

Law Enforcement Response in Power Reactor Physical Protection

Programs Proposed Interpretive Rule

February 19, 2025

Office of Nuclear Security and Incident Response



Meeting Purpose

- Discuss the proposed interpretative rule "Law Enforcement Response in Power Reactor Physical Protection Programs."
- Attendees will have an opportunity to ask clarifying questions to the U.S. Nuclear Regulatory Commission (NRC) staff.
- Participants are encouraged to submit comments on the proposed interpretation through <u>www.regulations.gov</u> using **Docket ID NRC-2024-0167**.
- No regulatory decision will be made at the meeting today.



Agenda

- Meeting Logistics
- Background
- A Path Forward
- Proposed Interpretation
- Security Bounding Time
- Alternative Approaches
- Key Messages
- Next Steps
- Q&A / Discussion

Note: Depending on the participation level, the meeting could adjourn earlier than scheduled. If there are concerns with a potential early meeting adjournment, please inform the point of contact for this meeting.





Meeting Logistics

- Microsoft Teams Raise Hand Functionality
- Microsoft Teams Dial Number:
 - *5 to raise or lower hand
 - *6 to mute or unmute
- Public Meeting Slides: <u>ML25044A041</u>
- Meeting Transcription



Background

- In SRM-SECY-17-0100, the Commission directed the staff to develop recommendations for providing credit for a broader set of operator actions, including:
 - The use of FLEX equipment
 - Providing credit for response by local, State, and Federal law enforcement in our security inspection program





Background

- In 2020, staff developed SECY-20-0070, "Technical Evaluation of the Security Bounding Time Concept (SBT) for Operating Nuclear Power Plants."
- NRC staff presented the Commission with a methodology for licensees to adopt a site-specific SBT:
 - Incorporating law enforcement response
 into their physical protection programs
 - Leveraging additional operator actions and equipment to further strengthen site capabilities to protect against the design basis threat (DBT) through





Path Forward

- On June 6, 2024, the Commission issued a staff requirements memorandum (SRM) to provide direction on staff's recommendations in SECY-20-0070.
- The SRM:
 - Approved the staff's recommendation to reinterpret existing security regulations through a notice of interpretation
 - Directed the staff to issue guidance for SBT development
 - Directed the staff to evaluate current guidance for determining if a plan change decreases the safeguards effectiveness of a security plan





Proposed Interpretation

- The proposed interpretive rule was issued for public comments on January 17, 2025 (<u>90 FR 5743</u>).
- Under the proposed interpretation, licensees and applicants may incorporate law enforcement response into their site physical protection programs using a site-specific SBT.
- The proposed interpretation seeks to provide flexibility and regulatory clarity to licensees to consider response from law enforcement as part of the physical protection program.



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Security Bounding Time

• A site-specific SBT is the elapsed amount of time following recognition of an attack, after which additional offsite resources (law enforcement and/or recall of off-duty personnel) are available so that:

(1) further adversary interference is reasonably assumed to be precluded; and

(2) additional actions to prevent the adverse effects of radiological sabotage can be taken by the licensee.

- If implemented, a site-specific SBT could increase the realism of the licensees' physical security programs (PSP).
- Allowing licensees to account for law enforcement several hours after initiation of an attack does not mean that licensees cannot defend against the DBT.





Alternative Approaches to Crediting Law Enforcement Response

- This proposed interpretation is being developed in parallel with two other rulemaking activities currently in progress, which also allow for law enforcement or other off-duty personnel as part of the physical security program:
 - Limited-Scope Rulemaking: The "Alternative Physical Security for Advanced Reactors" proposed rule (<u>89 FR 65226</u>; August 9, 2024) would allow certain licensees to rely on law enforcement or other offsite armed responders, rather than using onsite licensee security personnel, to fulfill the interdiction and neutralization functions required by 10 CFR 73.55(b)(3)(i).
 - **Part 53:** The "Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors" (<u>89 FR 86918</u>; October 31, 2024) proposed rule would allow licensees under 10 CFR Part 53 to rely on the use of onsite responders, law enforcement or other offsite armed responders, or a combination thereof, to provide the interdiction and neutralization functions.



Key Messages

- ✓ Developing a site-specific SBT is voluntary, not a new requirement.
- ✓ The proposed interpretation would apply to any licensee or applicant under 10 CFR Part 50 or Part 52.
- ✓ The proposed interpretation would not replace or eliminate any physical protection strategies currently permitted under NRC's regulations.
- Licensees are still responsible for the protection of the site against an adversary force up to and including the DBT of radiological sabotage.





Next Steps

- End of public comment period March 3, 2025
 - Estimated publication of the final interpretation January 2026
- Estimated publication of guidance document for public comment December 2025
 - Guidance on developing site-specific SBTs
 - Guidance on decrease of safeguards effectiveness prior to implementing an SBT
 - Stakeholder engagement throughout the development process
- Estimated guidance finalized and published **Summer 2026**

Note: This schedule is subject to change.



Additional Information

- Go to <u>https://www.regulations.gov/</u> to provide comments on the interpretive rule using **Docket ID** NRC-2024-0167
- Provide meeting feedback for this meeting at <u>https://feedback.nrc.gov/pmfs/feed</u> <u>back/form?meetingcode=20250151</u>

Public comment period closes on March 3, 2025



Questions?





References

Proposed Interpretation - "Law Enforcement Response in Power Reactor Physical Protection Programs" (<u>90 FR 5743</u>)

SRM-SECY-17-0100 - "Staff Requirements –SECY-17-0100-Security Baseline Inspection Program Assessment Results and Recommendations for Program Efficiencies" (<u>ML18283A072</u>)

SECY-20-0070 - "Technical Evaluation of the Security Bounding Time Concept for Operating Nuclear Power Plants" (<u>ML21312A058</u>)

SRM-SECY-20-0070 - "Staff Requirements – SECY-20-0070-Technical Evaluation of the Security Building Time Concept for Operating Nuclear Power Plants" (<u>ML24158A083</u>)



Acronyms

- **DBT:** design basis threat
- FLEX: diverse and flexible coping strategies
- **FR:** Federal Register
- NRC: Nuclear Regulatory Commission
- SBT: security bounding time
- SRM: Staff Requirement Memorandum
- **PSP:** physical security program

