

**Meeting Transcript (Polished and Edited)**  
**Public Meeting – Preview of Limited-Scope Revisions to Guidance**  
**Supporting the Published Final Enhanced Weapons Rule**  
**August 23, 2023, 1:00 – 4:00 p.m. ET**

0:0:0.0 --> 0:0:6.150

Leah Smith

During the Q and A [question and answer] portion of today's session, there are two ways to ask questions of the presenter, depending on how you joined the meeting today.

0:0:6.670 --> 0:0:17.370

Leah Smith

If you've joined the via the webinar link included in the public meeting announcement, please just use your raise hand feature in this platform and you'll be recognized by the facilitator when you're called upon.

0:0:17.380 --> 0:0:22.320

Leah Smith

Please state your name and affiliation and then ask your questions so that we can record it for the record.

0:0:22.820 --> 0:0:28.210

Leah Smith

If you have joined today's meeting from your phone, you'll need to dial Star 6 to unmute your microphone.

0:0:28.360 --> 0:0:33.460

Leah Smith

Again, we ask that you introduce yourself and your affiliation and then ask your question.

0:0:34.130 --> 0:0:36.400

Leah Smith

We look forward to a robust and productive meeting today.

0:0:37.350 --> 0:0:46.840

Leah Smith

So with those administrative announcements out of the way, I'd like to turn the microphone over to Phil Brochman, a senior policy analyst in NSIR who serves as the technical lead for the enhanced weapons rule.

0:0:46.850 --> 0:0:48.430

Leah Smith

So Phil, over to you.

0:0:50.550 --> 0:0:50.980

Phil Brochman

Thank you.

0:0:50.990 --> 0:0:57.180

Phil Brochman

As Leah said, I'm Phil Brochman.

0:0:57.190 --> 0:1:3.760

Phil Brochman

I'm a senior policy analyst in NSIR in the.

0:1:3.830 --> 0:1:7.0

Phil Brochman

Division of physical and cybersecurity policy.

0:1:7.710 --> 0:1:11.400

Phil Brochman

I've been in the technical lead on this rulemaking for a number of years.

0:1:12.10 --> 0:1:21.230

Phil Brochman

This rulemaking being the Enhanced Weapons, Firearms Background Checks, and Security Event Notifications and their supporting guidance documents.

0:1:22.690 --> 0:1:26.60

Phil Brochman

Hereafter, we're going to just refer to this as the enhanced weapons rule.

0:1:29.870 --> 0:1:32.20

Phil Brochman

Leah already touched on the fact we're going to split this meeting into two Presentations.

0:1:32.100 --> 0:1:39.770

Phil Brochman

One Housekeeping Note, this is considered an information meeting with question and answer session.

0:1:39.780 --> 0:1:43.590

Phil Brochman

Attendees will have an opportunity to ask questions at various points throughout the meeting.

0:1:44.140 --> 0:1:50.430

Phil Brochman

We've also blocked out question periods at the end of each presentation.

0:1:50.980 --> 0:1:58.150

Phil Brochman

We also note that the NRC is not actively soliciting comments towards a regulatory decision in this meeting.

0:1:58.860 --> 0:1:59.870

Phil Brochman

Slide #2 please.

0:2:2.20 --> 0:2:13.850

Phil Brochman

Our first objective in this presentation is to preview the staff's proposal to conduct limited scope revisions to three regulatory guidance documents.

0:2:13.860 --> 0:2:19.460

Phil Brochman

Leah mentioned what they are and that they will support the final enhanced weapons rule.

0:2:21.110 --> 0:2:35.330

Phil Brochman

The revisions to these guidance documents will be contained in three draft guides, which are known by the acronyms DG-5080, DG-5081, and DG-5082.

0:2:35.370 --> 0:2:48.990

Phil Brochman

Our second objective today in this process portion of the presentation is to discuss the potential for licensees to request exemptions regarding compliance with the final enhanced weapons rule.

0:2:49.190 --> 0:3:3.860

Phil Brochman

We're talking about this because the compliance date for implement for licensees to implement the final enhanced weapons rule is specified as January 8th, 2024.

0:3:4.740 --> 0:3:5.530

Phil Brochman

Next slide please.

0:3:11.90 --> 0:3:17.30

Phil Brochman

So here's our overall meeting agenda for the first portion of the meeting, we're going to talk about key dates.

0:3:17.950 --> 0:3:28.540

Phil Brochman

Some background information in case of some people that are participating, are not familiar with all the details, our objective in conducting limited scope revisions,

0:3:30.840 --> 0:3:34.760

Phil Brochman

Conceptual schedule, and the need for exemptions.

0:3:34.770 --> 0:3:38.80

Phil Brochman

And then we will have a question period at the end.

0:3:39.450 --> 0:3:40.200

Phil Brochman

Next slide please.

0:3:44.440 --> 0:3:46.390

Phil Brochman

From the key dates.

0:3:46.500 --> 0:3:52.630

Phil Brochman

The final rule and supporting guidance documents were published on March the 14th of this year.

0:3:53.910 --> 0:4:10.700

Phil Brochman

We've included a link to the Federal Register notice, the rule took effect on April the 13th, and the compliance date or as is sometimes referred to as the implementation date is January 8th of 2024.

0:4:10.770 --> 0:4:11.500

Phil Brochman

Next slide please.

0:4:25.750 --> 0:4:48.170

Phil Brochman

To support efficient and effective implementation of the rule, the NRC staff has been engaged in a number of outreach efforts with a range of licensees, and the public, and so we conducted 3 workshops in the May time period of this year.

0:4:49.150 --> 0:4:55.660

Phil Brochman

And I also attended 2 industry lead forums or symposiums in June of this year.

0:4:56.610 --> 0:5:17.40

Phil Brochman

In the course of those meetings, licensees raised to the NRC several issues regarding the guidance documents and the rule itself on whether there was sufficient clarity or there were inconsistencies, et cetera.

0:5:17.340 --> 0:5:22.490

Phil Brochman

And they requested that the NRC provide clarification on these issues.

0:5:23.250 --> 0:5:27.380

Phil Brochman

The NRC has reviewed these issues.

0:5:27.670 --> 0:5:45.360

Phil Brochman

We haven't finished completely all our actions, but we've gotten to the point where we have concluded that it would be advisable to issue revised regulatory guidance supporting implementation of this rule.

0:5:49.820 --> 0:5:59.650

Phil Brochman

So to accomplish that, the staff is proposing to issue 3 limited scope revisions to the guidance documents.

0:6:0.790 --> 0:6:12.130

Phil Brochman

Draft Guide 5080 is going to be a proposed revision 3 to Reg Guide 5.62 on event notifications.

0:6:16.30 --> 0:6:34.500

Phil Brochman

Draft Guide 5081 is going to be proposed revision 1 to Reg Guide 5.86 and this deals with preemption authority, enhanced weapons authority, and firearms background checks under section 161 A of the Atomic Energy Act.

0:6:34.790 --> 0:6:46.910

Phil Brochman

And finally, Draft Guide 5082 will be proposed revision 1 to Reg Guide 5.87, which is focused on suspicious activity reporting under 10 CFR part 73.

0:6:48.740 --> 0:6:53.470

Phil Brochman

I'm using the phrase limited scope revisions very deliberately.

0:6:54.300 --> 0:6:57.790

Phil Brochman

The NRC intends to focus on those issues.

0:6:57.800 --> 0:7:4.750

Phil Brochman

That industry had asserted may affect a licensee's ability to implement the final rule in a timely and efficient manner.

0:7:6.640 --> 0:7:13.770

Phil Brochman

There may be other issues that industry may consider needs to be addressed.

0:7:14.110 --> 0:7:24.790

Phil Brochman

We will look at those issues. Those can be reserved for the next periodic update of the Reg Guide, but that is where our focus is on the big picture items.

0:7:26.350 --> 0:7:27.390

Phil Brochman

Next slide please.

0:7:33.430 --> 0:7:44.830

Phil Brochman

The three draft guides when we've got them completed, we're going to issue them for public comment via individual Federal Register notices.

0:7:47.460 --> 0:7:51.370

Phil Brochman

We plan on holding a public meeting during the comment period.

0:7:52.110 --> 0:8:0.540

Phil Brochman

That meeting will allow for discussion on what the NRC was intending or why we were doing certain things.

0:8:0.830 --> 0:8:12.330

Phil Brochman

And this will be in order to help licensees and other stakeholders developed informed comments to submit on these guidance documents, if any.

0:8:14.490 --> 0:8:41.480

Phil Brochman

As I noted here in the third bullet comments that go beyond these limited scope revisions, we may consider them in developing the final rule or we may defer them to the next periodic update of these Reg Guides. As you may or may not be aware of the NRC periodically reviews and updates regulatory guides to see if there's any changes that need to be made apart from changes due to rulemaking.

0:8:44.800 --> 0:8:45.570

Phil Brochman

Next slide please.

0:8:53.230 --> 0:9:6.140

Phil Brochman

In terms of proposed schedule we are working towards getting the three draft guides created and internally reviewed and published in the Federal Register before the beginning of November of this year.

0:9:8.270 --> 0:9:16.640

Phil Brochman

At this point we are we have not settled on a potential duration of the comment period for these Federal Register notices.

0:9:17.600 --> 0:9:23.720

Phil Brochman

And so any feedback you may wish to provide the NRC in this meeting would be appreciated.

0:9:24.460 --> 0:9:36.380

Phil Brochman

As I noted in an earlier slide, we're going to conduct a separate public meeting during this comment period to discuss in detail the specific changes that are being proposed by the NRC staff.

0:9:37.240 --> 0:9:50.770

Phil Brochman

And then after we get all the comments, we will review and disposition any comments and then publish the final revised regulatory guides before April of next year.

0:9:56.950 --> 0:9:58.140

Phil Brochman

Next slide, please.

0:10:3.400 --> 0:10:26.80

Phil Brochman

As you can see, with the projected schedule for revising these three regulatory guides, extending beyond the current compliance or implementation date of January 8th of next year, the NRC staff

recognizes that multiple licensees may need to seek exemptions from some or all of these regulations under the final enhanced weapons rule.

0:10:27.130 --> 0:10:45.520

Phil Brochman

NRC staff understands that exemption request are individual to a particular licensee and may be both informed by the projected schedule as well as other licensee specific considerations.

0:10:45.770 --> 0:10:54.890

Phil Brochman

We recognize things such as outage schedules and the duration of procedure development, personnel training, depend on the number of personnel that need to be trained.

0:10:56.820 --> 0:10:57.590

Phil Brochman

Next slide please.

0:11:0.150 --> 0:11:13.400

Phil Brochman

In the past, for exemptions that were needed relatively quickly, and that's sort of a situation we're in here today.

0:11:13.410 --> 0:11:23.620

Phil Brochman

January 8th is not that far off and staff and industry have engaged in developing an exemption template.

0:11:23.930 --> 0:11:37.330

Phil Brochman

This was done during the COVID emergency in our recent past to support the efficient a consideration of multiple exemption requests.

0:11:37.340 --> 0:11:49.30

Phil Brochman

There's a potential large number of licensees, pretty much every licensee that is subject to part 73, could be considering the need for an exemption request.

0:11:49.40 --> 0:12:0.270

Phil Brochman

So we're indicating that we intend to be available in this fall to work with industry, to have an efficient and effective process as we go forward.

0:12:4.990 --> 0:12:16.940

Phil Brochman

And now that I've reach the point of the end of my first slide presentation, I want to pause and see if there's any questions or feedback.

0:12:16.950 --> 0:12:24.30

Phil Brochman

And so, Brett, if you want to open the mics for people that are in here and, umm, I'll just wait and hear.

0:12:27.120 --> 0:12:27.980

Brett Klukan (He/Him)

So welcome everyone.

0:12:27.990 --> 0:12:29.290

Brett Klukan (He/Him)

My name is Brett Klukken.

0:12:29.390 --> 0:12:36.790

Brett Klukan (He/Him)

I'll be helping to facilitate the meeting this afternoon, so to ask a question or to post a comment, please raise your hand if you're participating.

0:12:36.800 --> 0:12:43.470

Brett Klukan (He/Him)

In the Teams app if you're participating via phone, press star 5 again, that is Star 5 on your phone to raise your hand.

0:12:43.820 --> 0:12:49.30

Brett Klukan (He/Him)

Once you've been called upon, and if you're on the phone, I will read the last four digits of your phone number.

0:12:49.520 --> 0:12:52.380

Brett Klukan (He/Him)

You will then need to hit star 6 again.

0:12:52.390 --> 0:12:53.490

Brett Klukan (He/Him)

Thaen hit Star 6 again to mute yourself.

0:12:54.280 --> 0:13:3.590

Brett Klukan (He/Him)

So first it's Star 5 to raise your hand and then Star 6 to unmute yourself and I will call on people in the order in which teams is indicated they have raised their hands.

0:13:3.650 --> 0:13:7.90

Brett Klukan (He/Him)

So with no further ado, we will start with Charlotte Shields.

0:13:7.100 --> 0:13:8.510

Brett Klukan (He/Him)

I'm going to unmute you.

0:13:11.580 --> 0:13:16.340

Brett Klukan (He/Him)

And you should be able to unmute yourself.

0:13:16.410 --> 0:13:16.920

Brett Klukan (He/Him)

Charlotte.

0:13:16.930 --> 0:13:19.180

Brett Klukan (He/Him)

And so whenever you're ready, go ahead and begin.

0:13:19.290 --> 0:13:23.810

Brett Klukan (He/Him)

And if you wouldn't mind stating your name and any affiliation for the transcription.

0:13:36.770 --> 0:13:41.600

Brett Klukan (He/Him)

OK, let me go in and make sure that the setting is correct.

0:13:41.610 --> 0:13:42.780

Brett Klukan (He/Him)

OK, give me one second.

0:13:49.970 --> 0:13:51.970

Phil Brochman

This is why I'm not the facilitator.

0:13:52.900 --> 0:13:54.270

Brett Klukan (He/Him)

Alright, Charlotte, try again.

0:13:53.270 --> 0:13:55.440

SHIELDS, Charlotte

Hey, how is that?

0:13:55.450 --> 0:13:56.120

SHIELDS, Charlotte

Can you hear me now?

0:13:56.800 --> 0:13:57.910

Phil Brochman

Now we can hear you.

0:13:56.250 --> 0:13:57.930

Brett Klukan (He/Him)

Yes, we absolutely can hear you.

0:13:58.640 --> 0:13:59.690

SHIELDS, Charlotte

OK, perfect.

0:13:59.760 --> 0:14:12.610

SHIELDS, Charlotte

So recognizing that on Slide 9 and 10, you know talking about the need for exemptions and the projected finalization of the revision to the Reg Guides go beyond the.

0:14:15.270 --> 0:14:17.430

SHIELDS, Charlotte

Compliance date of January 8th.

0:14:18.240 --> 0:14:18.340

Phil Brochman

Yes.

0:14:17.740 --> 0:14:47.850

SHIELDS, Charlotte

So if licensees are looking at submitting exemption requests and you know there will be site specific needs and as they draw out their timeline for that and the that'll be based on, I'm going to assume the April time frame that the final revisions of the Reg Guides get published should that date slide, what's the mechanism to ensure that licensees don't have to?

0:14:49.600 --> 0:14:50.840

SHIELDS, Charlotte

Expend additional.

0:14:50.960 --> 0:14:56.700

SHIELDS, Charlotte

Billable hours to submit repeat extension request.

0:15:3.20 --> 0:15:6.160

Phil Brochman

Leah do you want to address that question?

0:15:11.20 --> 0:15:13.910

Leah Smith

Charlotte, are you saying that this schedule might slip?



0:15:14.120 --> 0:15:14.710

Leah Smith

No, ma'am.

0:15:15.110 --> 0:15:17.850

Leah Smith

We expect that this [schedule] will be met.

0:15:17.860 --> 0:15:19.230

Leah Smith

So that's our Reg Guide projection.

0:15:19.240 --> 0:15:30.610

Leah Smith

We have recognized that there are public comments that will need to be incorporated into the final Reg Guides, but the anticipated publication date of those is in April of next year.

0:15:30.960 --> 0:15:36.710

Leah Smith

We do encourage licensees to make their site-specific exemption requests, recognizing their own individual circumstances.

0:15:37.540 --> 0:15:45.900

Leah Smith

If something were to happen that would cause the schedule to shift, we would probably have to look at doing some sort of initial exemption request.

0:15:45.960 --> 0:15:53.480

Leah Smith

Again, the expectation here is that the Reg Guides are published according to this timeline, it was a thoughtfully developed project plan.

0:15:53.790 --> 0:15:57.70

Leah Smith

So that is the expectation that we are operating under at this time.

0:15:58.110 --> 0:15:58.420

SHIELDS, Charlotte

OK.

0:15:58.430 --> 0:15:58.770

SHIELDS, Charlotte

Thank you.

0:15:59.750 --> 0:16:0.480

Becca Lagios (She/Her)

Hey, Charlotte.

0:16:0.490 --> 0:16:2.600

Becca Lagios (She/Her)

I'm going to jump in and add a little bit too.

0:16:2.610 --> 0:16:3.900

Becca Lagios (She/Her)

This is Becca Legas.

0:16:3.910 --> 0:16:7.300

Becca Lagios (She/Her)

I'm the deputy division director for this division [of physical and cybersecurity policy].

0:16:7.310 --> 0:16:20.240

Becca Lagios (She/Her)

So, Charlotte, I would say just like you know, schedules can slip on your end for various reasons or things might get rescheduled on your end that might affect you know the amount of time that you would need for an exemption.

0:16:20.970 --> 0:16:27.100

Becca Lagios (She/Her)

I would make sure that you consider that in what the amount of time that you're requesting in the exemption request, right?

0:16:27.110 --> 0:16:38.160

Becca Lagios (She/Her)

So give your give everybody needs to give some extra time to make sure that we can accomplish what needs to be accomplished and attempt to avoid multiple exemptions, right?

0:16:38.170 --> 0:16:38.920

Becca Lagios (She/Her)

So it goes on.

0:16:38.970 --> 0:16:46.20

Becca Lagios (She/Her)

It's on both sides of our schedules and just keeping that in mind when you're looking at what date you would be requesting for the exemption.

0:16:47.0 --> 0:16:47.430

SHIELDS, Charlotte

OK.

0:16:47.440 --> 0:16:47.820

SHIELDS, Charlotte

Thank you.

0:16:48.300 --> 0:16:48.560

Becca Lagios (She/Her)

Yep.

0:16:50.830 --> 0:16:52.810

Brett Klukan (He/Him)

Alright, thank you very much for that.

0:16:52.820 --> 0:16:53.880

Brett Klukan (He/Him)

Those questions.

0:16:54.110 --> 0:16:57.520

Brett Klukan (He/Him)

Next, we're going to turn to Steven Reese.

0:16:57.890 --> 0:17:3.360

Brett Klukan (He/Him)

Steven, whenever you are ready, please feel free to unmute yourself and state your name and any affiliation.

0:17:5.570 --> 0:17:8.420

Reese, Steven Richard

Yeah, this is a Steve Reese from Oregon State University.

0:17:8.770 --> 0:17:10.700

Reese, Steven Richard

I haven't heard Steve and Richard Reese since.

0:17:11.70 --> 0:17:11.800

Reese, Steven Richard

I don't know my mom.

0:17:14.350 --> 0:17:19.760

Reese, Steven Richard

But uh, so just to have a, I don't know, a procedural question.

0:17:19.770 --> 0:17:29.80

Reese, Steven Richard

So this is going to be taking effect in January and the Reg Guides are going to be published on or about March, April timeframe, correct.

0:17:29.910 --> 0:17:31.460

Reese, Steven Richard

So here's my question.

0:17:31.990 --> 0:17:45.490

Reese, Steven Richard

I assume that from an inspector's inspection point of view that licensees can use the existing draft Reg Guides to inform implementation without to and too much undue risk.

0:17:49.380 --> 0:17:57.200

Phil Brochman

Well, so the answer to your first question is yes, the licensees can use the existing regulatory guides.

0:17:59.690 --> 0:18:9.840

Phil Brochman

To inform any procedures or other training that they may implement and it may be for instances such as your facility.

0:18:9.850 --> 0:18:23.440

Phil Brochman

Since you're a research and test reactor facility that only some of the regulations would apply to you, and therefore you may not need an exemption, you may be able to complete things [by the implementation date].

0:18:24.270 --> 0:18:44.450

Phil Brochman

What we've recognized is that because of the breadth of the potential changes that I'll be talking about in a couple of minutes, that there was a need to revise the regulatory guide and we need to do that through the notice and opportunity for comment process.

0:18:48.20 --> 0:18:49.890

Becca Lagios (She/Her)

Yeah, I'll add on Phil.

0:18:50.820 --> 0:18:55.980

Becca Lagios (She/Her)

I just want to make sure we focus on the regulations and on what's required.

0:19:0.310 --> 0:19:0.430

Phil Brochman

Yes.

0:18:55.990 --> 0:19:3.570

Becca Lagios (She/Her)

I understand the Reg Guide helps you understand one way of meeting the regulations, but at the end of the day, the regulations are what are required so.

0:19:4.670 --> 0:19:10.820

Becca Lagios (She/Her)

Our expectation is that you would come into compliance with the regulations.

0:19:10.830 --> 0:19:18.220

Becca Lagios (She/Her)

If you need the Reg Guide in order to figure out how to do that in certain areas, and it's unclear that's where the exemptions will come into play.

0:19:18.310 --> 0:19:23.440

Becca Lagios (She/Her)

But again, meeting the regulations is the requirement and the Reg Guide itself is not.

0:19:24.140 --> 0:19:24.260

Phil Brochman

Yes.

0:19:23.450 --> 0:19:28.10

Becca Lagios (She/Her)

So while we know it's beneficial and helpful for you all, that's why we're going through this effort.

0:19:28.980 --> 0:19:31.110

Becca Lagios (She/Her)

The regulations are all that is required.

0:19:34.0 --> 0:19:34.410

Reese, Steven Richard

OK.

0:19:34.420 --> 0:19:34.740

Reese, Steven Richard

Thank you.

0:19:36.90 --> 0:19:36.330

Brett Klukan (He/Him)

Alright.

0:19:36.340 --> 0:19:38.90

Brett Klukan (He/Him)

Well, thank you very much for those questions.

0:19:38.230 --> 0:19:41.20

Brett Klukan (He/Him)

Next, we're going turn to David Schwartzbart.

0:19:41.470 --> 0:19:48.320

Brett Klukan (He/Him)

David, whenever you are ready, please feel free to state your name and any affiliation and then begin your questions and or comments.

0:19:48.900 --> 0:19:50.610

David Schwarzbart

Hi, my name is David Schwartzbart.

0:19:50.620 --> 0:19:52.40

David Schwarzbart

I work at Rancho Seco.

0:19:52.50 --> 0:19:58.570

David Schwarzbart

We're an ISFSI site outside of Sacramento, and my question is about the implementation date.

0:19:58.580 --> 0:20:10.280

David Schwarzbart

If we're expecting multiple exemption requests, could you not slide that to the right after the expected regulatory guides are published?

0:20:15.390 --> 0:20:15.750

Leah Smith

Thank you.

0:20:15.70 --> 0:20:22.580

Phil Brochman

You're, go ahead Leah, and David just to make sure is the question you're asking can the implementation date be changed?

0:20:23.460 --> 0:20:23.600

David Schwarzbart

Yes.

0:20:26.530 --> 0:20:26.940

Phil Brochman

Leah.

0:20:26.610 --> 0:20:28.560

Leah Smith

I'll take that question, Phil.

0:20:29.410 --> 0:20:32.120

Leah Smith

Thank you for the question about the implementation date.

0:20:32.130 --> 0:20:42.240

Leah Smith

We did evaluate multiple options for trying to navigate the different legal and regulatory requirements, while also balancing expediency and completeness in our Reg Guide revisions.

0:20:42.630 --> 0:20:46.420

Leah Smith

Unfortunately, we were unable to extend the compliance date.

0:20:46.530 --> 0:21:5.410

Leah Smith

There were some significant challenges that would have also pushed us past that implementation window, and so this was the option that we decided upon revising the Reg Guides and doing a prompt review of exemption requests as the more expedient and best path forward for trying to navigate this situation.

0:21:6.400 --> 0:21:7.150

David Schwarzbart

OK. Thanks.

0:21:7.640 --> 0:21:8.10

Leah Smith

Thank you.

0:21:10.490 --> 0:21:12.420

Brett Klukan (He/Him)

Thank you again for your question.

0:21:12.490 --> 0:21:16.200

Brett Klukan (He/Him)

Next, we're going turn to Jeanne Johnston.

0:21:16.650 --> 0:21:21.270

Brett Klukan (He/Him)

Jeanne Johnston, whenever you are ready, please feel free to unmute yourself.

0:21:21.280 --> 0:21:22.720

Brett Klukan (He/Him)

State your name and any affiliation.

0:21:23.860 --> 0:21:24.740

Johnston, Jeanne D.

Thank you very much.

0:21:24.750 --> 0:21:26.90

Johnston, Jeanne D.

This is Jeannie Johnston.

0:21:26.140 --> 0:21:31.960

Johnston, Jeanne D.

I work for Southern Nuclear in Birmingham, AL, and I'm representing The Reg Affairs Department.

0:21:32.20 --> 0:21:40.210

Johnston, Jeanne D.

So my interest in this topic is primarily around the notification and reporting guidelines.

0:21:41.100 --> 0:21:58.560

Johnston, Jeanne D.

So you mentioned I heard that there was a final date of April and my question is, does that assume a 60 day public comment period for the draft guide if those were to be scheduled and or published for comment in November or is that based off of a 30 day comment period?

0:22:3.850 --> 0:22:14.920

Phil Brochman

Based on my the last discussions, I think it was either a 30 day or 45 day comment period.

0:22:15.810 --> 0:22:37.350

Phil Brochman

But as I mentioned earlier, one of the things that the NRC wants to use in this meeting is to solicit any feedback as to what would be an appropriate duration of the comment period given the number of the number of Reg Guides that we're going to issue as draft guides.

0:22:38.250 --> 0:22:43.330

Phil Brochman

And so if we go to a 60 day comment period.

0:22:43.940 --> 0:22:48.440

Phil Brochman

April is theoretically doable, but it's very tight.

0:22:49.330 --> 0:22:50.740

Johnston, Jeanne D.

OK, understood.

0:22:51.310 --> 0:23:1.280

Johnston, Jeanne D.

So speaking, you know, on behalf of my utility, I've been certainly, you know, November and December are busy times with holidays and all of that.

0:23:1.550 --> 0:23:17.580

Johnston, Jeanne D.

I would think that a 60 day public comment period for three red guides, given the extent of the challenges and the concerns that were raised previously, but that's just speaking for my utility.

0:23:18.170 --> 0:23:28.740

Johnston, Jeanne D.

My second question I had there is on NUREG 1304 that has clarification and that understand is going to be updated.

0:23:28.870 --> 0:23:33.70

Johnston, Jeanne D.

So is there a schedule or time frame for the NUREG 1304?

0:23:35.90 --> 0:23:51.800

Phil Brochman

At this point, no. The staff's initial concept in NUREG 1304 was we were going to do it sometime after the implementation date was completed.

0:23:52.530 --> 0:23:59.200

Phil Brochman

With this effective implementation date.

0:23:59.510 --> 0:24:2.680

Phil Brochman

Now, sliding later into 2024.

0:24:3.190 --> 0:24:5.970

Phil Brochman

I'm not sure exactly when that will be [the Q&A workshop on NUREG-1304, Rev 1].

0:24:8.400 --> 0:24:18.600

Phil Brochman

Depending on how licensees go [regarding implementation and exemptions], I could see that moving to 2025, but I don't know for certain at this point.

0:24:18.650 --> 0:24:28.940

Phil Brochman

Right now, our focus is on getting the draft guides finished and published, and then reviewing [and dispositioning] the comments.

0:24:28.950 --> 0:24:33.790

Phil Brochman

And then once we get all that done, I think we'll be thinking about when we might be holding a.

0:24:36.50 --> 0:24:39.990

Phil Brochman

Public meeting to do the revision to NUREG 1304.

0:24:43.520 --> 0:24:44.170

Johnston, Jeanne D.

OK.

0:24:44.360 --> 0:24:56.110

Johnston, Jeanne D.

And then just so that I can take back to our licensing folks, if we do submit exemptions, what is a reasonable time frame for the turnaround?

0:24:56.220 --> 0:25:4.670

Johnston, Jeanne D.

So if we submit and December, could we reasonably have a 30 day turnaround so that it's approved before the implementation date?

0:25:8.750 --> 0:25:15.760

Johnston, Jeanne D.

Or is that something that will be discussed later when we work together on the template in the process?

0:25:18.760 --> 0:25:26.560

Phil Brochman

I think at this point, unless you have some more information, I think that might be something that will be discussed down the road.

0:25:27.910 --> 0:25:39.680

Becca Lagios (She/Her)

Yeah, I don't have an exact date, Jeannie, but I think that, you know, if you think exemptions are going to be necessary for your sites, then I would suggest you know the sooner the better to get them in.

0:25:40.30 --> 0:25:55.330

Becca Lagios (She/Her)

Our goal is to work through the process as efficiently as we can to turn them around, but yeah, I don't have an exact date yet and this would be kind of like the last date you could get it in and still get it approved, right? So.

0:25:56.400 --> 0:25:56.810

Johnston, Jeanne D.

OK.

0:25:56.880 --> 0:25:57.510

Johnston, Jeanne D.

Thank you very much.

0:26:2.360 --> 0:26:4.750

Brett Klukan (He/Him)

Well, thank you again for your questions and your comments.

0:26:5.440 --> 0:26:13.860

Brett Klukan (He/Him)

We're not going to go to Stan Day, Stan, whenever you are ready, please feel free to state your name and affiliation and then begin your questions and comments.

0:26:15.100 --> 0:26:16.350

Stan Day

Hello, my name is Stan Day.

0:26:16.360 --> 0:26:20.790

Stan Day

I'm the licensing engineer for Connecticut Yankee, Main Yankee, and Yankee Atomic [ISFSIs].

0:26:21.960 --> 0:26:33.550

Stan Day

So my question is, given that you haven't, no, you decided not to slide the implementation date we it will the NRC be amenable to schedule or exemptions.

0:26:34.890 --> 0:26:45.340

Stan Day

OK, it took for that because I know that our site, we have generic concerns with the regulations, not just the Reg Guides.

0:26:45.850 --> 0:26:51.440

Stan Day

So I could see a fairly complex set of exemption request on our part.

0:26:51.770 --> 0:27:9.350

Stan Day

You know, dealing with disease causing agents, dealing with the continuous manning of a phone line, dealing with the FAA control towers, and a host of other generic issues that are concerned with the language in the rule itself.



0:27:9.880 --> 0:27:20.500

Stan Day

So we could either have a simple schedule exemption request, or we could have a complex multipart exemption request.

0:27:21.840 --> 0:27:26.940

Stan Day

So what would the NRC be willing to consider a scheduler exemption?

0:27:32.170 --> 0:27:38.220

Becca Lagios (She/Her)

Stan, I think we're going to have to take that back and discuss it with our legal counsel because I'm.

0:27:38.290 --> 0:27:39.800

Becca Lagios (She/Her)

I'm not sure of the answer to that.

0:27:39.810 --> 0:27:42.380

Becca Lagios (She/Her)

I understand the concerns.

0:27:42.470 --> 0:27:47.920

Becca Lagios (She/Her)

I know that we have spoken about some of those generic issues that you guys were looking at.

0:27:47.930 --> 0:27:51.130

Becca Lagios (She/Her)

So we will have to get back to you on that response.

0:27:53.940 --> 0:27:54.120

Stan Day

OK.

0:27:59.940 --> 0:28:0.290

Brett Klukan (He/Him)

Alright.

0:28:0.560 --> 0:28:2.990

Brett Klukan (He/Him)

Well, thank you very much for your question.

0:28:5.40 --> 0:28:7.430

Brett Klukan (He/Him)

At this time, I don't see anyone else in the queue.

0:28:7.440 --> 0:28:21.630

Brett Klukan (He/Him)

So again, if you would like to ask some question or post a comment on the process presentation, we just went through, please feel free to raise your hand if participating via the Teams app, you can find that right at the top of the screen.

0:28:21.640 --> 0:28:27.70

Brett Klukan (He/Him)

Looks like a little hand symbol or if you're participating via phone, press Star 5 again.

0:28:27.80 --> 0:28:28.530

Brett Klukan (He/Him)

That is Star 5.

0:28:28.660 --> 0:28:45.840

Brett Klukan (He/Him)

If you're having trouble raising your hand, please feel free to add that in mute and I'll see what I can do

to help you out, but I'll give individuals to you a couple more half a minute to figure out if they if there's any other questions they might want to ask related to this presentation before we move on to the next one.

0:28:55.920 --> 0:28:56.830

Brett Klukan (He/Him)

Alright, come on.

0:28:56.840 --> 0:28:57.180

Brett Klukan (He/Him)

Once.

0:28:58.410 --> 0:28:59.50

Brett Klukan (He/Him)

Twice.

0:29:0.360 --> 0:29:0.830

Brett Klukan (He/Him)

Alright.

0:29:0.840 --> 0:29:3.290

Brett Klukan (He/Him)

Well, thank you everyone who asked questions.

0:29:3.560 --> 0:29:6.430

Brett Klukan (He/Him)

So far, we really appreciate it and for your comments as well.

0:29:6.580 --> 0:29:11.790

Brett Klukan (He/Him)

We're now going to turn over to the second presentation, if you would just give me one second.

0:29:11.800 --> 0:29:12.760

Brett Klukan (He/Him)

To switch that up.

0:29:26.440 --> 0:29:26.820

Brett Klukan (He/Him)

Hopefully.

0:29:29.190 --> 0:29:32.810

Brett Klukan (He/Him)

The content slides or displaying now and with that I'll turn it over to Phil.

0:29:33.950 --> 0:29:35.770

Phil Brochman

Thank you, Brett.

0:29:37.420 --> 0:29:39.970

Phil Brochman

So we didn't take any break because we were.

0:29:40.100 --> 0:29:44.970

Phil Brochman

Only about the 30 minutes into the into our present into our discussion.

0:29:45.380 --> 0:29:56.750

Phil Brochman

So, right now we're going to the Staff's intent is to preview the potential technical content of these limited scope revisions.

0:29:59.190 --> 0:30:11.30

Phil Brochman

As I stated earlier, this is still an information meeting with question-and-answer session in this portion as well.

0:30:11.350 --> 0:30:26.60

Phil Brochman

I'm going to pause after each of the draft guide areas we've sorted this into if you've had a chance to, to look at the slides however briefly, they're broken down into three draft guides.

0:30:26.130 --> 0:30:33.960

Phil Brochman

I'll pause at the end of each one in case there's questions on a particular draft guide.

0:30:34.250 --> 0:30:41.950

Phil Brochman

And then there's we've got a block [of time] at the very end of the slides for any other questions.

0:30:43.770 --> 0:30:58.360

Phil Brochman

So as I noted previously, the NRC is not actively soliciting comments towards a regulatory decision in this meeting as this is an information meeting with question-and-answer session.

0:30:58.550 --> 0:30:59.770

Phil Brochman

So next slide please.

0:31:1.950 --> 0:31:12.730

Phil Brochman

So our purpose of this particular portion [of our presentation] is to preview the proposed technical content for these limited scope revisions.

0:31:13.750 --> 0:31:21.360

Phil Brochman

We're going to discuss the staff contemplated approach to address the most significant issues raised by stakeholders.

0:31:21.970 --> 0:31:36.700

Phil Brochman

And as I've noted in the previous discussion, the actual changes themselves will be contained in draft guides, and they'll be highlighted in the manner to help you focus on what the changes are.

0:31:36.890 --> 0:31:40.60

Phil Brochman

And we'll publish those draft guides in the Federal Register for comment.

0:31:40.510 --> 0:31:41.350

Phil Brochman

Next slide please.

0:31:45.210 --> 0:31:59.100

Phil Brochman

So first, before we get to the technical changes that disclaimer, the information that is going to be discussed in these slides reflects the Staffs current contemplated approach to addressing issues raised by stakeholders.

0:31:59.910 --> 0:32:14.790

Phil Brochman

However, a specific technical approach resolving any issue that is discussed in this meeting may evolve as these draft guides move through the NRC's review and approval process prior to their publication for public for comment.

0:32:20.180 --> 0:32:20.950

Phil Brochman

Next slide please.

0:32:24.220 --> 0:32:36.870

Phil Brochman

Our agenda for this portion of the meeting is to focus on, the three guides.

0:32:36.960 --> 0:33:2.220

Phil Brochman

And you'll notice that I have them sorted in reverse sequence order, and I've done that deliberately because the changes to draft guide 5082 and 5081 are not as substantive in number, and I wanted to make sure we got through all of those in case we had extended discussions on draft guide 5080.

0:33:2.230 --> 0:33:5.450

Phil Brochman

Reg Guide 5.62 seems to have engendered the most questions.

0:33:8.790 --> 0:33:10.940

Phil Brochman

Alright, so next slide.

0:33:10.950 --> 0:33:17.540

Phil Brochman

So here we are, draft guide 5082, this draft guide, if adopted, would become revision 1 to.

0:33:17.550 --> 0:33:23.620

Phil Brochman

Reg Guide 5.87, which is suspicious activity reporting under Part 73.

0:33:23.730 --> 0:33:24.500

Phil Brochman

Next slide please.

0:33:27.910 --> 0:33:37.690

Phil Brochman

The NRC is considering two potential changes in draft guide 5082 relating to the aircraft suspicious activity reporting process.

0:33:39.450 --> 0:33:44.200

Phil Brochman

The first is in Section B and you'll see the topic there.

0:33:44.370 --> 0:33:50.380

Phil Brochman

The topic is the heading in the regulatory guide where this particular information is located.

0:33:50.650 --> 0:33:53.370

Phil Brochman

This deals with the coordination and precedence language [for reporting suspicious activities].

0:33:54.730 --> 0:34:20.760

Phil Brochman

What we're thinking about is clarifying a question that was raised to us that in this following scenario, if a licensee thinks that something that potential aircraft activity is suspicious but they're not sure, they haven't reached a conclusion, and they contact their local FAA aircraft control facility to ask some questions to gather more information.

0:34:20.910 --> 0:34:29.480

Phil Brochman

And, in the course of that discussion, the licensee reaches a conclusion that the aircraft activity is, in fact suspicious.

0:34:29.970 --> 0:35:7.560

Phil Brochman

Can they make the notification to the FAA at that point, or do they need to revert back to the standard order and precedence of notifications which is local law enforcement first, FBI second, and NRC third, and the FAA fourth. The Staffs thinking at this point is it would be more effective and efficient to allow licensees to make the notification at that point described to the FAA and then to revert to the remainder of the standard order of precedence.

0:35:13.530 --> 0:35:24.780

Phil Brochman

So we would view this as approach as more efficient for both licensees and the FAA and it eliminates the need for a repeat call to the FAA.

0:35:26.550 --> 0:35:34.570

Phil Brochman

In the second bullet here we're talking about the same reporting, timeliness and order of precedence and notification process.

0:35:35.860 --> 0:36:2.40

Phil Brochman

One of the items that was pointed out to us was that, in for some licensees, the nearest FAA control tower, may be a major airport and in reflection we thought that a better choice of words may be the at local or appropriate FAA aircraft control facility [at the FAA's discretion].

0:36:2.370 --> 0:36:5.300

Phil Brochman

That could be a control tower.

0:36:5.590 --> 0:36:25.610

Phil Brochman

It could be a facility called a TRACON, which is the FAA's lingo for a terminal radar approach control facility, which has responsibility for a much larger area and higher altitude than an individual control tower.

0:36:26.800 --> 0:36:41.210

Phil Brochman

We also recognize that for some facilities, there may be multiple control towers, both civilian and military, within a within a short distance of their facility location that may need to be contacted.

0:36:41.400 --> 0:36:46.160

Phil Brochman

And so we are looking to make this language a little bit more generic.

0:36:47.250 --> 0:36:51.30

Phil Brochman

The language on FAA control tower may have been too precise.

0:36:53.480 --> 0:37:22.60

Phil Brochman

And the second point I would make is we would recommend deferring to what the FAA recommends as their most appropriate location to contact in reporting suspicious activities and the language that the staff had used might be viewed as too prescriptive and not providing the FAA sufficient flexibility to direct the communications where it deems most appropriate.

0:37:23.910 --> 0:37:24.760

Phil Brochman

Next slide please.

0:37:28.620 --> 0:37:37.150

Phil Brochman

All right, so let me pause at this point and say that's those were the changes that we've identified in draft guide 5082.

0:37:41.700 --> 0:37:58.140

Phil Brochman

At this point, we can stop and if anybody has any questions on those particular changes, I can address them there or we can proceed on and you can raise the raise any questions at the end of this presentation.

0:38:0.260 --> 0:38:7.210

Brett Klukan (He/Him)

Hey again to ask a question, please raise your hand within the Teams app or hit Star 5 if you're participating via phone.

0:38:7.220 --> 0:38:12.0

Brett Klukan (He/Him)

We do have a number of people who would like to ask questions at this time.

0:38:12.870 --> 0:38:13.200

Phil Brochman

OK.

0:38:12.10 --> 0:38:14.70

Brett Klukan (He/Him)

We're going start with Jeanne Johnston.

0:38:14.220 --> 0:38:19.80

Brett Klukan (He/Him)

So, Jeanne, whenever you are ready, please feel free to unmute yourself and begin your questions and or comments.

0:38:20.810 --> 0:38:23.390

Johnston, Jeanne D.

Thank you Jeannie Johnston again with Southern Nuclear.

0:38:23.670 --> 0:38:32.280

Johnston, Jeanne D.

I have not been following the entirety of this rule, so forgive me, this is going to be a very easy question, but does this topic of suspicious activity?

0:38:32.290 --> 0:38:38.240

Johnston, Jeanne D.

Is that limited to aircraft, suspicious activity and drones and things of that nature?

0:38:38.250 --> 0:38:40.650

Johnston, Jeanne D.

Or is it any type of suspicious activity?

0:38:43.310 --> 0:38:43.840

Phil Brochman

Thank you, Jeanne.

0:38:43.850 --> 0:38:44.660

Phil Brochman

Good question.

0:38:45.170 --> 0:38:49.820

Phil Brochman

The Regulation addresses a broad range of suspicious activities.

0:38:50.530 --> 0:39:5.230

Phil Brochman

The particular questions that were raised in the previous public workshops and in the forums that seemed to be the most significant focused on the issues that I've just discussed.

0:39:5.380 --> 0:39:11.820

Phil Brochman

And so that's what the potential changes in draft guide 5082 would focus on.

0:39:12.580 --> 0:39:12.850

Johnston, Jeanne D.

OK.

0:39:12.860 --> 0:39:13.210

Johnston, Jeanne D.

Thank you.

0:39:15.480 --> 0:39:16.810

Brett Klukan (He/Him)

Thank you very much for your question.

0:39:16.820 --> 0:39:18.550

Brett Klukan (He/Him)

Next, we'll turn to Stan Day.

0:39:18.560 --> 0:39:21.220

Brett Klukan (He/Him)

Stan, whenever you are ready, please feel free to unmute yourself.

0:39:23.210 --> 0:39:41.100

Stan Day

OK, now Stan Day once again with uh Connecticut YY atomic in Maine Yankee has the inner C considered possibly issuing an enforcement guidance memorandum for some of these generic issues that are attempting to be resolved via these changes to the draft.

0:39:41.110 --> 0:39:49.380

Stan Day

You know, to the Reg Guides and this one dealing with the FAA, local control tower is a good example because the rule is very prescriptive.

0:39:49.460 --> 0:39:52.690

Stan Day

It tells us to contact the FAA local control tower.

0:39:53.0 --> 0:40:6.30

Stan Day

You know, in some cases that's not even going to be in the same state, but the practicality of us being able to contact the control tower is probably going to be 0.

0:40:7.30 --> 0:40:17.30

Stan Day

So The thing is, is that we're probably going to be calling into an operation center and they would take the action to contact the applicable control towers.

0:40:17.950 --> 0:40:22.100

Stan Day

So yeah, in this case that's a generic item that's applicable to all of us.

0:40:22.110 --> 0:40:44.750

Stan Day

And I would assume that every licensee would need to submit an exemption request associated with the FAA local control tower as described in the rule, and so it seems to be that that would be something that would be ripe for an enforcement guidance memorandum to develop a uh limited time frame resolution.

0:40:45.680 --> 0:40:49.110

Stan Day

So just wondering if the NRC considered that.

0:40:52.850 --> 0:40:53.910

Becca Lagios (She/Her)

Phil, do you want me to jump in?

0:40:54.820 --> 0:40:55.150

Phil Brochman

Oh, yes.

0:40:55.160 --> 0:40:55.680

Phil Brochman

Please, Becca.

0:40:56.690 --> 0:40:57.80

Becca Lagios (She/Her)

Stan.

0:40:57.90 --> 0:40:58.470

Becca Lagios (She/Her)

Yes, the answer is yes.

0:40:58.480 --> 0:41:2.220

Becca Lagios (She/Her)

We have considered it and are still considering whether that would be appropriate.

0:41:3.500 --> 0:41:3.780

Stan Day

Got it.

0:41:4.40 --> 0:41:4.640

Stan Day

Alright, thank you.

0:41:7.350 --> 0:41:8.520

Brett Klukan (He/Him)

Thank you for your question.

0:41:8.750 --> 0:41:11.280

Brett Klukan (He/Him)

Next, we're going to go to Michael McNally.

0:41:11.550 --> 0:41:14.180

Brett Klukan (He/Him)

Michael, whenever you're ready, please feel free to state your name.

0:41:14.190 --> 0:41:15.20

Brett Klukan (He/Him)

Unmute yourself.

0:41:15.30 --> 0:41:16.830

Brett Klukan (He/Him)

State your name and any affiliation.



0:41:17.850 --> 0:41:18.470

Mcnally, Michael

Hey, thanks.

0:41:18.480 --> 0:41:24.90

Mcnally, Michael

Uh might be valley with the Luminant Power Security manager, Air Comanche Peak, just a clarifying question.

0:41:24.100 --> 0:41:32.830

Mcnally, Michael

So suspicious activity, the clarification being suspicious activity determination is made by security management at that site.

0:41:33.60 --> 0:41:37.130

Mcnally, Michael

It's solely sets with them as far as making the determination and suspicious activity.

0:41:37.760 --> 0:41:38.420

Mcnally, Michael

Is that correct?

0:41:40.390 --> 0:41:42.620

Phil Brochman

Thank you for your question.

0:41:42.830 --> 0:41:52.160

Phil Brochman

Yes, it is correct that the determination rests solely with the licensee and the personnel they have assigned that responsibility.

0:41:52.610 --> 0:42:9.490

Phil Brochman

However, the regulation and the guidance discuss the fact that the licensee may contact external entities in order to obtain in obtain additional information to reach a conclusion.

0:42:12.40 --> 0:42:15.40

Phil Brochman

That could be local law enforcement.

0:42:15.50 --> 0:42:18.180

Phil Brochman

It could be the FAA, et cetera.

0:42:18.250 --> 0:42:22.640

Phil Brochman

We've had instances in the past with suspicious activity.

0:42:23.320 --> 0:42:27.930

Phil Brochman

where the licensee is reached out [to gather more information and there was a problem].

0:42:27.940 --> 0:42:37.190

Phil Brochman

The best example I have that comes to mind is contacting campus police at a research and test reactor where the licensee thought there might have been something suspicious.

0:42:37.460 --> 0:42:44.930

Phil Brochman

They went and interacted with their campus police and there was a there was an issue that arose because of that.

0:42:45.100 --> 0:42:54.600

Phil Brochman

So what the NRC did in crafting the final regulation was to make clear that the licensee could reach out and gather information.

0:42:55.30 --> 0:42:58.420

Phil Brochman

That reaching out was not necessarily a conclusion.

0:42:58.590 --> 0:43:0.740

Phil Brochman

That something was or was not suspicious.

0:43:1.150 --> 0:43:37.330

Phil Brochman

So in my hypothetical, what I was indicating was that you reach out, you see something, they're not sure if it's suspicious or not suspicious that you reach out to your local FAA aircraft control facility, and based on that interaction, you then have enough information to reach a conclusion and the thought was if the conclusion is that the that this is suspicious aircraft activity, you could notify the FAA at that point in time rather than hanging up calling everyone else in the order of precedence and then returning back to the FAA.

0:43:38.110 --> 0:43:39.230

Phil Brochman

Does that answer your question, Sir?

0:43:39.780 --> 0:43:41.10

Mcnally, Michael

Yeah, that helps, Phil. Thanks.

0:43:43.410 --> 0:43:43.760

Brett Klukan (He/Him)

All right.

0:43:43.770 --> 0:43:45.120

Brett Klukan (He/Him)

Thank you again for that question.

0:43:45.490 --> 0:43:47.700

Brett Klukan (He/Him)

Next, we're going to turn to Steven Nayak.

0:43:47.970 --> 0:43:51.40

Brett Klukan (He/Him)

Steven Nayak, whenever you are ready, please feel free to unmute yourself.

0:43:51.50 --> 0:43:54.900

Brett Klukan (He/Him)

State your name and any affiliation, and then begin your questions and or comments.

0:43:55.10 --> 0:43:55.390

Brett Klukan (He/Him)

Thank you.

0:44:7.380 --> 0:44:8.740

Phil Brochman

Don't think he's unmuted himself.

0:44:9.600 --> 0:44:13.760

Brett Klukan (He/Him)

It looks even it looks like I can see your microphone, but we can't hear you.

0:44:16.860 --> 0:44:17.470

Steven Naeck (Vermont Yankee)

Good afternoon.

0:44:17.480 --> 0:44:18.630

Steven Naeck (Vermont Yankee)

This Corey Daniels actually.

0:44:18.150 --> 0:44:18.740

Phil Brochman

Well, there you are.

0:44:19.250 --> 0:44:19.690

Brett Klukan (He/Him)

There we go.

0:44:20.920 --> 0:44:21.560

Steven Naeck (Vermont Yankee)

Hi.

0:44:21.630 --> 0:44:36.20

Steven Naeck (Vermont Yankee)

Steven Naeck with North Star nuclear decommissioning at Vermont Yankee and also by proxy representing other folks on the call from our affiliate, say Crystal River 3 with the [other] North Stars decommissioning [plants] there as well.

0:44:36.350 --> 0:44:45.450

Steven Naeck (Vermont Yankee)

And there is busy, mostly want to echo Stan Day's comment, but then extrapolated slightly further and extended.

0:44:46.410 --> 0:44:50.200

Steven Naeck (Vermont Yankee)

No, spending a good amount of time trying to coordinate with the FAA.

0:44:50.210 --> 0:45:7.230

Steven Naeck (Vermont Yankee)

Who the appropriate contacts would be and the answer of the and implementation of the rule and having little success other than learning that it would be in fact the East Coast Operation Center and that they would prefer we contact [them] and not meeting The Regulation or Reg guidance as prescribed.

0:45:8.650 --> 0:45:30.730

Steven Naeck (Vermont Yankee)

I think that enforcement [discretion] will be important to a lot of licensees and additionally with respect to the other reporting requirements, including to the FBI or potentially a local military airfield or nearby military airfield, which we found are even more difficult to arrange liaisons with.

0:45:32.320 --> 0:45:51.990

Steven Naeck (Vermont Yankee)

Has the NRC considered whether or not it would be more appropriate for the NRC to make these ancillary notifications, or these other agencies through the more appropriate fusion processes that exist instead of burdening the licensees individually with his activity.

0:45:52.140 --> 0:46:0.520

Steven Naeck (Vermont Yankee)

Therefore, we could just make a single report to the NRC and allow more efficient activity of reporting to the other agencies.

0:46:2.350 --> 0:46:3.650

Steven Naeck (Vermont Yankee)

And that's my question. Thanks.

0:46:8.260 --> 0:46:13.860

Phil Brochman

Well, I think there could be many ways to answer that.

0:46:13.870 --> 0:46:21.250

Phil Brochman

But let me let me just point out that that would be a significant change to the structure of the final rule.

0:46:23.350 --> 0:46:28.340

Phil Brochman

And that's going a bit beyond what we're looking at here.

0:46:28.470 --> 0:46:34.560

Phil Brochman

But I think you're raising some very good questions that we need to.

0:46:35.130 --> 0:46:56.170

Phil Brochman

Dialogue with and I think the NRC also has the ability to interact with the FAA on a federal agency agency level and some of these questions you're raising, maybe things that we can propose to that portion of the Department of Transportation.

0:46:57.100 --> 0:47:0.870

Phil Brochman

Becca, would you like to amplify, correct me.

0:47:1.460 --> 0:47:2.230

Becca Lagios (She/Her)

No, no, no.

0:47:2.240 --> 0:47:3.50

Becca Lagios (She/Her)

Correction Phil.

0:47:3.60 --> 0:47:3.930

Becca Lagios (She/Her)

I think you're right.

0:47:3.940 --> 0:47:8.860

Becca Lagios (She/Her)

It was a good comment and we'll take that back and consider that.

0:47:15.960 --> 0:47:16.240

Brett Klukan (He/Him)

Alright.

0:47:16.250 --> 0:47:18.30

Brett Klukan (He/Him)

Well, thank you very much for that question.

0:47:18.800 --> 0:47:20.500

Brett Klukan (He/Him)

We're next going to turn to Edward.

0:47:22.70 --> 0:47:22.800

Brett Klukan (He/Him)

Allow.

0:47:23.270 --> 0:47:26.750

Brett Klukan (He/Him)

If I again, if I am mispronouncing anyone's name, I apologize.

0:47:26.760 --> 0:47:30.660

Brett Klukan (He/Him)

But we're going to go turn to Edward next when you are ready.

0:47:30.670 --> 0:47:31.530

Brett Klukan (He/Him)

Feel free to meet yourself.

0:47:31.540 --> 0:47:32.820

Brett Klukan (He/Him)

State your name and any affiliation.

0:47:33.640 --> 0:47:35.510

Edward Lau (Guest)

Alright, my name is Edward Liao.

0:47:35.520 --> 0:47:36.80

Edward Lau (Guest)

Can you hear me?

0:47:37.130 --> 0:47:37.670

Phil Brochman

Yes, we can.

0:47:38.70 --> 0:47:41.980

Edward Lau (Guest)

Yes, I'm with the MIT nuclear reactor lab.

0:47:42.750 --> 0:47:52.370

Edward Lau (Guest)

Umm, we have, uh, multiple uh aircrafts suspicious of flying over the reactor or circling the facility.

0:47:52.970 --> 0:47:54.780

Edward Lau (Guest)

Let's say in the in the last 20 years.

0:47:55.710 --> 0:48:13.550

Edward Lau (Guest)

And what I found out is that the best way to do is to, uh, call the local FBI point of contact and then have them contact FAA for us and we get result that way much faster.

0:48:14.570 --> 0:48:25.100

Edward Lau (Guest)

We do not have a local point of contact with the FAA and I so far they have been resisting in as establishing so.

0:48:25.660 --> 0:48:37.560

Edward Lau (Guest)

So in the past I've my experience is that when we called it FAA they spend a lot of time you know trying to get our identity, our names, our contact, you know how to call back and so on.

0:48:37.570 --> 0:48:41.310

Edward Lau (Guest)

And by the time when we were done with the call, the aircraft are gone.

0:48:42.20 --> 0:48:42.630

Edward Lau (Guest)

Umm.

0:48:42.840 --> 0:48:50.240

Edward Lau (Guest)

And also, I found out that they, uh, they were not allowed to release any information to civilians.

0:48:51.260 --> 0:48:51.880

Edward Lau (Guest)

Umm.

0:48:52.260 --> 0:49:0.320

Edward Lau (Guest)

And it's usually that they jot down our information and the callback later or even the next day, or sometimes they don't even call back.

0:49:1.0 --> 0:49:17.940

Edward Lau (Guest)

Umm, I just want to make sure that you know when NRC writes rules that, uh, that NRC has coordinate with FAA and let them know that FAA will be contacted by many nuclear facility licensees to establish a point of contact.

0:49:17.950 --> 0:49:24.300

Edward Lau (Guest)

So that FAA is ready to, you know, to establish local contact with us.

0:49:26.150 --> 0:49:33.420

Edward Lau (Guest)

Otherwise, I'll say that you know best approach is still to, you know, call the local FBI contact.

0:49:36.370 --> 0:49:37.180

Phil Brochman

Thank you.

0:49:38.180 --> 0:49:39.320

Phil Brochman

Thank you for that feedback.

0:49:39.800 --> 0:50:5.690

Phil Brochman

The voluntary suspicious Activity reporting program that started in I think was about 2005, 2006 time frame has included contacting the local FAA control tower and so it may have been that the staff assumed that there was not any major problems in this area.

0:50:6.40 --> 0:50:34.290

Phil Brochman

I think what you what you and some of the previous speakers are pointing out is that the language that we used in the rule, which sort of followed the direction of the voluntary program guidance or NRC security advisories may not have been the most effective and efficient, but we're going to have to, I think that will that will be this may be a longer term takeaway issue.

0:50:34.560 --> 0:50:37.550

Phil Brochman

Becca, do you have anything else that you want to add to this?

0:50:41.230 --> 0:50:42.520

Becca Lagios (She/Her)

I think you covered it well. Thanks.

0:50:46.290 --> 0:50:46.670

Phil Brochman

Alright.

0:50:47.120 --> 0:50:47.980

Phil Brochman

Next question.

0:50:50.210 --> 0:50:55.300

Brett Klukan (He/Him)

And this time it doesn't look like we have anyone else with their hand raised.

0:50:55.310 --> 0:51:5.840

Brett Klukan (He/Him)

So if you would like to ask a question, I'll give you a couple seconds here in in case you think of a question you'd like to ask or coming in like to make regarding this particular section of the presentation.

0:51:5.970 --> 0:51:12.280

Brett Klukan (He/Him)

So again, if you're participating via phone, press Star 5 again, that is Star 5 to raise your hand.

0:51:12.390 --> 0:51:17.570

Brett Klukan (He/Him)

Or if you're participating via the app, just press the raised hand function.

0:51:20.410 --> 0:51:26.570

Brett Klukan (He/Him)

Alright, I'm not seeing anyone, so it looks like we can move on with the presentation.

0:51:26.580 --> 0:51:27.230

Brett Klukan (He/Him)

Thank you everyone.

0:51:35.820 --> 0:51:37.280

Phil Brochman

All right, be right back.

0:51:44.910 --> 0:52:0.500

Phil Brochman

So let me now switch to draft guide 5081, that would if adopted, be revision 1 to regulatory guide 5.86

0:52:0.510 --> 0:52:10.220

Phil Brochman

Reg Guide 5.86 dealt with preemption authority, enhanced Weapons Authority, and firearms background checks.

0:52:10.630 --> 0:52:19.420

Phil Brochman

As I said, this was all pf the provisions of the enhanced weapons rule that dealt with implementation of section 161A of the Atomic Energy Act.

0:52:27.60 --> 0:52:37.800

Phil Brochman

So in draft guide 5081, the NRC staff is considering two potential changes related to enhanced weapons issues.

0:52:38.730 --> 0:52:52.520

Phil Brochman

1st in Section B Topic, the NRC created the terms standalone preemption authority and combined preemption authority and enhanced weapons authority as terms of art in the rule under Section 161A for when you get enhanced weapons authority.

0:52:52.980 --> 0:53:5.440

Phil Brochman

The language in the guidance document indicated that a licensee must first apply for stand-alone

preemption authority before it can apply for this combined preemption authority and enhanced weapons authority.

0:53:6.560 --> 0:53:9.390

Phil Brochman

This language is incorrect.

0:53:10.300 --> 0:53:22.610

Phil Brochman

It's certainly allowed that a licensee could apply first for standalone preemption authority, but it's not required.

0:53:22.620 --> 0:53:30.190

Phil Brochman

That is, a licensee can proceed directly to the application for combined preemption authority and enhance weapons authority.

0:53:30.380 --> 0:53:32.640

Phil Brochman

We would clarify that in DG-5081.

0:53:33.700 --> 0:53:39.70

Phil Brochman

Second, there was some questions on staff regulatory guidance.

0:53:39.80 --> 0:54:23.660

Phil Brochman

Position 5 of this of Reg guide 5.86 what is meant by training on enhanced weapons for security personnel with different responsibilities and the distinction was being made between security personnel who have access to enhance weapons versus security personnel whose duties requires the use of enhanced weapons and the I think the best example of this would be security personnel who have access to armories or ready service lockers but don't actually use the weapons in implementing the licensees protective strategy.

0:54:26.440 --> 0:54:53.590

Phil Brochman

And so in that circumstance it did not seem to make sense that the Reg Guide would indicate that the licensee would need to have those personnel who just have access to areas where the weapons are located would require them to train and qualify at the proficiency standards necessary to be able to use weapons.

0:54:53.980 --> 0:54:56.840

Phil Brochman

So we would clarify that particular aspect.

0:54:58.560 --> 0:54:59.360

Phil Brochman

Next slide please.

0:55:4.950 --> 0:55:27.430

Phil Brochman

There was also some questions regarding the issues of firearms background checks and in particular the question was raised if a licensee has security personnel whose duties do not include access to firearms or more particularly covered weapons.

0:55:32.180 --> 0:55:42.380

Phil Brochman

Are those personnel required to have a firearms background check and our conceptual thinking at this point is the answer to that is no.



0:55:42.650 --> 0:55:49.510

Phil Brochman

If the person's duties did not require access, I use access in a very broad sense.

0:55:50.660 --> 0:55:55.810

Phil Brochman

They're not required to have a firearms background check.

0:55:56.180 --> 0:55:57.730

Phil Brochman

Practical example.

0:55:57.920 --> 0:56:3.210

Phil Brochman

You have a security officer who performs badging duties, and they are not armed.

0:56:3.760 --> 0:56:8.70

Phil Brochman

What they do is they process issue [security] badges, et cetera, et cetera.

0:56:8.630 --> 0:56:39.940

Phil Brochman

That person would not require a firearms background check. If they were reassigned at some point in the future to duties that did require access to weapons, they would require a firearms background check, and so the decision on whether a licensee submits a particular individual for a firearms background check is at your discretion based upon your plans for what duties that individual may likely perform.

0:56:41.300 --> 0:56:53.650

Phil Brochman

The next question is regarding on the on-boarding process for newly hired personnel who do have firearms duties and are undergoing a firearms background check.

0:56:53.660 --> 0:56:59.290

Phil Brochman

The question relates to, well, how much training and on boarding can we do?

0:56:59.620 --> 0:57:21.560

Phil Brochman

The NRC has looked at this. In our conceptual approach [in DG-5081] you can do all of the items that you would do as part of your onboarding training process, except for those activities that require handling and use of covered weapons.

0:57:22.100 --> 0:57:27.370

Phil Brochman

So you could have classroom instruction on use of deadly force.

0:57:27.810 --> 0:57:41.710

Phil Brochman

What you couldn't do is have hands on firearms training at the firing range until such time as the individuals have completed the satisfactory firearms background check.

0:57:42.290 --> 0:58:1.140

Phil Brochman

So we think that that balances out and will provide sufficient flexibility to licensees and those are the four areas in draft guide 5081 that the NRC is considering addressing.

0:58:3.350 --> 0:58:11.240

Phil Brochman

I know that there are only a few licensees who may be interested in this, so we'll see how many comments and questions I get in this area.

0:58:11.450 --> 0:58:16.810

Phil Brochman

So, Brett, why don't you, this back up for questions and comments on this area.

0:58:18.320 --> 0:58:18.650

Brett Klukan (He/Him)

Alright.

0:58:18.660 --> 0:58:19.180

Brett Klukan (He/Him)

Thanks, Phil.

0:58:19.340 --> 0:58:23.710

Brett Klukan (He/Him)

Before we go to questions, I just wanted to capture some things that were put in the chat.

0:58:23.720 --> 0:58:29.270

Brett Klukan (He/Him)

So and again, if you do write something in the chat, we will capture in our notes from this meeting.

0:58:29.480 --> 0:58:35.90

Brett Klukan (He/Him)

Janet Shutler of NEI writes regarding slide eight of the last presentation.

0:58:35.340 --> 0:58:43.30

Brett Klukan (He/Him)

I applaud the NRC's plan to conduct a public meeting, specifically to provide feedback on how comments were dispositioned prior to ewvising the guidance.

0:58:43.100 --> 0:58:46.450

Brett Klukan (He/Him)

This should be, but is not, standard practice with rulemakings.

0:58:46.600 --> 0:58:48.230

Brett Klukan (He/Him)

Thank you for that comment, Janet.

0:58:48.810 --> 0:58:50.300

Brett Klukan (He/Him)

I'm Sue Perkins wrote.

0:58:50.770 --> 0:58:52.470

Brett Klukan (He/Him)

Excellent points being made.

0:58:52.480 --> 0:58:58.880

Brett Klukan (He/Him)

Licensees are committed to interact with the FAA, but it is not reciprocal, being or with the private sector.

0:58:59.200 --> 0:59:18.550

Brett Klukan (He/Him)

And then Charlotte Shields, wrote as a follow up, if a licensee finds themselves in a situation where the FAA refuses to establish a point of contact, is Mr Lau articulated clarification on how licensees will be able to comply since it is specific in the rule language?

0:59:18.560 --> 0:59:20.640

Brett Klukan (He/Him)

Thank you all for your comments and the chat.

0:59:21.480 --> 0:59:26.190

Brett Klukan (He/Him)

And with that, again, if you do post comments in the chat, we chat, we will capture them.

0:59:26.300 --> 0:59:29.530

Brett Klukan (He/Him)

But let us now turn to questions on this particular section of the presentation.

0:59:29.660 --> 0:59:36.710

Brett Klukan (He/Him)

If you have any questions on this section, please feel free to raise your hand using the Teams app or press Star 5 on your phone.

0:59:47.540 --> 0:59:53.830

Brett Klukan (He/Him)

OK, it looks like we don't have any takers for questions or comments on this section.

0:59:53.840 --> 0:59:58.250

Brett Klukan (He/Him)

Fine, so I think we can move on to the next section.

1:0:0.800 --> 1:0:1.530

Phil Brochman

Very well.

1:0:1.940 --> 1:0:11.500

Phil Brochman

I was thinking the next time I do this, I'm gonna have to get the theme music from Jeopardy to play during while we're waiting for comments to arise.

1:0:14.470 --> 1:0:15.100

Phil Brochman

All right.

1:0:15.270 --> 1:0:21.580

Phil Brochman

So we're in the third stretch, which I think will also be the long stretch of this particular discussion.

1:0:24.210 --> 1:0:28.160

Phil Brochman

The staff is now going to talk about our conceptual approaches.

1:0:28.930 --> 1:0:33.260

Phil Brochman

Preview what we're thinking about in draft guide 5080.

1:0:35.990 --> 1:0:44.550

Phil Brochman

This would be revision 3 to Reg Guide 5.62, which is physical security, event notifications, reports and records.

1:0:46.620 --> 1:1:5.910

Phil Brochman

We've got a number of topics here [in DG 5080] and as we get to the end of this, there will be some slides that we'll talk about issues where questions have been raised, that we that the staff thinks does not think will require changes to the regulations, but to the guidance documents.

1:1:6.170 --> 1:1:11.160

Phil Brochman

But we wanted to highlight the issues of significance and we wanted to go over that a bit.

1:1:11.570 --> 1:1:22.850

Phil Brochman

And then there's also like 1 slide where the where we acknowledge that the NRC is still trying to work through how to address the ideas is those issues.

1:1:23.340 --> 1:1:25.170

Phil Brochman

So let's go to the slides.

1:1:25.210 --> 1:1:26.260

Phil Brochman

Go to the next slide, please.

1:1:33.470 --> 1:1:37.710

Phil Brochman

There were questions raised about the distinction between.

1:1:40.120 --> 1:2:9.110

Phil Brochman

Contraband being discovered inside the site boundary, the specific language where the challenge was pointed to staff regulatory guidance position 7.1 example four and the language of within the site boundary and this was in contrast with language elsewhere regarding 4 -our event notifications for actual introduction of contraband.

1:2:10.540 --> 1:2:23.290

Phil Brochman

The NRC recognizes that this language didn't appear to flow smoothly and wasn't focused on the significance of the event.

1:2:23.880 --> 1:2:43.370

Phil Brochman

So in this particular case, what we're thinking about doing is removing the language of within the site boundary and bringing it in a little closer to something of concern, and also to clarify that we're talking about unauthorized explosives.

1:2:43.420 --> 1:2:46.720

Phil Brochman

And unauthorized incendiary material.

1:2:48.530 --> 1:3:24.420

Phil Brochman

Improvised explosive devices and improvised incendiary devices was one of the things the staff thought about to change with the inside boundary language as well to within the facility itself or in direct contact with the facility because we recognize that an explosive device would could be placed next to a large external structure {e.g., a safety-related water storage tank}, or even something like a spent fuel storage cask, and so.

1:3:26.640 --> 1:3:51.150

Phil Brochman

The staff used this approach of having the contraband get to the point where it was iwithn the facility or directly in contact with the facility would be a more significant event than something being just discovered at the protected area boundary and so therefore it was something that would warrant the 15 minute notification for a hostile action.

1:3:51.380 --> 1:3:57.530

Phil Brochman

So that is, what we're thinking about on this particular example.

1:4:3.580 --> 1:4:5.160

Phil Brochman

Can we go to the next slide please?

1:4:6.60 --> 1:4:6.390

Brett Klukan (He/Him)

Sure.

1:4:6.400 --> 1:4:8.660

Brett Klukan (He/Him)

I think we actually have a question from Charlotte.

1:4:9.30 --> 1:4:9.320

Phil Brochman

OK.

1:4:10.250 --> 1:4:10.850

Phil Brochman

That's a good idea.

1:4:11.350 --> 1:4:16.120

Phil Brochman

Thank you, Brett, for reminding me I'm going to pause after each one of these slides and see if there are any questions.

1:4:16.210 --> 1:4:17.270

Phil Brochman

So go ahead.

1:4:18.420 --> 1:4:18.620

SHIELDS, Charlotte

Hi.

1:4:17.920 --> 1:4:20.120

Brett Klukan (He/Him)

So Charlotte, you know, go for it.

1:4:20.630 --> 1:4:22.640

SHIELDS, Charlotte

Hi, this is Charlotte Shields.

1:4:22.700 --> 1:4:23.470

SHIELDS, Charlotte

I'm.

1:4:23.530 --> 1:4:31.400

SHIELDS, Charlotte

I'm on loan to NEI from Palo Verde Generating Station, so I just wanted to make sure I understand what you just said.

1:4:31.410 --> 1:4:49.870

SHIELDS, Charlotte

Phil, when you talked about revising the example language and moving in closer from the site boundary, some of the words that you used were still the word incendiary, which is still a part of the definition of contraband.

1:4:50.560 --> 1:5:16.750

SHIELDS, Charlotte

And so when we're looking at the four hour reporting requirement of contraband discovered within the protected area and I guess, how are you going to clarify from within the protected area or are you going

to clarify an example like physical like a physically attached to a, you know, a safety related systems structure or component?

1:5:16.860 --> 1:5:20.640

SHIELDS, Charlotte

I just want to make sure I understand if the clarification.

1:5:22.370 --> 1:5:23.630

SHIELDS, Charlotte

Will help us.

1:5:23.380 --> 1:5:26.890

Phil Brochman

We understand what you're asking, Charlotte.

1:5:26.900 --> 1:6:6.80

Phil Brochman

Here's what I think I've heard is your question that that you're you're sort of asking if unauthorized explosive material or unauthorized incendiary material is discovered within the protected area but not inside of the facility or in direct contact with the facility, which is sort of what the NRC staff was thinking that the question you're asking is, does there need to be some more significant safety Nexus, meaning it's adjacent to safety related equipment or some system that's important to safety?

1:6:8.290 --> 1:6:10.280

Phil Brochman

To make it a 15-minute notification.

1:6:11.0 --> 1:6:11.950

SHIELDS, Charlotte

I yeah.

1:6:11.960 --> 1:6:17.150

SHIELDS, Charlotte

And I guess maybe using the word facility isn't congruent across the industry either.

1:6:17.160 --> 1:6:34.970

SHIELDS, Charlotte

So when you just say facility I, I would, I would just ask you to just be as specific as possible when you're looking for the criteria for a 15 minute notification because umm, there's some ambiguity left there.

1:6:37.770 --> 1:6:38.920

Phil Brochman

OK, that helps me.

1:6:38.930 --> 1:6:39.820

Phil Brochman

That's a good question.

1:6:39.830 --> 1:6:41.860

Phil Brochman

Help me understand what you mean.

1:6:42.110 --> 1:6:43.400

Phil Brochman

In other words, what's the issue?

1:6:52.960 --> 1:6:53.310

SHIELDS, Charlotte

Correct.

1:6:43.410 --> 1:6:53.890

Phil Brochman

Is the issue that the facility could be viewed as the entire complex rather than the specific building like the power block or so?

1:6:54.250 --> 1:6:59.380

Phil Brochman

OK, so in your perception here's what I'm hearing.

1:6:59.530 --> 1:7:13.220

Phil Brochman

Your concern is that "facility" could be everything inside the protected area fence and I may be thinking that the facility is an actual building inside that has some significance.

1:7:13.880 --> 1:7:14.250

SHIELDS, Charlotte

Correct.

1:7:16.920 --> 1:7:17.220

Phil Brochman

OK.

1:7:18.900 --> 1:7:21.90

Phil Brochman

And just to clarify.

1:7:20.340 --> 1:7:31.520

SHIELDS, Charlotte

I will also just say the term the word facility is just used is used interchangeably with station licensee or site.

1:7:31.790 --> 1:7:36.550

SHIELDS, Charlotte

So facility is not as specific as you're thinking in your mind?

1:7:37.930 --> 1:7:38.170

Phil Brochman

OK.

1:7:41.370 --> 1:7:41.790

SHIELDS, Charlotte

Thank you.

1:7:42.650 --> 1:7:43.360

Phil Brochman

Thank you, Charlotte.

1:7:44.180 --> 1:7:44.520

Brett Klukan (He/Him)

Yes.

1:7:44.980 --> 1:8:3.750

Brett Klukan (He/Him)

Thank you very much and Timothy Graf I see that you posed a comment in the chat on regarding the prior section essentially and questioning understanding, you know, heard the statement that licensees could not have access to covered weapons until a firearms background check is completed.

1:8:3.870 --> 1:8:11.740

Brett Klukan (He/Him)

However, the rule says that security personnel may continue to have access to covered weapons pending the results of initial firearm background check.

1:8:11.810 --> 1:8:20.890

Brett Klukan (He/Him)

I suggest we circle back to that at the end, since we you've moved on, but what we will definitely come back to that or do you want to talk about it now Phil?

1:8:22.500 --> 1:8:23.40

Brett Klukan (He/Him)

Alright, great.

1:8:21.250 --> 1:8:24.380

Phil Brochman

I can talk about it now.

1:8:26.620 --> 1:8:51.150

Phil Brochman

The issue the language that you're the language that's being talked about there is, is sort of a bridging language, it recognizes it was written in a manner that a licensee applies for either stand-alone preemption authority or combined preemption authority to enhanced weapons authority.

1:8:51.480 --> 1:8:57.430

Phil Brochman

And once it submits its application, it begins to conduct firearms background checks.

1:8:57.680 --> 1:9:2.170

Phil Brochman

So these are existing security personnel in that circumstance.

1:9:2.600 --> 1:9:15.160

Phil Brochman

In that circumstance, the security personnel may continue to have access to weapons while the firearms background checks are being accomplished.

1:9:16.120 --> 1:9:27.210

Phil Brochman

The NRC's thinking was we did not want to place a licensee in a position where all the security guards were unarmed because they were still conducting.

1:9:27.550 --> 1:9:45.630

Phil Brochman

They were being subject to firearms background checks. So, what that regulation requires is that they allow those security officer to continue duties that require access to covered weapons, while the firearms background check is underway.

1:9:46.750 --> 1:10:10.120

Phil Brochman

If the licensee receives adverse results, either a delayed response or a denied response, then the individual must be taken off of armed duties promptly. For the case we were trying to talk about [in DG 5081] this guidance would apply to new security personnel.

1:10:10.570 --> 1:10:31.700

Phil Brochman

In other words, after the licensee has received their approval of, say, their preemption authority, and now two years later, they're hiring some new security personnel, the question is I understood it was at what point or what can the onboarding process for those new security personnel allow access to covered weapons?

1:10:31.870 --> 1:10:33.210

Phil Brochman

What can it [the onboarding activities] consist of?



1:10:35.70 --> 1:10:36.510

Phil Brochman

Or, what is it limited to?

1:10:36.820 --> 1:10:39.880

Phil Brochman

And that's what we were trying to clarify.

1:10:45.320 --> 1:10:45.970

Graf, Timothy

OK.

1:10:46.20 --> 1:10:46.590

Graf, Timothy

Thank you.

1:10:47.400 --> 1:10:51.740

Graf, Timothy

Yeah, perhaps I mentioned in the guidance that that will clarify that.

1:10:54.770 --> 1:10:57.680

Brett Klukan (He/Him)

And that was uh Timothy Graf just served the transcript.

1:10:57.690 --> 1:10:58.530

Brett Klukan (He/Him)

So we captured that.

1:10:58.540 --> 1:11:1.530

Brett Klukan (He/Him)

Thank you very much Timothy for the comment.

1:11:2.150 --> 1:11:5.280

Brett Klukan (He/Him)

I'm so next we will turn to John Cherubini.

1:11:5.290 --> 1:11:8.120

Brett Klukan (He/Him)

John, whenever you're ready, please feel free to unmute yourself.

1:11:8.170 --> 1:11:9.510

Brett Klukan (He/Him)

State your name and any affiliation?

1:11:11.510 --> 1:11:12.800

John Cherubini (Entergy HQ) (Guest)

Hey, good afternoon all.

1:11:12.990 --> 1:11:16.750

John Cherubini (Entergy HQ) (Guest)

John Cherubini, I'm a senior manager for security compliance with Entergy.

1:11:17.880 --> 1:11:25.70

John Cherubini (Entergy HQ) (Guest)

Phil, I wanted to go back to, I think the confusion in Charlotte got you there, but we didn't quite get it defined.

1:11:25.80 --> 1:11:32.430

John Cherubini (Entergy HQ) (Guest)

So in the Reg Guide it it says the discovery of an unauthorized explosives materials, incendiary, blah blah blah.

1:11:37.640 --> 1:11:43.90

John Cherubini (Entergy HQ) (Guest)

Is that we use so because site boundary could be to somebody.

1:11:43.100 --> 1:11:48.270

John Cherubini (Entergy HQ) (Guest)

Hey, we get to our checkpoint once you go through it, you're in our you're on our site.

1:11:48.420 --> 1:11:54.920

John Cherubini (Entergy HQ) (Guest)

So do we really want to make a 15 minute report and an incendiary device at a training center?

1:11:54.930 --> 1:11:56.900

John Cherubini (Entergy HQ) (Guest)

That's a quarter mile away from the reactor.

1:11:56.910 --> 1:12:3.480

John Cherubini (Entergy HQ) (Guest)

It's in the site boundary, so why don't we use the terms PA protected area?

1:12:4.0 --> 1:12:9.670

John Cherubini (Entergy HQ) (Guest)

Somebody may have an external ISFSI, so you have two site boundaries at that site.

1:12:9.680 --> 1:12:15.240

John Cherubini (Entergy HQ) (Guest)

You have your ISFSI and its protected area and you have your reactor and its protected area.

1:12:15.530 --> 1:12:17.510

John Cherubini (Entergy HQ) (Guest)

When we say site boundary, you're gonna.

1:12:17.570 --> 1:12:19.920

John Cherubini (Entergy HQ) (Guest)

Confuse folks as to what a site boundary is.

1:12:19.930 --> 1:12:22.180

John Cherubini (Entergy HQ) (Guest)

Is it my overall site?

1:12:22.730 --> 1:12:30.860

John Cherubini (Entergy HQ) (Guest)

I think the intent the NRC had was to say, hey, if we find that inside our PA or inside our ISSFI, we need to call in 15 minutes.

1:12:31.250 --> 1:12:36.690

John Cherubini (Entergy HQ) (Guest)

If we find it at the warehouse and quarter mile away from the plant, we need to call it in in four hours.

1:12:38.910 --> 1:12:40.10

John Cherubini (Entergy HQ) (Guest)

I think that's what you mean.

1:12:40.820 --> 1:12:43.730

Phil Brochman

I think that's part of it.

1:12:43.740 --> 1:12:53.950

Phil Brochman

I think also, John, the NRC recognized that that just like Charlotte said there could be a lot of interpretations.

1:12:53.960 --> 1:12:55.690

Phil Brochman

What is meant by the site boundary?

1:12:56.80 --> 1:13:3.630

Phil Brochman

Someone may say that that is the boundary as defined in the updated final safety analysis report.

1:13:4.60 --> 1:13:24.890

Phil Brochman

Someone else might say, well, it's the protected area boundary and so the NRC staff thinking at this point was to move away from the term site boundary to something that was closer in and to the facility to the, I'll call it the components of the facility that are significant, which is a very wordy way of saying things.

1:13:25.630 --> 1:13:26.210

John Cherubini (Entergy HQ) (Guest)

Right. But.

1:13:26.570 --> 1:13:43.760

Phil Brochman

But, but the idea is that the whole concept of the the 15 minute one hour, 4 hour, 8 hour is that the security significance is decreasing as you move further away and therefore more time is allowed.

1:13:44.10 --> 1:13:49.460

Phil Brochman

So in this case, unauthorized, explosive, by the way.

1:13:49.950 --> 1:14:8.600

Phil Brochman

I'm being very careful here about saying unauthorized because we recognize that there may be instances where explosive or incendiary material is authorized to be brought on the site to use for construction, demolition or other necessary purposes.

1:14:8.750 --> 1:14:11.680

Phil Brochman

And so we're talking about unauthorized materials.

1:14:11.950 --> 1:14:20.860

Phil Brochman

And the question is how do we create a focus that narrows down what says this is a really significant issue.

1:14:21.580 --> 1:14:25.610

Phil Brochman

As opposed to sort of the question Charlotte was posing.

1:14:25.960 --> 1:14:39.40

Phil Brochman

If you find something suspicious sitting out next to next to a storage tank that contains water may not be significant.

1:14:39.50 --> 1:14:39.960

Phil Brochman

Water, potable water.

1:14:39.970 --> 1:14:42.700

Phil Brochman

Let's replace potable water on this site with a refueling water storage tank.

1:14:44.230 --> 1:14:47.40

Phil Brochman

Is that something that requires a 15 minute notification?

1:14:47.550 --> 1:14:58.310

Phil Brochman

It sounds like this topic is going to engender some lively comments as we move forward into the draft guide and further discussions.

1:14:59.540 --> 1:15:0.70

John Cherubini (Entergy HQ) (Guest)

Yeah.

1:15:0.180 --> 1:15:21.130

John Cherubini (Entergy HQ) (Guest)

And I think you're right, but just keep in mind the four-hour report at the at the search train, those primary access facilities are in many cases, uh, you know, a few feet away from the PA and then maybe only 50 to 75 yards away from, you know, power blocks.

1:15:21.140 --> 1:15:25.340

John Cherubini (Entergy HQ) (Guest)

So I think we're, we're in the right place there with the four-hour report, right?

1:15:25.350 --> 1:15:33.900

John Cherubini (Entergy HQ) (Guest)

We we're gonna figure out what we had and but a 15-minute report on something that's found out at your site boundary.

1:15:33.990 --> 1:15:35.280

John Cherubini (Entergy HQ) (Guest)

Determine what that is.

1:15:35.330 --> 1:15:38.680

John Cherubini (Entergy HQ) (Guest)

Some folks may think that's out in the OCA somewhere.

1:15:38.750 --> 1:15:41.110

John Cherubini (Entergy HQ) (Guest)

I just think that language is gonna be confusing to.

1:15:43.710 --> 1:15:44.410

John Cherubini (Entergy HQ) (Guest)

Many of us.

1:15:44.930 --> 1:15:45.750

Phil Brochman

I agree.

1:15:45.800 --> 1:15:48.880

Phil Brochman

That's why maybe I was misunderstood.

1:15:48.890 --> 1:16:11.180

Phil Brochman

Misheard what I was saying is that the NRC was thinking about changing from the language of at the site boundary to something that was, I think what we were talking about was either quote within or in direct contact with the facility.

1:16:11.550 --> 1:16:12.980

Phil Brochman

That's what we were thinking of.

1:16:13.90 --> 1:16:21.940

Phil Brochman

That's what I'm saying the NRC is conceptually thinking about, but we take your point that this, question needs to be thought about thoroughly.

1:16:22.490 --> 1:16:26.880

Phil Brochman

Becca's hand up on the screen, so, what do you want to add?

1:16:26.890 --> 1:16:28.370

Phil Brochman

What do you want to clarify for me?

1:16:28.780 --> 1:16:30.550

Becca Lagios (She/Her)

No, no, no, you got it right there, Phil.

1:16:30.560 --> 1:16:34.360

Becca Lagios (She/Her)

I was just wanted to make sure so we got the comment.

1:16:34.370 --> 1:16:38.610

Becca Lagios (She/Her)

Thank you, John, for following up with the extra clarification.

1:16:38.620 --> 1:16:39.630

Becca Lagios (She/Her)

We've got that.

1:16:39.640 --> 1:16:46.220

Becca Lagios (She/Her)

I think what we need to focus on is making sure that we use the language that's.

1:16:46.230 --> 1:16:47.830

Becca Lagios (She/Her)

That's going to make sense for everyone, right?

1:16:47.840 --> 1:16:59.230

Becca Lagios (She/Her)

So if there's other groups and the industry here that have thoughts on what language makes sense for their facility versus another facility, that's important information for us to have as we're considering what the change may look like.

1:17:3.430 --> 1:17:3.990

John Cherubini (Entergy HQ) (Guest)

Appreciate it.

1:17:5.240 --> 1:17:5.750

Becca Lagios (She/Her)

Thanks John.

1:17:5.510 --> 1:17:9.920

Brett Klukan (He/Him)

Alright, thank you very much for the question and the comments.

1:17:10.170 --> 1:17:11.700

Brett Klukan (He/Him)

Anyone else at this time?

1:17:11.850 --> 1:17:15.100

Brett Klukan (He/Him)

Again, please feel free to raise your hand if you're participating via phone.

1:17:15.110 --> 1:17:18.170

Brett Klukan (He/Him)

Press Star 5 again, that's Star 5, to raise your hand.

1:17:25.320 --> 1:17:29.930

Brett Klukan (He/Him)

I'm not seeing anyone at this time, so I think we can move on.

1:17:31.810 --> 1:17:33.980

Phil Brochman

We've got but 90 minutes left.

1:17:35.790 --> 1:17:36.560

Phil Brochman

So let's go to the next slide.

1:17:41.390 --> 1:17:52.740

Phil Brochman

So on this slide, we're talking about two potential changes to draft guide 5080 regarding events involving lost versus uncontrolled authorized weapons.

1:17:53.450 --> 1:18:8.760

Phil Brochman

The term authorized weapons is meant to indicate those weapons that are authorized by the licensee, typically described in the physical security plan.

1:18:8.770 --> 1:18:36.280

Phil Brochman

In terms of what types of weapons they are, calibers, et cetera, and the issue involves a weapon that's lost versus the term lost versus uncontrolled and there was a suggestion from industry that in staff regulatory guidance position 9.1 that there was number duration of how long a licensee could look for a lost weapon.

1:18:36.630 --> 1:18:38.690

Phil Brochman

If it was lost.

1:18:38.790 --> 1:18:57.80

Phil Brochman

It must be reported, and this the suggestion was that a reasonable amount of time, for example, one hour, be allocated to searching for a lost weapon, and, if that happen, is not found at that point, that a notification be made.

1:18:58.190 --> 1:19:9.690

Phil Brochman

Umm, the second example is in staff regulatory guidance position 18.2 example 8, this is a recordable event.

1:19:9.700 --> 1:19:16.460

Phil Brochman

So the first position guidance in position 9.1 is an event notification.

1:19:18.70 --> 1:19:52.870

Phil Brochman

The second one is a recordable event in the safeguards event log or other program, and they're the thought was to clarify that either the weapon was found within the quote, reasonable time frame, whatever that is, that the weapon, or that the weapon was only briefly left unattended, or the weapon was briefly out of the line of sight of the authorized security personnel so that those would be viewed as examples of what would go into position 18.2.

1:19:52.880 --> 1:20:3.290

Phil Brochman

Here you see 10 CFR 73.1210 paragraph which discusses decreases in effectiveness under the licensee's security program.

1:20:7.960 --> 1:20:17.620

Phil Brochman

Let's pause at this point and see if there are any comments on those issues before I go on to anything else.

1:20:19.30 --> 1:20:32.500

Brett Klukan (He/Him)

OK, if you have any comments or questions on what Phil just spoke about, please feel free to raise your hand within the app using the raise hand function or if you're on the phone, press Star 5, again that it's Star 5 to raise your hand.

1:20:32.610 --> 1:20:41.500

Brett Klukan (He/Him)

If you have any problems using the raising your hand within the app, please feel free to let us know via the chat.

1:20:49.30 --> 1:20:53.810

Brett Klukan (He/Him)

OK, I'm not seeing any hands raised at this time so I think we can move on.

1:20:54.580 --> 1:20:55.980

Phil Brochman

Alright, next slide please.

1:21:2.650 --> 1:21:6.700

Phil Brochman

Did we skip over something or is my sequencing is off here?

1:21:10.510 --> 1:21:32.480

Phil Brochman

So let's talk about this malevolent intent issue. There are some questions that were raised regarding malevolent intent, and in particular, the questions were the NRC has indicated that this, is a function that's appropriate for law enforcement, government agency, et cetera, Intelligence community.

1:21:33.70 --> 1:21:46.800

Phil Brochman

And the question was posed well, if the licensee has an actual sworn law enforcement component, and I don't know that may only be one or two licensees.

1:21:47.0 --> 1:22:2.40

Phil Brochman

But if they do have that capability, would those personnel be capable of evaluating whether malevolent intent was present in an event for uses of screening purposes and the NRC's view?

1:22:2.410 --> 1:22:5.80

Phil Brochman

Essentially, it preliminarily would be yes, that is.

1:22:5.410 --> 1:22:7.620

Phil Brochman

That would seem to be appropriate because they would.

1:22:7.680 --> 1:22:11.880

Phil Brochman

The individual would be viewed as trained and qualified law enforcement personnel.

1:22:12.250 --> 1:22:28.260

Phil Brochman

The corollary question to that just for some licensees, a number of their security personnel are also reserve police Officers, reserve sheriff's deputies.

1:22:28.330 --> 1:22:41.320

Phil Brochman

But wherever it is, depending on the locale and the question is, would those personnel be capable as sworn law enforcement officers of performing such an evaluation?

1:22:42.350 --> 1:22:52.550

Phil Brochman

The NRC's preliminary view would be that yes, that could be something that could be accomplished in that circumstance.

1:22:53.20 --> 1:23:0.150

Phil Brochman

The second question that was raised to me in one of the workshops or forums.

1:23:0.430 --> 1:23:23.180

Phil Brochman

Was there may be circumstances in which local law enforcement is unable to respond to a site to evaluate whether an event is the potentially malevolent or not, and the question then became what is the licensee supposed to do?

1:23:24.820 --> 1:23:26.730

Phil Brochman

Are they [licensees] supposed to just make the call anyway?

1:23:30.400 --> 1:23:33.730

Phil Brochman

Are they to reach a decision themselves?

1:23:33.840 --> 1:23:40.350

Phil Brochman

And so our goal here is to try to provide a little clarity about what the options are in that circumstance.

1:23:42.910 --> 1:23:45.420

Phil Brochman

Are there any questions on this particular slide?

1:23:48.890 --> 1:23:53.680

Brett Klukan (He/Him)

Uh, it looks like Phil, we do have one hand raised at this time.

1:23:53.690 --> 1:24:0.340

Brett Klukan (He/Him)

And so John Cherubini, whenever you're ready, please feel free to unmute yourself and begin your question and or comment.

1:24:2.320 --> 1:24:19.960

John Cherubini (Entergy HQ) (Guest)

Hey, Phil, I appreciate that clarification on what you're looking at, but one of the big issues we had when we talked about this back in May, uh, and understand the example in the Reg Guide is a bomb threat, right?

1:24:19.970 --> 1:24:24.780

John Cherubini (Entergy HQ) (Guest)

And honestly, in talking with my peers, we used to get those a lot back in the old days.



1:24:24.790 --> 1:24:25.790

John Cherubini (Entergy HQ) (Guest)

We don't really.

1:24:26.150 --> 1:24:39.30

John Cherubini (Entergy HQ) (Guest)

Not a lot of people have talked about these in recent events, but the one we're concerned with is we used the term malevolent intent.

1:24:39.760 --> 1:24:45.140

John Cherubini (Entergy HQ) (Guest)

Previously, when somebody would introduce contraband to the search equipment.

1:24:45.930 --> 1:24:55.240

John Cherubini (Entergy HQ) (Guest)

We would log it based on the fact that we determined there was no malevolent intent on the employees part.

1:24:56.270 --> 1:25:17.640

John Cherubini (Entergy HQ) (Guest)

It looks now the way this is written that if we have an employee mistakenly introduced a handgun to a search train, we are not capable as the licensee to determine whether that was a human performance event or was it somebody trying to circumvent our process.

1:25:17.650 --> 1:25:23.340

John Cherubini (Entergy HQ) (Guest)

And that's, I think the big question on malevolent intent that we're worried about.

1:25:23.350 --> 1:25:34.460

John Cherubini (Entergy HQ) (Guest)

And I know there's some peers out there that have, you know, sheriff's departments that are, you know, spread out over hundreds of miles and you gotta [have something significant to] get them to come in.

1:25:34.470 --> 1:25:38.620

John Cherubini (Entergy HQ) (Guest)

And they the example I used back in May was a security officer goes.

1:25:38.630 --> 1:25:40.180

John Cherubini (Entergy HQ) (Guest)

To the range the day before.

1:25:40.280 --> 1:25:42.940

John Cherubini (Entergy HQ) (Guest)

He forgets that he has his handgun in his backpack.

1:25:42.950 --> 1:25:45.490

John Cherubini (Entergy HQ) (Guest)

He comes to work, puts it on the belt.

1:25:46.220 --> 1:25:47.350

John Cherubini (Entergy HQ) (Guest)

It's captured.

1:25:47.900 --> 1:25:52.760

John Cherubini (Entergy HQ) (Guest)

We know that person's not trying to get a weapon in the protected area.

1:25:52.770 --> 1:25:55.640

John Cherubini (Entergy HQ) (Guest)

We're going to issue him one in five more minutes when he goes to guardrail.

1:26:2.250 --> 1:26:2.390

Phil Brochman

Yeah.

1:25:57.320 --> 1:26:9.450

John Cherubini (Entergy HQ) (Guest)

But yet we're going to need to call an outside local law enforcement agency into determine that this security employee who's in a behavioral observation program who's background checked.

1:26:10.990 --> 1:26:13.620

John Cherubini (Entergy HQ) (Guest)

That's where the rub is right now, with malevolent intent.

1:26:13.950 --> 1:26:16.80

John Cherubini (Entergy HQ) (Guest)

And in my opinion anyway.

1:26:19.300 --> 1:26:21.900

Phil Brochman

John, I think I understand.

1:26:21.910 --> 1:26:24.560

Phil Brochman

I've heard this question before.

1:26:25.430 --> 1:26:56.290

Phil Brochman

The NRC took a different view in crafting the rule, but it seems like this is a significant issue that industry is presenting in one of the meetings that the NRC staff held with various security managers, there was indication that there's an increase in the number of weapons events where weapon is found during the security screening.

1:26:56.300 --> 1:27:7.670

Phil Brochman

That number is gone up significantly compared to the past and so that it's not clear to us what you know the event [warrants a] notification.

1:27:7.680 --> 1:27:15.940

Phil Brochman

Is it the root problem or is the root problem that you've got weapons people forgetting that they've got weapons and bringing weapons in?

1:27:18.780 --> 1:27:26.650

John Cherubini (Entergy HQ) (Guest)

Yeah, I think the real problem is we live in a very crazy world now that people feel the need to carry handguns as what we have.

1:27:26.840 --> 1:27:40.910

John Cherubini (Entergy HQ) (Guest)

And if you look, most of these events are occurring in uh, areas that people are more easily, you know, have more easy accessibility to a handguns, let's say.

1:27:43.70 --> 1:27:55.840

John Cherubini (Entergy HQ) (Guest)

And you know, nine times out of 10, you know, the story is, you know, hey, I switched bags or I went, you know, I switched cars or I was in a hotel and I was only going to move from the hotel to my car.

1:27:55.850 --> 1:27:58.760

John Cherubini (Entergy HQ) (Guest)

And I was going to then take it out of my car and I got sidetracked.

1:27:58.770 --> 1:28:0.30

John Cherubini (Entergy HQ) (Guest)

And here we go.

1:28:1.330 --> 1:28:2.680

Phil Brochman

Yeah, alright.

1:28:2.430 --> 1:28:4.240

John Cherubini (Entergy HQ) (Guest)

So you know.

1:28:3.630 --> 1:28:6.220

Phil Brochman

I I think we understand, John.

1:28:6.230 --> 1:28:13.740

Phil Brochman

I think the NRC understands the concerns that have been raised by industry.

1:28:15.260 --> 1:28:22.950

Phil Brochman

I don't have an immediate answer as to how best to address this unless management has anything else to add.

1:28:22.960 --> 1:28:34.730

Phil Brochman

I think this is just as Becca said earlier, this is an issue we're going to have to think carefully about and we'll have a position in the draft guide.

1:28:35.540 --> 1:28:35.790

John Cherubini (Entergy HQ) (Guest)

Yeah.

1:28:35.800 --> 1:28:38.370

John Cherubini (Entergy HQ) (Guest)

And I'll just leave you with the last piece here, which is.

1:28:38.380 --> 1:28:43.430

John Cherubini (Entergy HQ) (Guest)

So we're going to call this sheriff's deputy out this 20 something [old].

1:28:43.440 --> 1:28:50.540

John Cherubini (Entergy HQ) (Guest)

Sheriff's deputy and the first thing my manager's going to do is basically tell them what malevolent really means.

1:28:50.630 --> 1:28:58.330

John Cherubini (Entergy HQ) (Guest)

Alright, cause that city is not going to know and he's really not going to know anything about a nuclear power facility other than.

1:28:58.340 --> 1:29:4.730

John Cherubini (Entergy HQ) (Guest)

Hey, you know, there's some security guys there, and to be honest with you, they're going to look for us to tell them what we think.

1:29:5.80 --> 1:29:10.340

John Cherubini (Entergy HQ) (Guest)

So all I'm trying to do here is eliminate the middleman of calling the local law enforcement person out.

1:29:10.350 --> 1:29:11.630

John Cherubini (Entergy HQ) (Guest)

Who's going to say what?

1:29:11.640 --> 1:29:12.850

John Cherubini (Entergy HQ) (Guest)

Would you think about this, John?

1:29:12.860 --> 1:29:21.390

John Cherubini (Entergy HQ) (Guest)

Did the guy tried to introduce it or was this a mistake because they really are not trained to deal with this and our folks are?

1:29:24.320 --> 1:29:50.780

Phil Brochman

So, so just so everybody understands, one of the reasons why the NRC went down this pathway as there were examples now, maybe they were a small number of examples, but there were examples in the past where licensees did them a level intense screening that took a substantial period of time a week for example.

1:29:51.710 --> 1:29:54.350

Phil Brochman

And then they went up.

1:29:54.360 --> 1:29:58.940

Phil Brochman

Yeah, this was malevolent intent and then they made the notification to the NRC.

1:29:59.430 --> 1:30:20.670

Phil Brochman

This event happened a week ago and now if we are going to do any follow up or we need to do something and so this is, you know, whatever clarification we come up with here in this area there may need to be a balance between reaching a prompt conclusion about such an event.

1:30:20.680 --> 1:30:26.340

Phil Brochman

If licensees do the screening as opposed to an extended period of time.

1:30:27.720 --> 1:30:44.620

John Cherubini (Entergy HQ) (Guest)

Yeah, I don't think anyone on this call and I don't want to speak for anyone other than myself, would be opposed to if you could not make a malevolent intent determination based on your process in an X amount of time that you would then involve local law enforcement.

1:30:45.50 --> 1:30:54.370

John Cherubini (Entergy HQ) (Guest)

I don't know if anyone would have a problem with that right, but I'm going to tell you the norm is you can pretty much figure this out relatively quickly.

1:30:54.380 --> 1:30:57.20

John Cherubini (Entergy HQ) (Guest)

What you have based on what's occurring in front of you.

1:31:0.110 --> 1:31:27.70

Phil Brochman

John, could you clarify that something that you said your last statement, are you indicating that based on your other programs like trustworthiness and reliability in evaluating human performance for events, is it your view is that industry would have a degree of capability to evaluating such a potential issues on whether there was malevolent intent or not?

1:31:27.990 --> 1:31:28.640

John Cherubini (Entergy HQ) (Guest)

Absolutely.

1:31:28.650 --> 1:31:49.80

John Cherubini (Entergy HQ) (Guest)

I believe our training and our you know our knowledge of the employees, of the processes and then you know when you interview that employee and determine why do you have "X" in your bag whether it be uh prohibited item or contraband.

1:31:49.920 --> 1:32:0.10

John Cherubini (Entergy HQ) (Guest)

Umm, you know, our process is set up that we can do that and make a determination whether it was a malevolent act or human performance error.

1:32:1.570 --> 1:32:9.360

John Cherubini (Entergy HQ) (Guest)

I I'm not sure of the events that you're talking about where somebody could make that now I'll tell you a bomb threats a little different, right?

1:32:9.370 --> 1:32:10.600

John Cherubini (Entergy HQ) (Guest)

You get a bomb threat.

1:32:10.610 --> 1:32:12.530

John Cherubini (Entergy HQ) (Guest)

All you have is the facts in front of you.

1:32:12.540 --> 1:32:15.940

John Cherubini (Entergy HQ) (Guest)

You're going to call your local law enforcement and tell them that you just had a bomb threat.

1:32:17.120 --> 1:32:17.240

Phil Brochman

Yeah.

1:32:18.90 --> 1:32:22.440

John Cherubini (Entergy HQ) (Guest)

And I don't know what they're going to do to determine whether that was malevolent or not either.

1:32:22.450 --> 1:32:22.640

John Cherubini (Entergy HQ) (Guest)

Right.

1:32:22.650 --> 1:32:25.60

John Cherubini (Entergy HQ) (Guest)

You're going to react to what information you get.

1:32:25.70 --> 1:32:28.400

John Cherubini (Entergy HQ) (Guest)

You're going to get into your procedures and process, and you're going to deal with it, right?

1:32:28.990 --> 1:32:29.180

Phil Brochman

Mm-hmm.

1:32:28.410 --> 1:32:38.990

John Cherubini (Entergy HQ) (Guest)

And that that may warrant notification to the NRC sooner than something like somebody who's a based employee forgot their handgun in the wrong backpack.

1:32:40.130 --> 1:32:40.380

Phil Brochman

Yep.

1:32:39.840 --> 1:32:40.700

John Cherubini (Entergy HQ) (Guest)

That, I guess that's my.

1:32:42.730 --> 1:32:46.550

Phil Brochman

I I think we touched on this enough.

1:32:46.560 --> 1:32:51.350

Phil Brochman

Is there anybody else who has any other comments or questions on this particular topic?

1:32:53.320 --> 1:32:58.690

Brett Klukan (He/Him)

So we do have a couple other hands raised in, so next we'll go to Michael McNally.

1:32:58.700 --> 1:33:1.440

Brett Klukan (He/Him)

Michael, whenever you're ready, please feel free to unmute yourself.

1:33:3.970 --> 1:33:5.0

McNally, Michael

Thanks again.

1:33:5.10 --> 1:33:6.740

McNally, Michael

It's Mike McNally, but yeah.

1:33:6.750 --> 1:33:13.750

McNally, Michael

So Phil, just maybe just understanding how the process works when that actually happens out here would be helpful for the NRC.

1:33:14.120 --> 1:33:40.670

McNally, Michael

So when we have a contraband item introduced or even a prohibited item introduced, that person is pulled aside, set off on the side, and gets interviewed by the security manager or security director, along with their chain of command folks, whether it be their manager, director or whatever the case may be in, and you take a cooperative effect or a stance as to that information about that individual, he's got problems going on.

1:33:40.680 --> 1:33:49.570

McNally, Michael

Whatever the case may be, to make the determination of whether that type of employee is a utilize BOP process in that determination on the spot.

1:33:49.810 --> 1:33:57.200

McNally, Michael

So it shouldn't be a drawn-out process to make an determination of whether there was 11 and 10, or whether there's a willful.

1:33:57.210 --> 1:34:4.140

McNally, Michael

And I know in the Reg Guide there's a willful definition and not a definition, but a reference to willful act.

1:34:4.150 --> 1:34:8.80

McNally, Michael

Also which is which is, you know an intentional or something deliberate like that.

1:34:8.270 --> 1:34:9.120

McNally, Michael

So is he just?

1:34:9.350 --> 1:34:15.130

McNally, Michael

Is he deliberately trying to introduce that for a reason, or does he have?

1:34:15.220 --> 1:34:16.470

McNally, Michael

Does he have ill intent?

1:34:16.480 --> 1:34:18.530

McNally, Michael

Which would leave us to malevolent right?

1:34:18.540 --> 1:34:21.720

McNally, Michael

So, but that's not a long process.

1:34:21.730 --> 1:34:24.580

McNally, Michael

As John said, that's what the process that we make right on the spot.

1:34:24.590 --> 1:34:30.390

McNally, Michael

And then then it falls into their consequence category is that person relieved from duty and then sent home for three days.

1:34:30.400 --> 1:34:50.720

McNally, Michael

Whatever the case may be, whatever the consequences are, but it's not a long process and I sat down and had this conversation with my local sheriff, we're in the second smallest county in the state of Texas, and I'm not going to get a deputy out here on somebody that's introduced a contraband into the search process.

1:34:53.580 --> 1:34:55.690

McNally, Michael

He said you guys are the experts at that.

1:34:55.700 --> 1:34:56.750

McNally, Michael

You know these people?

1:34:56.830 --> 1:34:58.470

McNally, Michael

They're coming to your plant every single day.

1:34:58.480 --> 1:35:13.340

McNally, Michael

They're badged personnel and in 99.9% of the cases, I'm not going to send the deputy out there that's been on the beat for two weeks to make a determination on whether they intentionally were trying to put that in or they were going to do something malevolent with that particular weapon.

1:35:14.780 --> 1:35:14.920

Phil Brochman

OK.

1:35:13.350 --> 1:35:16.500

McNally, Michael

So that's just the way it happens in the real world.

1:35:16.510 --> 1:35:18.280

McNally, Michael

So maybe that maybe that will help.

1:35:18.390 --> 1:35:22.380

McNally, Michael

Maybe that will help in this decision and how you want to move forward on this.

1:35:23.720 --> 1:35:24.970

Phil Brochman

So, thank you.

1:35:24.980 --> 1:35:33.600

Phil Brochman

And I think it's best if we always we always try to recognize the real world.

1:35:33.610 --> 1:35:38.250

Phil Brochman

Sometimes it takes some a little effort to get there.

1:35:38.440 --> 1:35:45.640

Phil Brochman

That's our goal in the in the end, we want to recognize reality and what's reasonable and what's not reasonable.

1:35:46.650 --> 1:35:48.300

McNally, Michael

We appreciate you taking a look at it.

1:35:48.310 --> 1:35:50.790

McNally, Michael

Hopefully get to a reasonable conclusion on that.

1:35:51.650 --> 1:35:52.260

Phil Brochman

Thank you.

1:35:52.610 --> 1:35:54.670

Phil Brochman

Is there another question, Brett?

1:35:54.970 --> 1:35:59.60

Brett Klukan (He/Him)

So we have two additional hands raised, one next turn to Michael Whitlock.

1:35:59.70 --> 1:36:4.490

Brett Klukan (He/Him)

Michael, whenever you're ready, please state your name and any affiliation and then begin your questions and or comments.

1:36:5.650 --> 1:36:7.390

Michael L Whitlock (Services - 6)

Michael Whitlock, from Dominion Energy.

1:36:8.690 --> 1:36:9.710

Michael L Whitlock (Services - 6)

Uh, thanks, Phil.



1:36:9.970 --> 1:36:16.560

Michael L Whitlock (Services - 6)

Both John and Mike kind of touched on, you know the licensee being able to make that determination there.

1:36:16.570 --> 1:36:19.620

Michael L Whitlock (Services - 6)

I wanted to talk more about the use of the Reg Guide.

1:36:19.630 --> 1:36:45.770

Michael L Whitlock (Services - 6)

How it's currently being used so as far as a Reg Guide is supposed to be one acceptable method in meeting the regulations and So what we have in this current Reg Guide that you guys are looking at revising is an NRC position and not only just the position but a position of what should not be done which can often have unintended consequences in other areas.

1:36:46.470 --> 1:37:2.160

Michael L Whitlock (Services - 6)

Umm, this was intended to be just for reportability, but because the NRC states that their position is only government officials have resources and qualifications to determine malevolent intent, I think that that could have unintended consequences on the use elsewhere.

1:37:2.290 --> 1:37:14.50

Michael L Whitlock (Services - 6)

And so I'm proposing that if the NRC determines that they need from the licensee, the report, regardless of intent, the code stands alone and the Reg Guide can remain silent.

1:37:14.430 --> 1:37:26.860

Michael L Whitlock (Services - 6)

If John and Mike points are taken into consideration and you determine that the licensee can determine the level intent, that could be added as one acceptable method.

1:37:27.130 --> 1:37:34.110

Michael L Whitlock (Services - 6)

But the Reg guide should not be used to state an NRC position of what not to do. Thanks.

1:37:35.210 --> 1:37:36.150

Phil Brochman

Thank you for that comment.

1:37:36.950 --> 1:37:38.210

Phil Brochman

We'll take it under consideration.

1:37:39.10 --> 1:37:39.880

Brett Klukan (He/Him)

Thank you very much.

1:37:39.950 --> 1:37:45.390

Brett Klukan (He/Him)

Next, we'll move on to Steven Naeck.

1:37:49.980 --> 1:37:50.870

Steven Naeck (Vermont Yankee)

Thank you again.

1:37:50.880 --> 1:37:56.680

Steven Naeck (Vermont Yankee)

Corey Daniels with the North Star at Vermont Yankee and I appreciate all of the comments.

1:37:57.450 --> 1:38:7.240

Steven Naeck (Vermont Yankee)

Yeah, I've a particular item was important enough that I thought I can, adding additional insight to it would be valuable for your decision making.

1:38:7.590 --> 1:38:27.230

Steven Naeck (Vermont Yankee)

I know this was talked about in May [workshops], as John had mentioned, and there were several licensees that were somewhat perplexed by the number of locations and the Reg Guide that state the licensee is in the best position to perform these type of assessments.

1:38:27.730 --> 1:38:31.220

Steven Naeck (Vermont Yankee)

And I recognize this particular component of malevolence.

1:38:32.10 --> 1:38:46.20

Steven Naeck (Vermont Yankee)

You guys are taking some additional controls with based on at least in part, what Phil said was prior licensees and ability to perform timely malevolence determinations.

1:38:46.570 --> 1:38:58.470

Steven Naeck (Vermont Yankee)

And for one with respect to that, I would hope that the NRC manages those on a case-by-case basis with those individual licensees.

1:38:58.820 --> 1:39:10.690

Steven Naeck (Vermont Yankee)

Is that element of their performance were promptly executing their commitment to meet the regulation, but more to Mike's last comment.

1:39:11.710 --> 1:39:46.380

Steven Naeck (Vermont Yankee)

No, I think this is another area where it appears the answer maybe through their Reg guidance, no creating expectation or again saying what it should not be done that reaches beyond the licensee and touches other organizations and in the areas where this is occurring at least with this new rulemaking, I'm seeing challenges with the ability of licensees.

1:39:56.510 --> 1:39:58.440

Brett Klukan (He/Him)

Hey, Steve, I just muted everyone.

1:39:58.450 --> 1:40:6.560

Brett Klukan (He/Him)

So if you could just unmute yourself again, because if we were getting some, I think other comments, so just go ahead and unmute yourself.

1:40:8.500 --> 1:40:31.770

Steven Naeck (Vermont Yankee)

And in those instances where the Reg Guide expects coordination with outside agencies and assumes a certain level of cooperation, or anticipates that those activities will happen in the way the Reg Guide describes it, it makes it more complicated for the Reg Guide to be effective.

1:40:31.920 --> 1:40:39.690

Steven Naeck (Vermont Yankee)

So I would just offer that in with the right guidance development going forward to keep it more specific for the licensee.

1:40:39.820 --> 1:40:46.90

Steven Naeck (Vermont Yankee)

And again, I can't overstate that all the other great guidance really does say the licensees is in the best position.

1:40:46.100 --> 1:41:2.560

Steven Naeck (Vermont Yankee)

I think everybody else's comments reflect and they believe that as well and making this type of determination and it really goes against historically the way all the nuclear security management organizations have performed and continue to perform their duties. Thanks.

1:41:2.20 --> 1:41:4.940

Phil Brochman

OK, thank you very much.

1:41:5.790 --> 1:41:6.900

Phil Brochman

Any other questions?

1:41:8.480 --> 1:41:10.560

Brett Klukan (He/Him)

So we have a question from the chat.

1:41:10.690 --> 1:41:18.80

Brett Klukan (He/Him)

Charlotte Shields asks as a follow up to the determination, and 11 and 10 potentially taking up to a week.

1:41:19.560 --> 1:41:28.930

Brett Klukan (He/Him)

Licensees have already reached out to their LAEA and some are clearly stated they will not support responding for that determination and those cases.

1:41:48.270 --> 1:41:50.760

Phil Brochman

I'm just thinking that, let's say I wanna be careful here.

1:41:50.770 --> 1:42:12.520

Phil Brochman

I think I can see an approach and I'm not saying that this is the the way the NBC would go, but and approach could be if you know if a licensee has the capability you know based on its behavioral observation program or insider mitigation and all the things that we've talked about the previous commenters talked about the interview of the person.

1:42:13.30 --> 1:42:27.910

Phil Brochman

If a licensee can accomplish all of that and reach a decision within 4 hours because we're talking for the most part here, contraband events which are 4 hour event notifications.

1:42:28.370 --> 1:42:40.910

Phil Brochman

If it can accomplish that within the four hours and make a determination, then it can either make the report or not make the report depending on what's going on.

1:42:42.790 --> 1:43:9.800

Phil Brochman

Perhaps some of the challenges that were described to me anecdotally in the past were necessitated by the fact that the event notification [timeliness limit] was a one hour notification and so therefore there wasn't really time for a reasoned evaluation of what was going on or should we say, time for a more deliberate and thorough discussion of what the problem is.

1:43:9.810 --> 1:43:24.400

Phil Brochman

It required a a quicker evaluation and perhaps and that may be a factor that the NRC should evaluate as it looks to revise this draft Reg Guide.

1:43:27.40 --> 1:43:32.290

Phil Brochman

And I think I will just stop at this point unless my management wishes to provide further clarification.

1:43:37.30 --> 1:43:38.300

Leah Smith

No further clarification.

1:43:38.310 --> 1:43:42.340

Leah Smith

I've taken through a notes on what we've discussed here today, so we'll take it back and review it.

1:43:42.610 --> 1:43:43.30

Leah Smith

Thank you.

1:43:44.600 --> 1:43:47.270

Brett Klukan (He/Him)

Alright Corey, it looks like you are something to add to that.

1:43:47.280 --> 1:43:48.820

Brett Klukan (He/Him)

So please feel free to go ahead.

1:44:1.550 --> 1:44:2.60

Steven Naeck (Vermont Yankee)

Find it.

1:44:2.490 --> 1:44:2.910

Steven Naeck (Vermont Yankee)

I'm here.

1:43:56.380 --> 1:44:3.490

Brett Klukan (He/Him)

Corey, whenever you're ready or Steven Nayak, are the account using Steven Nayak umm, there you go.

1:44:2.920 --> 1:44:3.690

Steven Naeck (Vermont Yankee)

Thank you.

1:44:4.190 --> 1:44:13.840

Steven Naeck (Vermont Yankee)

I do and I just I wanted to probably say what multiple licensees are thinking with respect to those comments and that is the general expectation.

1:44:13.850 --> 1:44:43.330

Steven Naeck (Vermont Yankee)

I believe industry wide and regulatorily as well is a licensing would make a conservative report and if information became available afterwards, it would retract the reportability and have the right guidance suggested that I think everybody would further appreciate the examples that you just gave and the NRC's position as to why they're trying to make this rule work better.

1:44:44.420 --> 1:44:44.780

Steven Naeck (Vermont Yankee)

Thank you.

1:44:48.320 --> 1:45:24.80

Phil Brochman

Thank you for reminding me and everyone else that the regulation does have a provision in it, the regulation in 73.1200(q), that if the licensee obtains information subsequent to making an event notification that the event was invalid or it should be recorded in the safeguards event log instead of being reportable that the licensee can retract the notification so that component is addressed in the Reg Guide already.

1:45:26.110 --> 1:45:30.730

Phil Brochman

I want to make sure we have enough time to go through all of the topic areas.

1:45:32.380 --> 1:45:40.790

Phil Brochman

I think we've talked about this in detail and there's a lot of things to consider.

1:45:40.860 --> 1:45:42.410

Phil Brochman

So why don't we go on to the next slide?

1:45:44.250 --> 1:45:45.260

Brett Klukan (He/Him)

Alright, will do.

1:45:45.330 --> 1:45:47.70

Brett Klukan (He/Him)

Thanks everyone for your questions and comments.

1:45:58.350 --> 1:46:54.900

Phil Brochman

This is regarding staff regulatory guidance position 9.9.1 and it deals with a difference or is there duplicative language and part 50 [event notifications and 73.1200] and the particular I'll give you the citation just so you can have that. Those you at reactors are familiar with it 10 CFR 50.72, paragraph B, subparagraph Roman numeral 11, and the question was is this duplicative from the Evette notification and Part 73 under 10 CFR 73.1200(e)(3)(i) and the NRC staff view is that it's not duplicative, it's not an exemption per se.

1:46:56.170 --> 1:47:1.560

Phil Brochman

It could be viewed as an exception, but the precise language is does not [indicate] otherwise.

1:47:1.890 --> 1:47:16.100

Phil Brochman

So the way the NRC is interpreting the language in part 73 is saying, yes, this could be a notification if not otherwise already reported under Part 50.

1:47:16.750 --> 1:47:34.930

Phil Brochman

And we also agree with industry that the view that you're not gonna have a response because the question was that the underlying event is involving a law enforcement response to the facility that results in public or media inquiry.

1:47:35.320 --> 1:47:59.950

Phil Brochman

The part 50 regulation for that notification deals with communication or notification to, if I remember correctly, a government entity and the question that was posed is well, if law enforcement is responding to the site, isn't that based on the fact that a licensee has communicated with them and request that a response.

1:47:59.960 --> 1:48:1.560

Phil Brochman

Yeah, that's that's likely.

1:48:1.750 --> 1:48:5.100

Phil Brochman

So this is our attempt to clarify this.

1:48:6.530 --> 1:48:30.380

Phil Brochman

The last bullet on this slide I would note, as I was looking at this issue, I also went and looked at the event notifications for part 70 facilities, Part 70 licensees which are fuel cycle facilities and part 72 licensees which are spent fuel storage facilities.

1:48:30.390 --> 1:48:40.210

Phil Brochman

The similar problem did not exist, however, part 72 in the regulation under 10 CFR 72.75.

1:48:40.340 --> 1:48:46.320

Phil Brochman

It has the same identical language as the part 50 regulation, however.

1:48:48.630 --> 1:48:51.820

Phil Brochman

The exception does not exist.

1:48:51.830 --> 1:49:9.110

Phil Brochman

Otherwise, language in 73.1200(e)(3)(i) does not include references to 72.75, so resolving that issue would nominally require some type of rulemaking.

1:49:10.200 --> 1:49:34.310

Phil Brochman

Staff would note that licensees can use the provisions of 73.1200(s) on the elimination of duplication, and what that refers to is a licensee can make a single communication to the NRC, regarding events that are reportable under multiple regulations in different parts of the Code of Federal Regulations.

1:49:34.480 --> 1:49:41.850

Phil Brochman

And what's necessary is that they [licensees] have to communicate what are all the relevant regulations.

1:49:42.670 --> 1:49:47.120

Phil Brochman

So let me pause at this point and see if there are any questions on this issue.

1:50:8.320 --> 1:50:11.850

Brett Klukan (He/Him)

OK, Phil, I'm not seeing any hands raised.

1:50:23.640 --> 1:50:58.640

Phil Brochman

There have been issues raised by a small number of licensees regarding the changes of the NRC made in the enhanced weapons rule to add a definition of contraband to include electronic devices that were not permitted in facilities that have programs that deal with classified national security or restricted data information.

1:51:0.650 --> 1:51:19.720

Phil Brochman

All I can say at this point is that the NRC is still evaluating this question and one of the issues we're trying to get clarity on in our minds is, is this a duplication in an event notification space?

1:51:20.380 --> 1:51:20.980

Phil Brochman

Umm.

1:51:21.700 --> 1:51:45.480

Phil Brochman

And that gets to the particular language in 10 CFR 95.57(a) versus a notification versus a recording because 95.57(b) deals with recording of events and the record those events are submitted to the NRC at a 30-day frequency.

1:51:50.560 --> 1:52:2.80

Phil Brochman

The second bullet here addresses the issue where the NRC is not the Cognizant Security Agency for a licensee and.

1:52:5.870 --> 1:52:12.930

Phil Brochman

There are a small number of licensees who have such classified programs, where the NRC is not.

1:52:12.940 --> 1:52:19.40

Phil Brochman

The Cognizant Security Agency, there are other licensees where the NRC is the Cognizant Security Agency.

1:52:19.270 --> 1:52:22.550

Phil Brochman

So we're trying to determine what's the best way to address this issue.

1:52:23.470 --> 1:52:33.720

Phil Brochman

Right now, the regulations specifies that the licensee notify their Cognizant Security Agency and the the applicable regional office.

1:52:34.90 --> 1:52:37.190

Phil Brochman

So we're looking at this at what's the best way to address this?

1:52:39.60 --> 1:52:46.400

Phil Brochman

I don't have a I don't have a complete answer at this point, so I'll just stop and I think there may have been a question, a hand up or something.

1:52:49.670 --> 1:52:54.280

Brett Klukan (He/Him)

Uh, yes, Charlotte, it looks like you have your hand up whenever you're ready.

1:52:57.950 --> 1:52:58.760

SHIELDS, Charlotte

OK, sure.

1:52:58.770 --> 1:53:0.720

SHIELDS, Charlotte

I wasn't Charlotte Shields again.

1:53:1.370 --> 1:53:2.500

SHIELDS, Charlotte

NEI and Palo Verde.

1:53:3.190 --> 1:53:20.330

SHIELDS, Charlotte

So while we're on the topic of contraband, I I see the slide for the part 95 overlap, but I was wondering

for the rest of the definition of contraband as it pertains to disease causing agents, I would like to get some insights on how we're gonna resolve that.

1:53:22.530 --> 1:53:47.880

Phil Brochman

OK, Charlotte, you are speaking of that question had come up in one of the previous meetings and at that time what the NRC was thinking about was if disease causing agents could fall within the broader definitions found in the Atomic Energy Act.

1:53:48.850 --> 1:53:55.620

Phil Brochman

The thinking was if a licensee found something like that.

1:53:55.630 --> 1:53:56.230

Phil Brochman

They could.

1:53:56.280 --> 1:53:57.770

Phil Brochman

They would be reporting it.

1:53:57.780 --> 1:54:20.330

Phil Brochman

However, the question that was posed to me was, well, how is a licensee going to search for that [disease causing agents], and what we were thinking at the time was that searching for that type of item was not something that was going to be included in the licensees security instructions.

1:54:20.800 --> 1:54:24.190

Phil Brochman

They're challenging words because it would be very hard to do well.

1:54:24.200 --> 1:54:25.960

Phil Brochman

What is disease causing agent?

1:54:25.970 --> 1:54:27.50

Phil Brochman

What's it going to look like?

1:54:27.100 --> 1:54:28.290

Phil Brochman

How are you going to find it?

1:54:28.980 --> 1:54:29.970

Phil Brochman

Et cetera, et cetera.

1:54:29.980 --> 1:54:39.710

Phil Brochman

That was not a workable issue, and so that that may be also an issue that is addressed in these draft guides.

1:54:40.170 --> 1:54:41.750

Phil Brochman

I didn't think I included it.

1:54:42.140 --> 1:54:44.350

Phil Brochman

It was not included in my slides here.

1:54:44.360 --> 1:54:57.650

Phil Brochman



I apologize for that, but I that is something that we do need to address and provide some clarity in the guidance now at least be my recommendation to management at this point.

1:54:59.110 --> 1:54:59.730

SHIELDS, Charlotte

OK.

1:54:59.820 --> 1:55:0.320

SHIELDS, Charlotte

Thank you.

1:55:0.330 --> 1:55:2.960

SHIELDS, Charlotte

I see John's hands raised, so I'm gonna let him go next.

1:55:11.200 --> 1:55:12.130

John Cherubini (Entergy HQ) (Guest)

You have filled it.

1:55:12.420 --> 1:55:32.100

John Cherubini (Entergy HQ) (Guest)

Charlotte beat me to the punch, but this is one of the ones that I think a lot of us are apprehensive about in implementing the new rule, because as you know, set Part 73 requires us to search for these items when it says to search for contraband.

1:55:32.110 --> 1:55:45.720

John Cherubini (Entergy HQ) (Guest)

And when you define contraband as a disease causing agent, you're going to have many of us say, how do we do that and really, you know, we interact with the NRC at the inspector level.

1:55:45.910 --> 1:55:57.610

John Cherubini (Entergy HQ) (Guest)

So that's our, that's our usual interaction with the NRC and we and a lot of times are subject to what the inspector believes is the definition.

1:55:57.620 --> 1:56:7.200

John Cherubini (Entergy HQ) (Guest)

So the more clarity that gets provided to this helps us and the inspectors, umm, you know, get to the same place.

1:56:8.50 --> 1:56:11.680

John Cherubini (Entergy HQ) (Guest)

So that's the big concern.

1:56:11.870 --> 1:56:14.120

John Cherubini (Entergy HQ) (Guest)

I think I knew what you all meant by that.

1:56:14.130 --> 1:56:19.900

John Cherubini (Entergy HQ) (Guest)

Which was, hey, if we find some white powder that we think is anthrax, we should call y'all right away.

1:56:21.310 --> 1:56:26.930

John Cherubini (Entergy HQ) (Guest)

But we don't have a sniffer out of the search floor looking for, you know, Percocet.

1:56:26.970 --> 1:56:29.820

John Cherubini (Entergy HQ) (Guest)

So or we're, you know, that's a bad example.

1:56:34.620 --> 1:56:34.810

Phil Brochman

Yeah.

1:56:29.830 --> 1:56:36.80

John Cherubini (Entergy HQ) (Guest)

But you know, we don't have that [capability of] looking for a disease-causing agent, some bacteria or anything like that.

1:56:36.90 --> 1:56:38.200

John Cherubini (Entergy HQ) (Guest)

So that's our concern.

1:56:40.340 --> 1:56:52.870

Phil Brochman

I think that the NRC has received that concern, that the language you're referring to is in a parenthetical [example] in the definition.

1:56:53.420 --> 1:57:10.880

Phil Brochman

And I think it says for example, and I guess the conclusion I've reached is that that what was intended to be a potential example is causing more confusion and more problems than it's doing [as a solution].

1:57:10.890 --> 1:57:15.570

Phil Brochman

But hey, that's the current regulation and we need to we need to figure out how to deal with this.

1:57:17.170 --> 1:57:19.140

John Cherubini (Entergy HQ) (Guest)

You know, and I don't know if this is possible.

1:57:19.150 --> 1:57:34.180

John Cherubini (Entergy HQ) (Guest)

I am not intimately familiar with all the inner workings of how and the regulations get interpreted, but like when the work hour rules came out, there was an FAQ on the NRC's website that said, hey, this is what we meant.

1:57:34.700 --> 1:57:58.580

John Cherubini (Entergy HQ) (Guest)

Is that something that could happen quicker than Reg Guide changes, you know, the you say, hey, the industry asked a question about contraband, and here's the NRC's position that might make people feel a little bit more at ease and they may move forward with their new reportability procedure if they know that that's where the NRC is going to land.

1:58:0.90 --> 1:58:26.390

Phil Brochman

On this topic there has been discussion in the NRC about creating, as you said an FAQ web page, on the nuclear security tab on the NRC's public facing website for a number of topics.

1:58:26.400 --> 1:58:32.490

Phil Brochman

One being this preemption, enhanced weapons firearms background checks, questions in those areas.

1:58:32.800 --> 1:59:1.980

Phil Brochman

The other was questions on these event notifications in suspicious activity reporting the idea that was posed was by putting it there and it, having gone through an NRC review process, it would serve to memorialize it, at least in the interim until, as was somebody mentioned earlier, NUREG 1304 is revised where it could be more formally incorporated.

1:59:2.580 --> 1:59:21.310

Phil Brochman

Umm, I think we still that's still something that we can we're thinking about it, it gets to the question of resources as to how management wants to apply and if I will defer to them if they have any further comment on that aspect.

1:59:23.920 --> 1:59:32.550

Leah Smith

Short film, I think you hit the nail on the head in terms of resource constraints making us have to choose between various alternatives here.

1:59:32.560 --> 1:59:38.470

Leah Smith

So at the moment we're pursuing the Reg Guide revisions as a more sustainable and durable path for memorializing this content.

1:59:38.480 --> 1:59:41.170

Leah Smith

But we do take your point and we appreciate that comment.

1:59:44.660 --> 1:59:47.110

Brett Klukan (He/Him)

Well, thank you very much John for your comment.

1:59:47.860 --> 1:59:58.780

Brett Klukan (He/Him)

We're now going to take note of a comment left in the chat by Charles Cole Coles, on 10 CFR 73.55.

1:59:58.790 --> 2:0:10.40

Brett Klukan (He/Him)

10 CFR 73.55(g) specifically calls out searching for contraband, with the new definition in 73.2 contraband, licenses can be held to searching for other dangerous materials.

2:0:10.50 --> 2:0:11.920

Brett Klukan (He/Him)

So quote unquote other dangerous materials.

2:0:12.230 --> 2:0:17.780

Brett Klukan (He/Him)

What is, you know, NRC's intent for Charles.

2:0:17.790 --> 2:0:30.410

Brett Klukan (He/Him)

It says that specific clarification is needed for the NRC's intent for commercial reactors with respect to this new definition, I'm assuming as it applies to what constitutes other dangerous materials.

2:0:30.620 --> 2:0:33.480

Brett Klukan (He/Him)

So thank you Charles, for adding that to the chat.

2:0:35.30 --> 2:0:46.510

Brett Klukan (He/Him)

Ohh and then I think Charlotte, you had your hand up, so please feel free to add something if you would or whenever you're ready.

2:0:47.290 --> 2:0:47.760

SHIELDS, Charlotte

Yep.

2:0:47.770 --> 2:0:48.80

SHIELDS, Charlotte

Thanks.

2:0:48.90 --> 2:0:53.400

SHIELDS, Charlotte

It's just an as a follow up, based on what Chuck Coles had put into the chat, right?

2:0:53.410 --> 2:1:10.160

SHIELDS, Charlotte

So with the specific expanded definition of contraband now being in the code language itself, and 73.55(g), requires licensees to expand their physical search program.

2:1:10.390 --> 2:1:35.170

SHIELDS, Charlotte

That essentially puts the every licensee in a situation where they're where they will either be needing to put in an exemption request to be exempt from the new definition of contraband period, and, based on historical experience with the decommissioning rule, when essentially every licensee submits an exemption for a part of the rule, I believe someone can correct me if I'm wrong.

2:1:35.180 --> 2:1:38.90

SHIELDS, Charlotte

It has been determined that you can't do that.

2:1:38.100 --> 2:1:46.920

SHIELDS, Charlotte

You can't just issue out an exemption for the entire industry, because that's essentially doing rule changing without going through the rulemaking process, so.

2:1:47.570 --> 2:1:57.170

SHIELDS, Charlotte

And I I guess I'm kind of stuck where here where like how do we advise or how we as how do we as the industry move forward with?

2:1:59.870 --> 2:2:8.780

SHIELDS, Charlotte

Not all of us, being exempt from the new definition of contraband, knowing that, OK it might come out in the Reg Guide revision.

2:2:8.790 --> 2:2:17.260

SHIELDS, Charlotte

But in the meantime, with the compliance date being January 8th, I'm, you know, the success path moving forward it as it relates to that.

2:2:27.100 --> 2:2:40.630

Phil Brochman

I'm not sure that the I don't know, Charlotte, that I can [answer] the question you posed about an extremely broad exemption request.

2:2:40.640 --> 2:2:47.250

Phil Brochman

That's applying across multiple types of classes of licensees.

2:2:47.260 --> 2:2:50.990

Phil Brochman

Is that something that can only be addressed by rulemaking?

2:2:51.0 --> 2:2:51.510

Phil Brochman

I don't.

2:2:51.740 --> 2:3:2.30

Phil Brochman

I don't have the wherewithal to be able to answer that question, but I think we will take that as a takeaway from this particular discussion.

2:3:4.270 --> 2:3:9.840

Leah Smith

I'd echo that Phil will take that back to our OGC colleagues and give an answer for folks.

2:3:11.190 --> 2:3:11.480

SHIELDS, Charlotte

OK.

2:3:11.490 --> 2:3:11.870

SHIELDS, Charlotte

Thank you.

2:3:12.870 --> 2:3:14.180

Brett Klukan (He/Him)

Well, thank you again, Charlotte.

2:3:14.190 --> 2:3:16.280

Brett Klukan (He/Him)

Alright, we have two hands raised.

2:3:16.290 --> 2:3:18.460

Brett Klukan (He/Him)

We're gonna first go to Mike McNally.

2:3:20.790 --> 2:3:22.590

Mcnally, Michael

Yeah, just a quick comment on that.

2:3:22.710 --> 2:3:36.100

Mcnally, Michael

So we, just don't have the means, we don't have the means to do what the rule is asking us to do with just search for those dangerous [materials] as John already stated, we don't have sniffers out there that are looking for anthrax.

2:3:36.530 --> 2:3:41.300

Mcnally, Michael

We don't ask our security officers to go through water bottles looking for a liquid substance.

2:3:41.910 --> 2:3:44.860

Mcnally, Michael

We don't have the means to implement that portion of the rule.

2:3:44.870 --> 2:3:56.790

Mcnally, Michael

So when an inspector sitting there and we're not doing that in the rule tells us to be looking for items we don't have the means to do it.

2:3:56.800 --> 2:3:59.270

Mcnally, Michael

So I think that's the dilemma that we're that we're in.

2:3:59.280 --> 2:4:2.680

Mcnally, Michael

We're sitting here on the licensee side now with that rule, so.

2:4:9.350 --> 2:4:9.510

Phil Brochman

Yeah.

Oh no, go on Phil. Sorry.

2:4:12.750 --> 2:4:14.140

Phil Brochman

I'm just looking at something.

2:4:14.230 --> 2:4:22.820

Phil Brochman

I think, just so everybody understands, because there may be people from different aspects of industry [in this meeting].

2:4:22.870 --> 2:4:25.950

Phil Brochman

I think the question that's being posed is this.

2:4:27.500 --> 2:4:49.100

Phil Brochman

A new definition was added to Part 73 that defines contraband in a number of ways, and before that [was enacted] an existing regulation in 10 CFR 73.55 - which is power reactor security regulation -.

2:4:49.430 --> 2:5:0.600

Phil Brochman

Contains a provision about searching for contraband or the searching for contraband before personnel or vehicle enter the protected area.

2:5:0.710 --> 2:5:15.900

Phil Brochman

And the question that's being pointed out [by participants], if I'm understanding correctly, is that this new definition of contraband is posing challenges with respect to the existing regulation [in 10 CFR 73.55].

2:5:16.10 --> 2:5:20.670

Phil Brochman

On searching for contraband, that's what I think I'm understanding.

2:5:23.410 --> 2:5:25.400

Phil Brochman

I see you nodding but what?

2:5:30.730 --> 2:5:36.440

Phil Brochman

You [Charlotte], you've acted sort of as a spokesperson. Am I understanding that correctly?

2:5:39.760 --> 2:5:51.610

SHIELDS, Charlotte

I just think fundamentally the expansion of the definition of contraband goes beyond the requirements to for to protect against the DBT and so licensees aren't set up for that.

2:5:51.620 --> 2:5:59.450

SHIELDS, Charlotte

And then, you know, going through the past, items that were made publicly available to the industry, right?

2:5:59.460 --> 2:6:6.440

SHIELDS, Charlotte

So there was never an opportunity to publicly comment on the definition of contraband and how it looks today.

2:6:6.550 --> 2:6:10.460

SHIELDS, Charlotte

And then the backfitting evaluation didn't include that discussion.

2:6:10.470 --> 2:6:18.990

SHIELDS, Charlotte

So licensees are at of point where they just can't comply with that new definition and it's not regulatory required somewhere else.

2:6:19.310 --> 2:6:22.670

SHIELDS, Charlotte

So umm yeah, I guess that's the gist of it.

2:6:27.700 --> 2:6:34.750

Brett Klukan (He/Him)

We will say thank you, Charlotte for stepping in there and then helping us out.

2:6:34.760 --> 2:6:36.930

Brett Klukan (He/Him)

So we're not gonna turn to Stan Day.

2:6:41.450 --> 2:6:41.910

Stan Day

All right.

2:6:42.170 --> 2:6:48.890

Stan Day

My you know, this is another example associated with the use of an enforcement guidance memorandum.

2:6:49.750 --> 2:6:55.280

Stan Day

Another generic item that could be [applied to] all by using that type of memorandum.

2:6:57.590 --> 2:7:4.740

Stan Day

One thing that we have at Connecticut, Yankee main YY atomic is that this definition is forcing a physical security plan change.

2:7:4.850 --> 2:7:16.320

Stan Day

I'm sure that's true at other places as well, so I guess we could take determination that the NRC is a previously approved the definition of contraband that's different than this.

2:7:16.650 --> 2:7:40.770

Stan Day

You know, if we wanted to, you know, say that that's an alternative measure under § 73.55(r) that we have because you have approved it in the past or we you know we can include that as a site specific item to say that our definition of contraband that's in our approved PSP's is different than the definition that's in the revised guidance document or excuse me, the revised rule.

2:7:41.660 --> 2:7:47.270

Stan Day

So I don't know if that's one way that the NRC may permit us to power past this [issue].

2:7:48.360 --> 2:7:56.680

Stan Day

Uh, you know, to allow us to utilize that as an alternative and as an approved alternative measure that's already established in our PSP.

2:7:57.640 --> 2:8:4.110

Stan Day

Otherwise, I think that that's something else that's ripe for being resolved via guidance and enforcement kind of been random.

2:8:15.60 --> 2:8:17.560

Brett Klukan (He/Him)

Well, thank you for that comment, Stan.

2:8:18.270 --> 2:8:25.160

Brett Klukan (He/Him)

Again, we appreciate your contribution as well as everyone else is contributions to this conversation thus far.

2:8:25.570 --> 2:8:31.380

Brett Klukan (He/Him)

I just want to highlight in the chat that Sue Perkins added.

2:8:31.390 --> 2:8:34.120

Brett Klukan (He/Him)

Wouldn't there be backfit implications associated?

2:8:34.130 --> 2:8:36.520

Brett Klukan (He/Him)

I'm assuming with this definition of contraband.

2:8:36.590 --> 2:8:47.150

Brett Klukan (He/Him)

So thank you for that comment from an unknown user, we have the definition of contraband is currently defined and the NEI approved it in 03-12 REV 7.

2:8:47.800 --> 2:8:53.410

Brett Klukan (He/Him)

This new definition expands upon that definition, and then finally we have from John Cherubini and the chat.

2:8:53.420 --> 2:8:57.180

Brett Klukan (He/Him)

This definition will drive a [security] plan change and is defined.

2:8:57.190 --> 2:9:7.580

Brett Klukan (He/Him)

[In] Another reg guide such as RG 5.76 and one may interpret this as we have to defend against this in our security defensive strategies.

2:9:7.590 --> 2:9:10.860

Brett Klukan (He/Him)

So thanks for adding that as well, John, so.

2:9:11.550 --> 2:9:18.440

Brett Klukan (He/Him)

OK, it looks like we have no other hands raised at this time.

2:9:27.480 --> 2:9:29.750

Brett Klukan (He/Him)

So I will turn to the next slide.

2:9:33.270 --> 2:9:42.500

Phil Brochman

Yeah, this this issue I think this is more spent fuel storage particularly.



2:9:44.510 --> 2:9:48.880

Phil Brochman

I'm on slide to make sure we're on the right slide here, but I may not be in the right, so OK, there we are.

2:9:52.660 --> 2:10:24.970

Phil Brochman

Yes, in the 15 minute event notification a comment was made in the previous meetings that there's a difference between the language used in the regulations for transportation based 15 minute about notifications of "hostile threat" versus the language used in the in the facility based 15 minute which is "hostile action".

2:10:26.360 --> 2:10:34.250

Phil Brochman

The NRC went back in looked at this and the language in the existing guidance document.

2:10:34.640 --> 2:10:48.670

Phil Brochman

It uses hostile action in both for both facilities and transportation, and hostile action is used in what is sometimes called the preamble or the statement of consideration for the rule.

2:10:48.840 --> 2:11:4.860

Phil Brochman

But it's not used in § 73.1200(b)(3)(ii). The NRC is assessing how to address that aspect and that's all I have on that issue.

2:11:4.950 --> 2:11:12.770

Phil Brochman

So bottom line is there's the staff does not view that there's a need to change this in the draft guide 5080.

2:11:16.150 --> 2:11:16.520

Brett Klukan (He/Him)

OK.

2:11:16.530 --> 2:11:19.470

Brett Klukan (He/Him)

Any questions on this section?

2:11:36.810 --> 2:11:38.690

Phil Brochman

This is what I was thinking of a moment ago.

2:11:38.880 --> 2:11:42.890

Phil Brochman

I jumped ahead on my when I prefer other material.

2:11:45.440 --> 2:11:56.920

Phil Brochman

Regarding the 15-minute hostile action event timing and when it's the notification is due to the NRC and then there's a separate question on the continuous communication channel staffing.

2:11:57.700 --> 2:12:5.20

Phil Brochman

Umm so that the NRC looks at the language that we have here in.

Phil Brochman

10 CFR 73.1200(a)(6) indicates that a licensee can delay.

2:12:17.310 --> 2:12:36.540

Phil Brochman

Their notification of a 15-minute notification until after they've accomplished certain things,

implementing contingency responses and in particular notifications to state officials of the declaration of or classification of an emergency.

2:12:37.410 --> 2:12:57.80

Phil Brochman

In talking to the emergency preparedness personnel in the Office of Nuclear Security and Incident Response, they've indicated to me that for some types of licensees the notifications are required within 15 minutes.

2:12:57.370 --> 2:13:2.50

Phil Brochman

For other licensees, a longer time period is permitted [of] 30 minutes.

2:13:4.840 --> 2:13:23.470

Phil Brochman

The NRC staff view in this situation is that the language of the current regulation and the current guidance, which is licensees may delay the 15-minute notification until after they've made the state notification, provides sufficient flexibility.

2:13:23.480 --> 2:13:25.10

Phil Brochman

That's what we would understand.

2:13:26.890 --> 2:13:41.120

Phil Brochman

Regarding the second bullet, which is establishment of a continuous communications channel, we would note that would occur after the licensee has made the [security event] notification of the NRC.

2:13:42.130 --> 2:13:48.40

Phil Brochman

That's been the presumption that the NRC's not going to request a communications channel before the licensee.

2:13:48.50 --> 2:13:50.510

Phil Brochman

Notifies the NRC of such an event.

2:13:51.310 --> 2:13:58.310

Phil Brochman

It also provides the licensees sufficient flexibility. In looking at some of the comments.

2:13:59.650 --> 2:14:8.70

Phil Brochman

I got the impression that there were some licensees that said this was a new requirement and that poses some.

2:14:8.80 --> 2:14:26.490

Phil Brochman

Confusion on our part, because in going back and looking at the previous regulation [10 CFR] 73.71 under paragraph (B)(2), there is a reference to establishing a continuous communications channel.

2:14:28.120 --> 2:14:36.390

Phil Brochman

If requested by the NRC, it's done in a manner that it's referencing a paragraph in [10 CFR] 73.71.

2:14:36.400 --> 2:14:49.470

Phil Brochman

I believe it's [in 73.71] (a)(3), but it's still there and so the base requirement to establish a continuous communications channel in our perspective is not something new.

2:14:49.480 --> 2:15:1.930

Phil Brochman

It's there all the time and so that's our so bottom line is we don't see that there's a need to make changes in [what was proposed] DG-5080 regarding this topic area.

2:15:2.440 --> 2:15:9.230

Phil Brochman

And I think I will stop talking at this point and see what the questions I see a number of hands raised.

2:15:12.100 --> 2:15:14.50

Brett Klukan (He/Him)

So we do have two hands raised.

2:15:14.120 --> 2:15:15.710

Brett Klukan (He/Him)

First, we're going to turn to Charlotte.

2:15:19.90 --> 2:15:20.440

SHIELDS, Charlotte

Hi, Charlotte again.

2:15:20.650 --> 2:15:23.860

SHIELDS, Charlotte

Hey so I was hoping that maybe I could help out with some of that clarification.

2:15:23.870 --> 2:15:30.560

SHIELDS, Charlotte

So previously there was not a 15 minute notification requirement under part 73.

2:15:30.650 --> 2:15:36.220

SHIELDS, Charlotte

So I think that's the perspective of where the continuous open line of communication comes in.

2:15:36.230 --> 2:15:43.820

SHIELDS, Charlotte

Being new because from that perspective the 15 minute you know that's a new notification requirement.

2:15:43.910 --> 2:15:55.860

SHIELDS, Charlotte

However, licensees have implemented the accelerated call to the NRC within their station processes and procedures, but that was just to notify the NRC.

2:15:56.530 --> 2:16:5.640

SHIELDS, Charlotte

But those provisions from that 2005 bulletin didn't prescribe maintaining an open line of communication.

2:16:5.690 --> 2:16:14.170

SHIELDS, Charlotte

At that point it just gave guidance on as soon as as soon as you're aware, please implement this accelerated notification to us.

2:16:14.180 --> 2:16:15.310

SHIELDS, Charlotte

So I think that's for the.

2:16:15.360 --> 2:16:46.120

SHIELDS, Charlotte

That's where that, you know, maybe that helps with your confusion a little bit, but I think from you know what you have laid out that it's and I'm only speaking from the power reactors perspective because

that's my only perspective that I have is that knowing that state notifications need to be made under Part 50 and that this security notification and then maintaining an open line can be done after that state notification or you know state and local government.

2:16:46.130 --> 2:16:48.300

SHIELDS, Charlotte

You know, notifications are made.

2:16:48.370 --> 2:16:50.900

SHIELDS, Charlotte

That clarifies it for me and my station.

2:16:54.410 --> 2:16:57.480

Phil Brochman

But Charlotte, let me make sure I'm understanding something.

2:16:57.590 --> 2:17:4.740

Phil Brochman

So based on what you were saying that previous to this rule [under 73.71] a 15-minute notification didn't exist.

2:17:5.70 --> 2:17:8.340

Phil Brochman

But essentially with this [new 73.1200].

2:17:8.430 --> 2:17:20.470

Phil Brochman

Am I correct in understanding that in the past, if a licensee made a 1-hour notification, they could at that point be requested to establish a continuous communications channel?

2:17:23.650 --> 2:17:35.280

SHIELDS, Charlotte

I guess are you asking me if based on when it was just a 1-hour notification for security events or if it was loggable, did the requirement exist?

2:17:33.710 --> 2:17:35.450

Phil Brochman

Yeah, I'm saying a 1-hour notification.

2:17:36.850 --> 2:17:39.300

SHIELDS, Charlotte

I mean, I guess I'm not sure [what] you're asking me.

2:17:39.310 --> 2:17:45.560

SHIELDS, Charlotte

Like if the regulation was maintained an open line after you make the 1-hour notification if requested after you make the 1-hour notification.

2:17:46.270 --> 2:17:48.600

SHIELDS, Charlotte

If that existed, then yes.

2:17:48.770 --> 2:17:54.400

SHIELDS, Charlotte

But I'm just saying because the 15-minute notification is a new notification requirement.

2:17:54.410 --> 2:18:0.100

SHIELDS, Charlotte

That's the perspective of maintaining an open line after 15 minutes.

2:18:0.110 --> 2:18:2.780

SHIELDS, Charlotte

That's just the industry perspective.

2:18:5.70 --> 2:18:18.390

Phil Brochman

So it's not you know from it sounds as if you're saying it's not so much the timing of the of the continuous communication channel, not the fact of.

2:18:19.330 --> 2:18:19.660

SHIELDS, Charlotte

Correct.

2:18:21.250 --> 2:18:23.190

Phil Brochman

Alright, I just want to make sure I understood that correctly.

2:18:28.940 --> 2:18:30.80

Phil Brochman

There's another hand up.

2:18:34.60 --> 2:18:35.370

Brett Klukan (He/Him)

Next, we're going to turn to Stan.

2:18:38.630 --> 2:18:41.640

Stan Day

Stan Day Connecticut Yankee, Maine Yankee Atomic.

2:18:41.800 --> 2:19:2.240

Stan Day

I think one of the differences filled with regard to the existing or the previous rule in 73.71 was that the method of implementation was that you could open that up to like a conference line where it would be in the room and that you could have your operator in your alarm station be the source of communications.

2:19:2.250 --> 2:19:3.420

Stan Day

But it would be in the background.

2:19:3.430 --> 2:19:8.20

Stan Day

It was not a dedicated handheld person that was holding the phone.

2:19:8.900 --> 2:19:13.310

Stan Day

You in being a dedicated individual, that was the dedicated phone holder for the NRC.

2:19:13.900 --> 2:19:29.470

Stan Day

I think that's the difference between how the rule was stated in 73.71 and how the rule is stated now is that it has to be a dedicated person with an ear on the phone versus somebody that was able to address that situation in an alarm station or a control room.

2:19:30.30 --> 2:19:31.50

Stan Day

So I think that's that.

2:19:31.60 --> 2:19:34.960

Stan Day

That's where the issue comes in, you know, so.

2:19:36.790 --> 2:19:58.580

Phil Brochman

I get that so a dedicated, in other words, what you're telling me is that there may be a perception that that the continuous the continuous communication channel requires a person who's dedicated to that task only as compared to being able to multitask and.

2:20:0.280 --> 2:20:8.780

Phil Brochman

Respond to questions that the NRC may have, which may be at some interval or periodicity, and do other things at the same time.

2:20:9.750 --> 2:20:10.40

Stan Day

Correct.

2:20:27.520 --> 2:20:29.520

Phil Brochman

I see some more another hand up on.

2:20:31.180 --> 2:20:33.190

Brett Klukan (He/Him)

Well, I think that's still Stan Day's [hand].

2:20:33.990 --> 2:20:35.210

Phil Brochman

Oh, Dan [is] OK.

2:20:33.200 --> 2:20:38.180

Brett Klukan (He/Him)

So thank you very much on any other questions on this particular topic.

2:20:55.740 --> 2:20:59.290

Phil Brochman

Think we got the next slide, which is.

2:21:3.310 --> 2:21:4.270

Phil Brochman

My favorite slide.

2:21:26.930 --> 2:21:28.240

Brett Klukan (He/Him)

So we'll start with Charlotte.

2:21:31.680 --> 2:21:32.150

SHIELDS, Charlotte

Hi.

2:21:32.280 --> 2:21:34.730

SHIELDS, Charlotte

So a couple of things that I have notes on that.

2:21:34.740 --> 2:21:41.870

SHIELDS, Charlotte

I'm looking just to validate that will be covered in the clarification in the Reg Guide revision.

2:21:42.360 --> 2:22:6.420

SHIELDS, Charlotte

The first thing would be and can the new term used in the language conditions adverse to security and if that is equivalent to what licensees have determined to be conditions adverse to quality as it relates to the security programs as licensees are required to implement a formal corrective action program.

2:22:6.600 --> 2:22:8.50

SHIELDS, Charlotte

So that's question number one.

2:22:8.140 --> 2:22:8.490

SHIELDS, Charlotte

I'll.

2:22:8.600 --> 2:22:12.210

SHIELDS, Charlotte

I'll pause there to see if that's on your radar to include in the guidance clarification.

2:22:13.430 --> 2:22:15.490

Phil Brochman

Umm, it wasn't previously.

2:22:17.100 --> 2:22:19.550

Phil Brochman

That sounds like that may be something for a glossary.

2:22:21.460 --> 2:22:21.680

SHIELDS, Charlotte

OK.

2:22:22.760 --> 2:22:36.270

SHIELDS, Charlotte

And then, umm, another item is time of discovery definition and clarifying acceptable methods to comply with this definition, possibly as it aligns.

2:22:36.280 --> 2:22:42.530

SHIELDS, Charlotte

We talked about this in the main meeting, possibly clarification that aligning with the NRC endorsed.

2:22:45.340 --> 2:22:50.570

SHIELDS, Charlotte

Definition in NEI-0312 and then what's also exists in Reg Guide 5.76.

2:22:51.980 --> 2:22:54.400

SHIELDS, Charlotte

We're looking for that clarification in the Reg Guide revision [to 5.62] as well.

2:22:55.660 --> 2:22:58.150

Phil Brochman

Yeah, I think that's going to be something.

2:23:5.140 --> 2:23:9.350

Phil Brochman

It's certainly something we need to we need to align upon.

2:23:12.310 --> 2:23:12.840

SHIELDS, Charlotte

OK.

2:23:9.740 --> 2:23:13.380

Phil Brochman

What we're going to do, so we'll address that.

2:23:12.910 --> 2:23:15.860

SHIELDS, Charlotte

Those are those are the two items I have for right now.

2:23:16.690 --> 2:23:17.900

SHIELDS, Charlotte

I'll let others chime in.

2:23:46.450 --> 2:23:47.810

Brett Klukan (He/Him)

Oh, there we go, John.

2:23:53.180 --> 2:23:54.860

Brett Klukan (He/Him)

State your name and your affiliation.

2:23:57.520 --> 2:23:58.100

John Sharpless BV Security Manager (Guest)

Alright, Josh.

2:23:58.110 --> 2:23:59.940

John Sharpless BV Security Manager (Guest)

Harper's Energy harbor ciphertext.

2:24:2.190 --> 2:24:2.870

Brett Klukan (He/Him)

Yes, we can.

2:24:0.830 --> 2:24:3.870

John Sharpless BV Security Manager (Guest)

I can everyone hear me alright?

2:24:3.950 --> 2:24:8.300

John Sharpless BV Security Manager (Guest)

So uh question is on implementation timelines, I guess.

2:24:8.310 --> 2:24:18.670

John Sharpless BV Security Manager (Guest)

So with some licensees continuing to move forward with implementation of the rule and have no intention of uh providing an exemption request.

2:24:20.150 --> 2:24:24.740

John Sharpless BV Security Manager (Guest)

With these outlying conditions that are still questions.

2:24:24.790 --> 2:24:29.290

John Sharpless BV Security Manager (Guest)

Uh for procedural implementation as well as training on [the new regulations].

2:24:29.300 --> 2:24:47.930

John Sharpless BV Security Manager (Guest)

Could the licensees expect the draft regulatory guidance, so you don't want to be issued or to be answered so that we can appropriately put, uh, these procedures in place in order to meet the January 8th time period?

2:24:50.350 --> 2:24:51.590

Phil Brochman

Uh, thank you, John.

2:24:54.550 --> 2:25:10.800

Phil Brochman

The staff at indicated before at the beginning of this meeting, before we got all these questions [that] was our goal was to try to issue the draft guides for public comment before the beginning of November.



2:25:11.790 --> 2:25:18.160

Phil Brochman

And then there was still uncertainty about what was the duration of the comment period.

2:25:18.590 --> 2:25:23.550

Phil Brochman

I've proposed something that might be potentially 45 days.

2:25:23.820 --> 2:25:34.0

Phil Brochman

I had one feedback item that said no, it should be closer to 60 days given that it's during the holidays during the end of year holiday.

2:25:35.600 --> 2:25:57.120

Phil Brochman

The comment time period and then we were still looking to and then the third data point we had was issue the final guidance, the final revisions to the regulatory guides by April of 2024, that was the schedule that we discussed.

2:25:59.160 --> 2:26:22.800

Phil Brochman

That said, I've heard a lot of things today that some, including some new items and so there's there are few challenges here but we but we are going to try to do the best we can and I will defer to management to see if they have any uh additional statements in this regard.

2:26:26.340 --> 2:26:33.460

Leah Smith

I just wanted to ask before I close this out, if there was a hand raise that we need to address before we close the meeting.

2:26:37.560 --> 2:26:40.330

Brett Klukan (He/Him)

I don't see any additional hands raised at this time.

2:26:41.250 --> 2:26:44.90

Brett Klukan (He/Him)

Charlotte, did you have other things you wanted to add?

2:26:46.300 --> 2:26:47.610

SHIELDS, Charlotte

Umm, I do not.

2:26:47.620 --> 2:26:52.170

SHIELDS, Charlotte

I think Sue is still on and I'll just let her make a couple of closing comments.

2:26:52.180 --> 2:26:55.40

SHIELDS, Charlotte

From the NEI industry perspective.

2:27:2.570 --> 2:27:2.950

PERKINS, Susan

Thank you.

2:27:2.960 --> 2:27:5.270

PERKINS, Susan

This is Sue Perkins from NEI.

2:27:5.520 --> 2:27:6.870

PERKINS, Susan

Thank you for the meeting.

2:27:6.880 --> 2:27:16.130

PERKINS, Susan

I think this dialogue, the questions really underscore the need for precision and going forward with these Reg Guides.

2:27:16.140 --> 2:27:25.450

PERKINS, Susan

The other thing you know, it's still a little concerning that we have to or NRC positions have to be stated in a Reg Guide, which is one way of interpreting the rule.

2:27:25.740 --> 2:27:32.140

PERKINS, Susan

So I'm just looking for regulatory certainty going forward and how whether we you guys decide to go the EGM [enforcement guidance memorandum] route.

2:27:32.290 --> 2:27:44.700

PERKINS, Susan

But I think you heard some real valid concerns among the industry as far as trying to make this successful and looking at what success looks like in order to implement this with the appropriate level [of] regulatory certainty.

2:27:44.710 --> 2:27:46.460

PERKINS, Susan

So again, thank you for listening.

2:27:46.470 --> 2:27:47.940

PERKINS, Susan

I look forward to the next steps.

2:27:47.950 --> 2:27:53.890

PERKINS, Susan

I look forward to seeing what the red guides will state to resolve some of these very, very important issues, but thank you.

2:28:7.200 --> 2:28:10.400

Leah Smith

Well, we very much appreciate your robust participation today.

2:28:10.410 --> 2:28:24.190

Leah Smith

We know that this is a topic that you're keenly interested in and we appreciate this open and candid dialogue back and forth as we try to determine the best way to modify the Reg Guide so that it provides that clarity and that regulatory uncertainty that you need moving forward.

2:28:24.200 --> 2:28:26.660

Leah Smith

So we do very much appreciate your input.

2:28:26.770 --> 2:28:30.940

Leah Smith

I've been furiously taking notes throughout of this to capture your comments and questions.

2:28:30.950 --> 2:28:37.440

Leah Smith

So we will take that back and continue to move ahead with the regard revisions of RG 5.62 with the intention of publishing those for public comment later this fall [in DG-5080].

2:28:38.100 --> 2:28:40.760

Leah Smith

Thank you again and I hope you have a great rest of your afternoon.

2:28:42.170 --> 2:28:44.170

Phil Brochman

Becca, do you have anything else that you need to say?

2:28:45.100 --> 2:28:46.90

Becca Lagios (She/Her)

Leah covered it.

2:28:46.100 --> 2:28:46.770

Becca Lagios (She/Her)

Thank you.

2:28:46.780 --> 2:28:52.350

Becca Lagios (She/Her)

Appreciate the dialogue as well and you know this is a priority for us to work through these challenges.

2:28:52.360 --> 2:28:55.440

Becca Lagios (She/Her)

So we will continue to do so and appreciate everyone joining us today.

2:28:58.120 --> 2:29:2.880

Phil Brochman

Well, I guess that then closes out our meeting, we'll say thank you all for participating.

2:29:2.890 --> 2:29:7.280

Phil Brochman

And thank you for everyone else who assisted in this matter.

2:29:8.290 --> 2:29:8.820

Phil Brochman

Thank you, Brett.

2:29:9.540 --> 2:29:9.910

Brett Klukan (He/Him)

Thank you.

2:29:9.920 --> 2:29:11.180

Brett Klukan (He/Him)

We'll be ending the meeting now, everyone.

[END OF TRANSCRIPT]