

United States Nuclear Regulatory Commission Crediting Law Enforcement Response in Regulation of U.S. Nuclear Power Reactor Security Programs

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Nuclear Security Recommendations of Physical Protection of Material and Nuclear Facilities [INFCIRC/225/Revision 5]

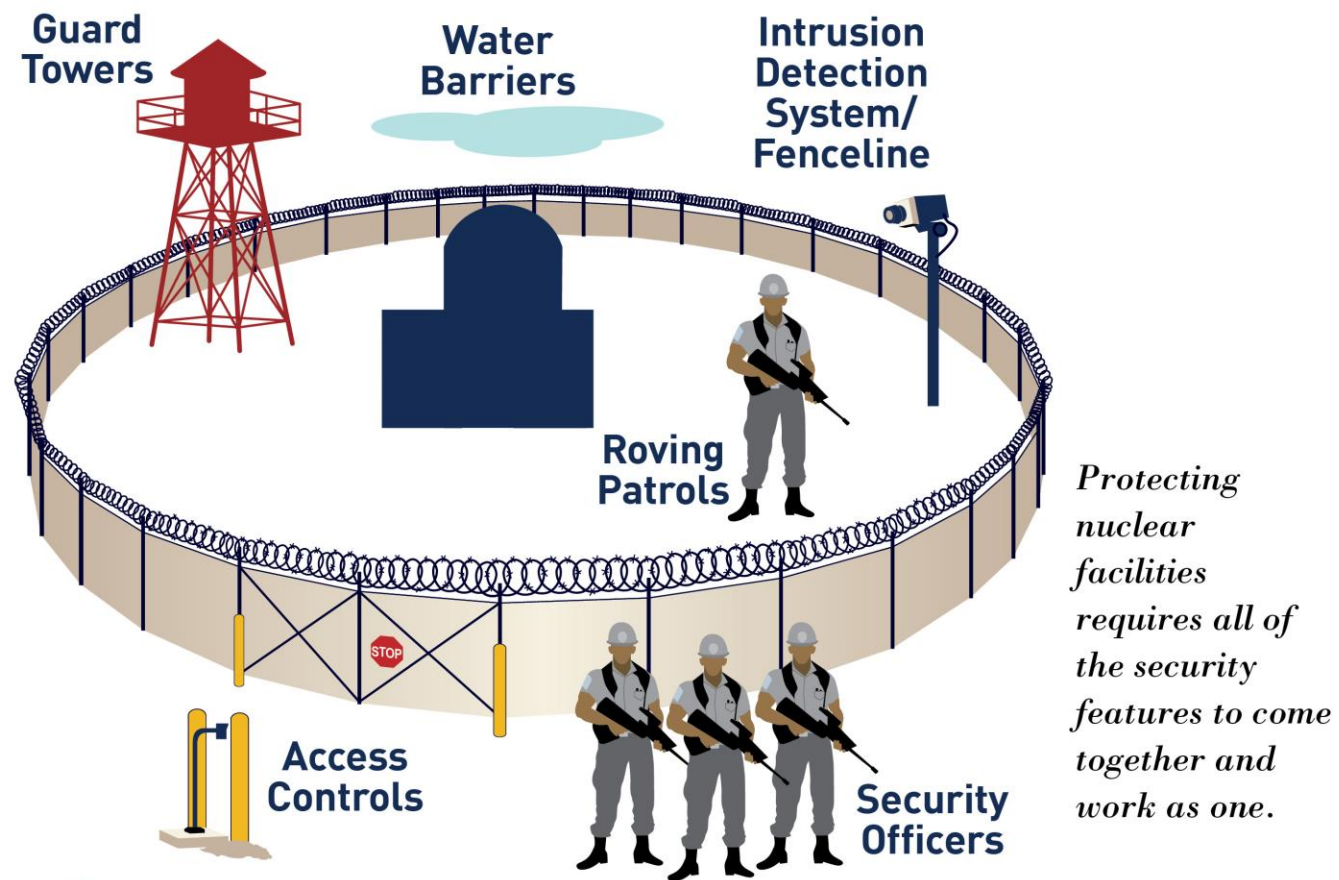
*“The State should clearly define and assign physical protection responsibilities within all levels of involved governmental entities including response forces and for operators and, if appropriate, carriers.”...It further identifies the responsibilities of the license holder; **“The responsibilities for implementing the various elements of physical protection within a State should be clearly identified. The State should ensure that the prime responsibility for the implementation of physical protection of nuclear material or facilities rests with the holders of the relevant licenses or of other authorizing documents (e.g., operators or shippers).”***



US Nuclear Regulatory Commission Regulations Code of Federal Regulations 10 CFR 73.55

Licensee physical protection programs must “[e]nsure that the capabilities to detect, assess, interdict, and neutralize threats up to and including [the DBT], are maintained at all times.” **The licensee must “establish and maintain” the personnel who implement the physical protection program, including the armed responders required to interdict and neutralize the DBT, and ensure that these personnel are trained and qualified in accordance with NRC requirements.** The regulations address law enforcement by requiring licensees to maintain agreements with law enforcement agencies “to include estimated [emphasis added] response times and capabilities,” but only “[t]o the extent practicable”.

Security Components



State-sponsored law enforcement's role in providing protection at US Nuclear Power Reactors

- Federal Government
 - Department of Defense
 - Department of Homeland Security
 - Federal Bureau of Investigations
- State Government
 - State Police
- Local Government
 - Police departments
 - Sheriffs offices



Licensed Power Reactor security programs role in providing protection at US Nuclear Power Reactors

- Target Set Identification
 - Operator Actions
 - Use of Beyond Design Basis Equipment
- Physical Protection
 - On-site physical security provided by licensee
 - Integration with law enforcement



Exploring Ways to Credit Law Enforcement

Commission direction in 2017

- “should take into consideration that the NRC has already codified its recognition of ‘the reality that in an actual emergency, state and local government officials will exercise their best efforts to protect the health and safety of the public.’

Industry request in 2017

- establish a time limit whereby licensees would be responsible for defending the site against the DBT adversary with the assistance of off-site support in the form of law enforcement response.

Staff Evaluating Credit Through These Criteria

- **Criterion 1:** Recognition that Law Enforcement support will be available at some point during an attack.
- **Criterion 2:** Licensee physical protection programs are robust, and it is reasonable to assume adversary capability will decrease over time due to attrition and resource depletion.
- **Criterion 3:** Availability of beyond design basis equipment to prevent and mitigate adversary actions.
- **Criterion 4:** Recognition that licensees have trained and qualified operators who can perform actions, such as realigning systems and equipment.
- **Criterion 5:** Recognition that licensees have processes in place to recall off-duty security and operations personnel who can supplement and augment the site as necessary.

Conclusion

- U.S. Operating Nuclear Power Reactors maintain robust physical protection programs;
- U.S. Operating Nuclear Power Reactors maintain agreements with all levels of State-sponsored law enforcement and various other applicable governmental agencies; and
- There are opportunities to better recognize contributions of law enforcement, as well as the other existing layers of defense, within the nuclear security framework for U.S. Nuclear Power Reactors.

THANK YOU



**NRC Public
Website
(www.nrc.gov)**

References

- SRM-17-0100, <https://www.nrc.gov/docs/ML1828/ML18283A072.pdf>
- SECY-19-0055, <https://www.nrc.gov/docs/ML1908/ML19080A274.html>
- 10 CFR Part 73, <https://www.nrc.gov/reading-rm/doc-collections/cfr/part073/full-text.html>