

U.S. Nuclear Regulatory Commission Public Meeting Summary

August XX, 2021

Title: Draft Guidance for the Alternative Physical Security Requirements for Advanced Reactors Rulemaking

Meeting Identifier: 20211046

Date of Meeting: August 17, 2021

Location: Webinar

Type of Meeting: Comment-Gathering Category

Purpose of the Meeting(s): The purpose of this meeting was to discuss the NRC staff's recent clarifications on the draft implementation guidance document, NEI 20-05, "Methodological Approach and Considerations for a Technical Analysis to Demonstrate Compliance with the Performance Eligibility Criteria of 10 CFR 73.55(a)(7)," related to the proposed rulemaking for alternative physical security requirements for advanced reactors.

General Details: The U.S. Nuclear Regulatory Commission (NRC) staff conducted an online public meeting on Wednesday, August 17, 2021, to discuss the preliminary draft implementation guidance for the alternative physical security requirements for advanced reactors rulemaking. The meeting started at 1500 EST and concluded at 1639 EST. There were approximately 43 participants including affiliates from the NRC, Nuclear Energy Institute (NEI), Union of Concerned Scientists (UCS), Tennessee Valley Authority (TVA), Oklo, Kairos Power, NuScale Power, Exelon Nuclear, Curtiss Wright, and other members of the public, to name a few.

Dennis Andrukat from the Office of Nuclear Material Safety and Safeguards started the meeting by welcoming all attendees and providing a quick overview of the agenda and meeting logistics. Once the introductions were complete, Mr. Andrukat turned the meeting over to Stacy Prasad (Division of Physical and Cyber Security Policy in the Office of Nuclear Security and Incident Response (NSIR)) who gave the NRC's presentation. The presentation provided an overview of the NRC's proposed target set identification methodology for advanced reactors. The methodology is intended to be captured in the rule's proposed revision to Regulatory Guide 5.81 and potentially affect the guidance in draft NEI 20-05 (Note: proposed revisions to RG 5.81 were not shown during the public meeting). Ms. Prasad gave a quick overview of the slides before returning to each slide to have open dialogue with all attendees. There were three attendees who presented various comment(s) on the presented material: David Young of NEI, Union of Concerned Scientists' (UCS) Ed Lyman, and Tennessee Valley Authority's Patrick Asendorf. The meeting participants discussed clarifications and the differences in their interpretation of the target set methodology and the eligibility criteria to support development of the associated implementation guidance in NEI 20-05.

Public Participation Themes:

Nuclear Industry:

NEI's Mr. Young raised several clarifying questions to understand the proposed methodology. He then posed a question for NRC to consider whether the rule could provide a relief or alternative to certain target set requirements.

After the main portion of the meeting, Mr. Young engaged in discussions related to the proposed eligibility criteria:

- He found it extremely difficult to understand why Criterion A could not credit features that would exist and are in place
- Clarified the meaning of engineered features as those permanently installed equipment that is under licensing control, part of the licensing basis
- Viewed the eligibility criteria guidance as providing a set of design and operational considerations
- Asked if there has been any word on the role of reactor trip (by operator) for Criterion A
- Stated that the inspection guidance is really going to be important for which target set equipment can be screened out (or even what should be screened in) – suggested having specific criteria in the inspection procedure

TVA's Mr. Asendorf raised a question related to whether the existing 10 CFR 73.58 safety-security interface would/could be used for evaluating potential new target sets.

Non-Governmental Organization Comments:

UCS's Dr. Lyman appreciated the logical layout presented by the NRC on the target set identification methodology. On the other hand, he was mystified at NEI's concerns and noted that these discussions have all gone in a circular pattern. Lastly, Dr. Lyman reiterated his comments from the previous public meeting where he did not understand the need for Criterion A, especially since he believes there would not be any advanced reactors capable of meeting such a criterion. Dr. Lyman raised questions about the assumed timeline of an adversary attack under the proposed rule's performance criterion A and continued to note his skepticism that any reactor could be designed to meet that criterion

After the public meeting:

On August 19, 2021, after the public meeting, NEI submitted an email highlighting their understanding of the public meeting's target set methodology – to be utilized by NEI to develop revisions to NEI 20-05. The NRC staff responded on August 19, 2021. (ADAMS Accession No. **MLXXXXXXXXX**).

Conclusion:

The NRC appreciated the discussions and comments made during the meeting and noted that the implementation guidance is still under development and the staff will consider these comments as the NRC continues to develop the proposed rule.

Next Steps:

- o NEI expected to submit the next revision of NEI 20-05 October 2021.
- o NRC staff presented the idea of having an additional interaction prior to the next full submission of NEI 20-05 with possible topics: staff's major showstoppers and "unmitigated" terminology.
- o The NRC intends submit the proposed rule package to the Commission September 2021.

Attachments:

- Public Meeting Notice - Notice of Comment-Gathering Category Public Meeting Regarding Draft Guidance for the Alternative Physical Security Requirements for Advanced Reactors Rulemaking, August 17, 2021 (ADAMS Accession No. ML21218A150)
- NRC Presentation - Rulemaking for Alternative Physical Security Requirement for Advanced Reactors, August 17, 2021 Public Meeting (ADAMS Accession No. ML21224A227)
- Public Meeting Transcript - Rulemaking for Alternative Physical Security Requirement for Advanced Reactors, August 17, 2021 Public Meeting (ADAMS Accession No. MLXXXXXXX)
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- DRAFT D of NEI 20-05, Methodological Approach and Considerations for a Security Assessment to Demonstrate Compliance with the Performance Criteria of 10 CFR 73.55 (a)(7). (ADAMS Accession No. ML21137A057)
- Public Meeting Summary – April 21, 2021 Public Meeting for Alternative Physical Security Requirements for Advanced Reactors (ADAMS Accession No. ML21183A004)

ATTENDEES LIST:

August 17, 2021, Public Meeting to Discuss
Draft Guidance for the Alternative Physical Security Requirements for Advanced Reactors
Rulemaking – Target Sets
Attendance List*

Public Attendee List:

David Young, Nuclear Energy Institute (NEI)
Jana Bergman, Curtiss Wright
Edwin Lyman, Union of Concerned Scientists (UCS)
Rich Mogavero, NEI
Ross Moore, Oklo
Marcus Nichol, NEI
Nathan Faith, Exelon Nuclear
Joseph Rivers, USA Nuclear (Rivers Security Services)
Patrick Joseph Asendorf, Tennessee Valley Authority
Richard M Paese, Westinghouse
Randy Ford, GE Power Portfolio
Peter Hastings, Kairos Power
Kevin Deyette, NuScale Power
Benjamin Cipiti, Sandia National Laboratories
Bob Meyer
Don Williams
Collin James Evans
G L Plumlee III
Tom Braudt
Jesse John Bland
Jennifer Jame Obrey-Espinoza
Rob White

NRC Attendee List:

Dennis Andrukat
Stacy Prasad
Tony Bowers
Louis Cubellis
Aaron Sanders
Beth Reed
Steven Vitto
John Segala
Marcia Carpentier
Nick Mertz
Norman St. Amour
Michelle Hart
David Cullison
Sabrina Atack
Joseph Giacinto
Juan Uribe
Bob Beall
Angela Love-Blair
Kevin Coyne
John Tappert
Brian Thomas
Ismael Garcia
Steven Horowitz, (Contractor, SNL)

* Attendance list based on Microsoft Teams Participant list. List does not include three individuals that connected via phone and one individual who did not provide their last name.

NEI EMAIL, DATED APRIL 21, 2021: