approach
15 would be either to address the -- the design could
16 address the physical protection system which consists
17 of capabilities of performing the function of
18 detection, assessment, delay, and neutralization and
19 so on by relying on automation, the system, hardening
20 of facility and so on.

21 So it's such that you would be able to
22 minimize the number of reliance on human action at the
23 site. So therefore, you could actually go below the
24 number that's currently touched by in the regulation
25 a minimum of ten and still achieve the requirement of

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1 protecting against DBT.

2 The other approach that you would have
3 with not having anyone on site is hardening the
4 facility by design such that there's sufficient delay
5 so that you can provide an offsite response which
6 maybe centralize a different location. But it's
7 sufficient response time such that it would interrupt
8 the adversary from completing its task. Certainly,
9 you would want a facility such that the design would
10 be able to withstand the blast of the DBT vehicle
11 bombs as described in 73.1.

12 In regards to crediting or transferring
13 these responsibilities from the licensee to the
14 offsite LOEA (phonetic) to perform the interdiction
15 and neutralization function, I think that's something
16 that it's totally pretty much outside the framework of
17 what we have today in terms of in 73 where we hold the
18 licensee responsible for adequate protection and also
19 assuming adequate safety for operating a plant that
20 that's licensing.

21 So I think there may be some conflict or
22 some -- I think -- we recognize, I think, where you're
23 trying to go. But I think for the limited scope
24 rulemaking from what I understand, it's not a change
25 of the entire framework that we're looking at, that we

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1 may apply the appropriate measure commensurate with
2 the risk for a particular advanced reactor.

3 So we allow the advanced reactors, the
4 technology we have today such as the molten salt and
5 so on, larger reactor, not likely to fall into the
6 realm of applying an alternative that you're basically
7 protecting what's similar to a site-specific ISFSI.

8 Therefore, basically you don't have to
9 apply to the Design Basis Threat. So actually, you
10 could apply what you envision in the white paper that
11 was submitted in 2016.

12 I believe -- I think the working group
13 believed that would be something that is in the future
14 license revision, a new rule, part 53 maybe. So Nan,
15 I think you might be able to expand a little bit on
16 that. So that's why I offer in terms of from the
17 feedback that you're providing and also where we're at
18 with this particular rulemaking.

19 MR. NICHOL: Yeah, thanks for that. Just
20 a couple of thoughts. First, in terms of the way you
21 describe how the plant itself would protect against
22 the DBT, I think that's very consistent with our
23 vision of it.

24 And so hearing that the NRC may not be
25 willing to consider that this rulemaking could take on

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1 the elimination of interdict and neutralize for those
2 types of facilities, I'd say I have grave concerns
3 about this rulemaking and whether there is any value
4 in it at all.

5 I do believe that we should really think
6 about the potential consequences as we think about
7 this rulemaking. And that is, how do we get to a
8 place where the public health and safety is protected?

9 And if it can be done by the plant which
10 is a new and novel way -- today, we're doing it by
11 people. If it can be done by the plant, shouldn't we
12 be able to relieve the requirements on the people as
13 long as we're providing that adequate level of
14 protection?

15 And so I think that's the way we should be
16 thinking, not thinking specifically that we've always
17 had to require our people to interdict and neutralize.
18 And so therefore, we must always have them interdict
19 and neutralize.

20 So that'd be my feedback. I know that we
21 probably can't resolve this in today's meeting. But
22 I do think that this is a point at which we should
23 really reflect on whether there's value in this
24 rulemaking.

25 MS. VALLIERE: Thank you, Marc. I very

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1 much appreciate that. And I think this has been very
2 good conversation, very helpful. And I don't want to
3 leave with the impression that we aren't still
4 considering all possibilities.

5 So please don't go away with that
6 impression. The feedback -- the whole reason we're
7 having this meeting is to get feedback just like this
8 that we can take back and discuss. And as you said,
9 Marc, reflect on the rule going forward.

10 I know that we have several other folks
11 who wish to make comments. So Operator, can you
12 please put through the next question?

13 OPERATOR: Thank you. Our next question,
14 Edwin Lyman, your line is open.

15 DR. LYMAN: Hi, can you hear me?

16 MS. VALLIERE: Yes, Ed. We can hear you.

17 DR. LYMAN: Okay. So first, thanks for
18 addressing the question I asked in the chat. I just
19 want to point out why I thought the language was
20 confusing. If you read it, really it's not clear why
21 it wouldn't simply say a non-light water reactor
22 licensed under the provisions of part 50 or part 52 of
23 this chapter.

24 I mean, that would be clear. The way it's
25 written now and the fact that the verb is different,

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1 you have non-light water reactor licensed or a holder
2 of a combine license, just that could be interpreted,
3 I think, as any current holder of a combined license.
4 So you need to clear that up.

5 MS. VALLIERE: Thank you. Thank you, Ed.
6 We'll definitely take a look at that.

7 DR. LYMAN: Right. And on the issue
8 that's just been discussed, I mean, I hope everyone
9 realizes how ridiculous it is, that notion that
10 there's going to be an indestructible advanced reactor
11 that doesn't need a security force to protect it
12 because there's nothing that a design basis or
13 adversary could do to get anywhere near causing a
14 large radiological release.

15 I mean, it's a nonstarter. And so I
16 appreciate that the NRC has not entertained that
17 notion till now. But I think I'm concerned about,
18 again going back to the proposed rule language, is the
19 provision that said, the licensee must provide a
20 technical analysis demonstrating how it meets one or
21 more of the criteria.

22 So if you look at (d), it's not clear how
23 a simple technical analysis would be able to fulfill
24 that and to demonstrate that because it does imply
25 that the adversary is unable to cause radiological

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1 sabotage. So that criteria itself implies there's
2 some inherent safety feature of the plant so that it
3 can't cause radiological sabotage.

4 So that technical analysis is not going to
5 be good enough. And again, along the lines of what
6 Mr. Nichol is looking for, I think that you also need
7 to require the force-on-force inspections be carried
8 out to verify that.

9 And so what would that look like? You
10 would have a plant with no armed responders and a
11 design basis adversary and see what they could do to
12 cause radiological sabotage. You have to demonstrate
13 that with more than just technical analysis.

14 That's my comment. Thank you.

15 MS. VALLIERE: Thank you, Ed. I
16 appreciate that very much. I understand the point
17 you're making. We will take that into consideration.
18 Operator, do you have additional questions on the
19 line?

20 OPERATOR: Thank you. Our next question
21 from Kevin Deyette. Your line is open.

22 MR. DEYETTE: Thank you. I appreciate the
23 opportunity to be able to speak today. I had two
24 questions and one comment. The first question kind of
25 goes along the line of what we were talking about with

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1 the functions of interdict and neutralize.

2 And if an applicant -- as we go ahead and
3 finalize the language that's going to be in this rule.
4 But if an applicant were to come forward and said that
5 part of their physical protection strategy did include
6 interdict and neutralize but perhaps not in the
7 classical way that's being done now, would that be
8 disqualifying for using this? If they met the other
9 criteria that are outlined. That would be my first
10 question.

11 And then the second question I had is
12 dealing with mitigating actions and the timing of such
13 where, want to see if the mitigating actions can occur
14 at any time from that initiation. And that would be
15 the detect and assess and make sure there were not
16 going to be limitations on when those actions can be
17 taken.

18 Those are my two questions. My basic
19 comment on this process, though, is that we haven't
20 really had an opportunity to have any kind of closed
21 meetings where we could discuss things a little more
22 freely. And I understand it's difficult in the
23 current situation we're in here, with the pandemic.
24 But that may be very helpful in trying to discuss some
25 of the things that we want to discuss also.

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1 Thank you.

2 MS. VALLIERE: Thank you. Kevin, could
3 you help us? I believe it's Kevin, right? Could you
4 provide us with your affiliation?

5 MR. DEYETTE: Yeah, Kevin Deyette from
6 NuScale Power.

7 MS. VALLIERE: Thank you. I appreciate
8 that. So Kevin, I believe your first question was
9 related to whether a licensee or applicant who met the
10 neutralize and interdiction requirement by another
11 means, the means that we're used to seeing, whether
12 that would be acceptable. And again, I'm going to
13 turn to our subject matter experts and ask if perhaps
14 either Peter or Norm could address that.

15 MR. LEE: Hi, this is Pete Lee. Kevin,
16 the answer would be yes because I think what you're
17 referring to is you're still performing the
18 interdiction, neutralization at the site. And I think
19 you're just applying different approaches such as
20 automation that allow you to rely less on the number
21 of people.

22 If that's what you're referring to,
23 certainly that is permitted under the current
24 regulation. And certainly, it's an alternative that
25 you're still achieving the requirement but not -- you

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1 know. And the alternatives would apply because you
2 also met the eligibility or entry criteria that you
3 have up front.

4 MS. VALLIERE: Thank you, Pete.

5 MR. LEE: Anybody else? Norm?

6 MR. ST. AMOUR: No, I have nothing to add,
7 Pete.

8 MR. LEE: Okay.

9 MS. VALLIERE: Thank you. And with regard
10 to your second question related to mitigating actions
11 and timing, I think that's something that's more in
12 line with issues that will be address in guidance, not
13 so much in the rule text. We will have a discussion
14 about guidance at the end of the meeting. So if you
15 don't mind holding off till there, maybe we might be
16 able to say a little bit more about that during the
17 discussions on the guidance. But I don't think that's
18 something we've addressed yet here in the rule text.

19 And with regard to the comment about
20 closed meetings, certainly I think that there may be
21 opportunities or it may become necessary as we're
22 working through some of the details of implementing
23 guidance that meetings may be necessary. So we will
24 keep that in mind.

25 At this point, I would like to go back to

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1 the operator to ask if there are additional questions
2 or comments on the line.

3 OPERATOR: Thank you. Jeff Merrifield,
4 your line is open.

5 MR. MERRIFIELD: Thank you very much. I
6 appreciate it. I'm here in my role as the Chairman of
7 the Advanced Reactor Task Force for the Nuclear
8 Infrastructure Council.

9 I would like to start off by saying I want
10 to concur with the remarks that Marc Nichol made. I
11 thought he walked through very well the views
12 certainly of many of our advanced reactor developers
13 on what the staff has proposed, particularly as it
14 relates to the detect, assess, and notify focus of his
15 comments.

16 I would say having been personally
17 involved in the creation of the DBT, the focus that we
18 had post-9/11 was really consequence based and focused
19 on the adversaries that we were addressing at that
20 point. I think Marc's point which I agree is that we
21 do have a wide diversity of advanced reactors here.

22 But some of them, the consequences of
23 release either can be completely mitigated as a result
24 of design or in some cases is so small as to be of a
25 much different nature than the current fleet of light

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1 water reactors that we have today.

2 Additionally, I believe that the comments
3 that he made on interdiction and neutralize are on
4 point. I think as the Commission and its staff is
5 thinking about this change, although it is a more
6 narrowly focused scope, I think one of the options in
7 that notion, interdiction/neutralization, could well
8 be associated with local law enforcement in that the
9 requirement for the licensee to maintain a security
10 force would not be necessary given the nature of the
11 features inherent in some of these designs.

12 Finally, I would say, and this is
13 consistent with, I think, the intent of what Marc
14 said. If these particular elements remain for
15 interdiction and neutralize, I think that obviates the
16 decision of the Commission to look at this and make
17 some modifications. If those remain as they currently
18 stand, basically, it makes much of the work underway
19 right now not relevant.

20 Thank you very much.

21 MS. VALLIERE: Thank you, Jeff.
22 Appreciate those comments. Comments like this,
23 feedback like this are exactly, again, why we're
24 having this meeting.

25 Sarah, are there other commenters or folks

1 with questions on the line?

2 OPERATOR: Thank you. Chad Asendorf, your
3 line is open.

4 MR. ASENDORF: Well, we got the last name
5 correct. My first name is Pat, and I have a comment.
6 And it's regarding the question that Marc Nichol had
7 and subsequent speakers.

8 So the comment is in the proposed
9 rulemaking language, the performance criteria has been
10 recommended to be put into the introductory section of
11 the role which seems a little awkward to me. I
12 believe that an introduction to having a new section,
13 a new criteria may be appropriate whereas the specific
14 criteria may be more appropriate in 73.55 bravo under
15 the general performance objective and requirements.

16 And then that's the area where I think a
17 lot of the rub is as far as meeting the current
18 general performance objective and criteria and
19 requirements, specific requirements, under that
20 section where they, as written, may be not applicable
21 to these new advanced reactors. Maybe not in all
22 cases. But in some cases, they may be.

23 So it may be appropriate to have those
24 performance criteria dropped down there and have a
25 subset of performance objectives or criteria for these

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1 reactors, understanding that there is an alternative
2 section added for sierra under 73.55 to give an off
3 ramp, if you will, or another avenue for these
4 advanced reactors to meet different criteria if they
5 meet these performance objectives that are laid out.

6 So I see in a subsequent slide that we're
7 going to get to later, my question is there was a
8 comment 5 alpha from a previous meeting that we had
9 for 73.55 bravo, recognize performance criteria, that
10 it was scoped in.

11 My question is, is 73.55 bravo going to
12 have -- do you envision it having conforming changes
13 to address the advanced reactor community?

14 Thank you.

15 MS. VALLIERE: Yes, thank you for your
16 question. So I will say that in the course of
17 developing the language that you're looking at, we've
18 gone through several revisions. And we actually have
19 gone back and forth between having the performance
20 criteria in paragraph (a) and then paragraph (b). So
21 I can understand where you're coming from.

22 We landed on putting it in (a) and using
23 them sort of as eligibility or entry criteria. In
24 this current format, you're seeing the rule and we did
25 not address any additional performance objectives in

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1 73.55(b). But that's some interesting feedback along
2 with the other discussions we've been having today to
3 consider.

4 I wonder if you might indulge me a bit and
5 elaborate a little more on your comment about using
6 them as an off ramp for advanced reactors.

7 MR. ASENDORF: So for example, one of the
8 discussion points earlier was specific around 73.55
9 bravo, number 3, i, India, where it talks about -- the
10 text says interdict and neutralize criteria.

11 So the way I view it as written, if a
12 licensee were to meet one of these criteria or an
13 applicant would meet one of these criteria, they would
14 come in and tell how we would meet that specific
15 performance objective as written.

16 Well, it may not be applicable to have to
17 interdict and neutralize based on the design features
18 of the plant. And looking at it from the
19 consequence-based standpoint that was just discussed
20 that you just can't get there under the Design Basis
21 Threat.

22 So I see as a licensee at that point would
23 now have to come in and request an exemption from all
24 or part of that specific performance objective
25 requirement. So again, that goes to the cost savings

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1 for the rulemaking if we're having to come forward
2 with exemptions in addition to providing all of the
3 other technical analysis when we don't even have to
4 meet.

5 So an off ramp would be that if you have
6 this technical analysis that you have the built-in
7 design that you can't get to the consequence, then you
8 may not have to meet that specific performance
9 objective within 73.55 bravo or portions thereof.

10 MS. VALLIERE: Okay. Thank you. I
11 understand now. I appreciate the comment. I think it
12 dovetails nicely with the earlier discussions we were
13 having.

14 Operator, are there any additional
15 comments or questions on the line?

16 OPERATOR: I'm showing no further
17 questions from the phone lines. However, David Young,
18 sir, your line is open.

19 MR. YOUNG: Okay. Well, actually, I think
20 Pat just got to my point because that's what I was
21 going to ask. Just to help me understand what I think
22 Pete and Norm said earlier that I'm just unclear what
23 the difference is between doing an analysis under this
24 proposed rule to get relief from the minimum number of
25 armed responders as opposed to just going through the

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1 alternative measures or exemption route -- existing
2 alternative measures and exemption routes.

3 Since I'd have to do a technical basis to
4 qualify for an alternative measure or an exemption,
5 then, again, I'm not sure what the benefit of the rule
6 is. It just seems like it'd just shift the analysis
7 to just a different regulatory process.

8 MS. VALLIERE: Okay. I think that I
9 understand. So you're saying without further changes
10 as written, that's where your comment applies?

11 MR. YOUNG: Yeah. Well, it all goes back
12 to what Marc said. And I just kind of circled back to
13 the overarching comment about if interdict and
14 neutralize is in there and so I got to maintain armed
15 responders, then we're just simply talking about,
16 what's the number of armed responders? Well, there's
17 already -- it seems to me, already processes in place
18 to talk about the number of armed responders. This
19 rule doesn't -- I don't see what it buys you.

20 MS. VALLIERE: Okay. Understand. I think
21 we are definitely hearing the comment that simply
22 addressing the minimum number of armed responders is
23 not sufficient from folks' viewpoint.

24 MR. YOUNG: Yeah.

25 MS. VALLIERE: So Operator, do we have any

1 further comments or questions on the line?

2 OPERATOR: I'm showing none at this time.
3 But as a reminder, it is *1, unmute your phone and
4 state your name when prompted.

5 MR. ANDRUKAT: Hi, Nan. This is Dennis
6 Andrukak with NRC. If I could interject while the
7 operator is waiting, I just have a couple of folks on
8 the conversation on Skype. I just want to kind of
9 read out their comments for everyone's kind of
10 benefit.

11 The first one from Tammy Morin. My
12 comment is, can we make the three performance
13 criteria, alpha, bravo, and charlie, more direct? And
14 I believe she's referring to 73.55 alpha (7).

15 Additionally, in (a) -- performance
16 criteria (a), the term, engineered systems, is used.
17 And then in (c), charlie, engineered safety features,
18 is used. If these are intended to be the same, then
19 we should be consistently using the same term.

20 MS. VALLIERE: Thank you, Dennis.

21 MR. ANDRUKAT: Yes, ma'am.

22 MS. VALLIERE: Yes, we will have a record
23 of these comments and we will certainly take a look at
24 that.

25 MR. ANDRUKAT: Correct. I just wanted to

1 highlight some of these. And I mentioned to the folks
2 that are Skyping in that we will be making a recording
3 of those conversations as well as the transcript from
4 this meeting. But you're right. It's already 2:24.
5 We have a few more slides to get through.

6 MS. VALLIERE: Thank you, Dennis. And
7 I'll go back to Sarah. Are we ready to move on? Or
8 do we have other folks wanting to talk?

9 OPERATOR: G.L. Plumlee, your line is
10 open.

11 MR. PLUMLEE: Thank you. I appreciate
12 being able to ask a question. In regards to the
13 alternate alarm station, is the NRC planning on making
14 any other rule changes addressing the secondary alarm
15 station?

16 MS. VALLIERE: So we have addressed the
17 key provisions here. But we recognize, as I believe
18 I may have mentioned early on, that there are likely
19 other conforming changes that need to be made in other
20 parts of the regulation related to the secondary alarm
21 station. And we did not go through and try to make
22 all of those here, just the key item here.

23 So I would imagine that there would be
24 other portions of the regulation that's currently
25 facing about secondary alarm stations that will need

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1 to be revised.

2 MR. PLUMLEE: Okay. Thank you very much.

3 MS. VALLIERE: Sarah, maybe we can take
4 one or two more, and then I think we are going to have
5 to move on to the remainder of the presentation.

6 OPERATOR: I'm showing no further
7 questions at this time.

8 MS. VALLIERE: Okay. Thank you. With
9 that, I'm going to go back to our slides. I want to
10 thank everyone for this discussion. The feedback
11 we've received today will help us as we move forward
12 to more fully develop the proposed rule. And so I'm
13 going to continue now going through the slides.

14 We'll now transition to a discussion of
15 the staff's disposition of comments made at a previous
16 public meeting. I'm on Slide 10 now for those of you
17 who may not be on Skype. This rulemaking has been
18 discussed at several previous public meetings.

19 At a public meeting held on December 12th
20 to solicit feedback on the scope of the rulemaking,
21 industry representatives provided several potential
22 items for consideration. Nuclear Energy Institute, or
23 NEI, submitted -- subsequently submitted written
24 versions of these verbal comments on January 10th,
25 2020.

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1 The link to these comments was provided
2 with today's meeting notice on the NRC's public
3 meeting web page. Today we are providing some
4 information on how those comments were dispositioned.

5 A proposed alternative suggested by
6 commenters was screened in if the alternative met the
7 limited scope of the SRM for SECY-18-0076 to provide
8 alternatives to specific requirements within existing
9 regulations that would play a diminished role in
10 providing physical security for advanced reactors
11 while at the same time contributing significantly to
12 capital and/or operating costs. And incorporation of
13 the alternative is achievable within the current
14 rulemaking schedule.

15 Slide 11 discusses possible ways items
16 that were screened out of inclusion in this rulemaking
17 could be addressed going forward. Items screened out
18 of this limited scope rulemaking may be considered in
19 NRC's ongoing effort to develop a framework for
20 licensing advanced reactors by being carried forward
21 to the part 53 rulemaking which is a rulemaking to add
22 a risk informed technology inclusive regulatory
23 framework for commercial advanced reactors in response
24 to the Nuclear Energy Innovation and Modernization
25 Act. Items screened out may be addressed through

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1 another rulemaking or by being addressed in guidance
2 updates.

3 Slides 12 and 13 present a table showing
4 the disposition of each of the items presented during
5 last December's public meeting. The table indicates
6 if the item was scoped in or scoped out of this
7 rulemaking.

8 If the item was scoped out, the table
9 indicates whether it was scoped out because the staff
10 felt it was outside of the rulemaking scope defined in
11 the Commission's staff requirements memorandum or
12 because of schedule considerations or both.

13 In the interest of time, I don't intend to
14 go through each line in the table individually. But
15 I will point out a couple of unique items.

16 In a couple of cases, a column for not
17 applicable is checked either because the comment did
18 not suggest specific changes to the regulations or
19 because the comment did not directly relate to
20 addressing alternative requirements for advanced
21 reactors. In one case, the staff scoped in a portion
22 of one comment and scoped out another portion which is
23 why you see a 1/2X in both the scoped in and scoped
24 out columns.

25 And now going to Slide 13 for the rest of

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1 the table. In cases where an item was scoped out
2 because the staff felt it was outside of the scope
3 defined in the Commission's SRM, it was the staff's
4 view that these items were more in line with a broad
5 redefining of the physical security framework for
6 advanced reactors. In other words, they were more in
7 line with Option 4 from SECY-18-0076 which the
8 Commission did not endorse.

9 At this stage, I will pause for any
10 questions related to the disposition of previous
11 stakeholder comments.

12 OPERATOR: Once again, for questions or
13 comments, press *1. I'm showing nothing at this time.

14 MS. VALLIERE: Okay. Thank you, Sarah.
15 Moving on to Slide 15, we wanted to make stakeholders
16 aware that NEI recently submitted draft guidance
17 related to this rulemaking for NRC feedback.

18 The draft document submitted is NEI 20-05,
19 Methodological Approach and Considerations for a
20 Technical Analysis to Demonstrate Compliance with the
21 Performance Criteria of 73.55(a)(7). The ADAMS
22 Accession number for the draft guidance is shown on
23 the slide.

24 As we have stated in past public meetings,
25 the staff plans to develop a draft regulatory guide

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1 that will endorse NEI guidance that the staff finds
2 acceptable for use on how an applicant can demonstrate
3 that it meets one or more of the three performance
4 criteria. The submittal of this draft of NEI 20-05 is
5 the first step in that process.

6 Any feedback on the guidance will be made
7 public and posted on the docket folder on
8 www.regulations.gov, which is Docket No.
9 NRC-2017-0227. Note that this docket number is
10 included on the title slide of this presentation.

11 The NRC recommends that interested parties
12 check the docket folder for future postings. We also
13 intend to schedule a future public meeting to discuss
14 the draft guidance. However, we would like to offer
15 NEI some time now to provide an overview of their
16 guidance document if they would like.

17 David Young of NEI, are you available to
18 provide such an overview?

19 MR. YOUNG: I am here. I think you summed
20 up pretty well where we're at right now and where
21 we're heading. As you said, it's publically available
22 so folks can look at it.

23 But just broadly speaking, the topics that
24 are addressed in this document are guidelines for
25 performing the technical analysis. Certain topics

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1 that are sort of generic to that analysis that would
2 be targeted at one or more of the criteria and
3 addresses security topics that are familiar with most
4 folks who have done analysis work in this kind of
5 space, looking at protected strategies or target sets.

6 Then the section -- the document goes on.
7 There's a section on each of the performance criteria,
8 the alpha, bravo, and charlie criteria, and then looks
9 at unique considerations that an applicant would want
10 to address for an analysis targeted at a given
11 criterion. So specific considerations for each
12 criterion.

13 And then lastly, for two of these
14 criteria, they require a consequence analysis. That
15 would be alpha and bravo. And so there is a section
16 in the back, the last section in the document that
17 provide guidelines for doing a consequence analysis.
18 For those folks who may not be familiar with that
19 term, that's essentially an offsite dose assessment,
20 offsite dose projection analysis.

21 So in the back there, there are some
22 general instructions and assumptions for doing the
23 consequence analysis. Meteorological parameter
24 assumptions, atmospheric transport assumptions, and
25 guidelines dealing with exposure parameters.

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1 So broadly speaking, that's what's in the
2 document. And we do look forward to getting some
3 staff feedback and having a conversation about it.

4 MS. VALLIERE: Thank you, David. I
5 appreciate that overview. Moving to Slide 16, here we
6 lay out the next steps for this rulemaking. The staff
7 is planning to provide the proposed rulemaking and
8 draft guidance to the Commission in January of 2021
9 and to issue those documents for public comment in
10 early 2021. The final rule and final guidance is
11 scheduled to be provided to the Commission in May of
12 2022.

13 This concludes the staff's presentation,
14 and we would now like to open up the phone lines for
15 any final comments or questions.

16 OPERATOR: As a reminder, please press *1
17 at this time. Kevin Deyette, your line is open.

18 MR. DEYETTE: Thank you again. I wanted
19 to refer back to Slide 12 on the comment disposition
20 and see if I can get a better understanding of why the
21 staff felt that 5 bravo, high assurance, would be
22 outside of the scope.

23 MS. VALLIERE: Yes. Thank you, Kevin. So
24 because this comment didn't directly address
25 alternative requirements for advanced reactors, so

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1 that's why you see the N/A column checked. And the
2 Commission did mention this issue in the SRM on this
3 rulemaking.

4 But what they said was that they --
5 basically in a nutshell, they appreciated the staff's
6 continued recognition that high assurance was
7 equivalent to reasonable assurance. And the
8 Commission has said that in more than one SRM, more
9 than just this SRM.

10 They have made the statement that high
11 assurance is equivalent to reasonable assurance. But
12 they have not directed the staff to undertake any
13 rulemaking related to this issue. The staff felt that
14 -- oh, and in addition, this issue has been addressed
15 in some of our guidance documents related to security
16 with statements the staff has added there, essentially
17 laying forth the Commission policy on this issue.

18 But we felt that to undertake rulemaking
19 on that in this limited scope rulemaking would --
20 could threaten the schedule for this rulemaking
21 because it likely has a lot of tentacles, not only
22 within the regulations themselves but in many, many
23 other guidance documents and likely even licensee
24 documents where the term, high assurance, currently
25 exists. So for that reason, we scoped it out of this

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1 particular rulemaking.

2 Sarah, do we have any other questions or
3 comments?

4 OPERATOR: I'm showing nothing further at
5 this time.

6 MS. VALLIERE: Thank you. If there are no
7 more questions, I'll close the meeting by saying that
8 I appreciate everyone taking the time today to join us
9 for this discussion. Your feedback will be very
10 helpful to us as we continue forward toward developing
11 the proposed rule.

12 Please remember to email Dennis your name
13 and affiliation for those only on the bridge line so
14 that you can be included in the attendee list. Again,
15 you may email Dennis at dennis.andrukat@nrc.gov. You
16 can also email Dennis for a copy of the NRC's public
17 meeting feedback form.

18 Thank you all, and please stay safe.

19 (Whereupon, the above-entitled matter went
20 off the record at 2:40 p.m.)

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