

Crediting Law Enforcement Response in the U.S. Nuclear Regulatory Commission's Security Inspection Program

Following Commission direction, the U.S. Nuclear Regulatory Commission's (NRC) staff has recommended ways to credit a broader set of operator actions, including the use of Diverse and Flexible Mitigation Capability (FLEX) equipment, and credit response by local, State, and Federal law enforcement in the NRC's security inspection program. This paper describes the NRC staff's recommendation for crediting law enforcement response, how the recommendation was developed, and next steps to evaluate future implementation of that credit by NRC's licensed nuclear power reactors.

The NRC staff is evaluating providing credit to licensees for law enforcement response by establishing a security bounding time, which is defined as the elapsed time, measured from recognition of an attack, required for the licensee to preclude adversary interference sufficiently to allow performance of operator actions that can prevent or mitigate radiological sabotage. NRC's power reactor licensees are required to establish, maintain, and implement a physical protection program that is designed to protect against the design basis threat (DBT) of radiological sabotage. By establishing a security bounding time, and crediting law enforcement response, a licensee could add operator actions and components, including FLEX equipment, to target sets and potentially revise their protective strategies.

The NRC staff sought external stakeholder views during public meetings on November 13, 2018, and December 17, 2018. At these meetings, the staff presented ideas for providing credit for operator actions, FLEX, and for law enforcement response. Industry stakeholders voiced multiple views regarding whether they would seek credit for law enforcement support within the protected area. Many licensees indicated that law enforcement could reasonably be expected to assist in neutralizing adversaries in the owner controlled area, based on the recognition that in an actual emergency, State and local government officials will exercise their best efforts to protect the health and safety of the public. The Nuclear Energy Institute (NEI) presented a proposal for security bounding time, which was subsequently provided in a white paper, "Determination of a Site-specific Security Bounding Time," dated January 10, 2019 (ADAMS Accession No. ML19010A373).

The NRC staff is engaging with stakeholders to fully evaluate the process that a licensee would follow to receive some credit for law enforcement tactical support through the determination of a security bounding time. Specifically, the licensee would (1) adopt a default security bounding time that would be set by the NRC or develop a shorter, site-specific security bounding time using an approved methodology; (2) use the security bounding time to determine the allowable credit for a tactical response by a law enforcement agency (i.e., in the development of target sets); and (3) consider this credited response in the design and evaluation of the licensee's physical protection program (i.e., in the development of the protective strategy).

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