

Lead Staff Members: Daryl Johnson, DSO/SOSB

1. Reason for the briefing:

☐ Information Meeting ☒ Decision/Alignment Meeting ☐ Other _____

2. Subject of the briefing:

Updating flyover reporting guidance for SIDs to include Unidentified Anomalous Phenomenon (UAP) and potential impacts to Enhanced Weapons Rule reporting requirements

3. Bottom Line Up Front (BLUF):

Provide DSO Director and Deputy Director with an overview of the new reporting requirement regarding UAPs to the U.S. Department of Defense (DOD) and propose recommendations for reporting, collecting, and analyzing UAP data from U.S. Nuclear Regulatory Commission (NRC) licensees, if any.

Key Messages:

- There is a new federal law requiring the NRC provide UAP and drone flyover data to the DOD's All-domain Anomaly Resolution Office (AARO) on a recurring annual basis (see FY-2023 National Defense Authorization Act).
- UAPs differ from identified aircraft (such as fixed-wing, rotary, and UAS) such as having no propulsion, no sound, different flight maneuvers and capabilities, as well as operating in both water and air, among other characteristics.
- Currently, there is no security incident database (SID) category or NRC guidance to licensees on how to differentiate between UAS and UAP. This has the potential to under report, confuse, or ignore such sightings/incidents. As a result, we have no idea if UAPs are flying over the aerospace of nuclear power plants or Category I fuel cycle facilities. For example, NRC licensees may mistakenly report a UAP as a UAS/drone instead or not report them at all since there is no mention of UAPs in prior NRC security advisories or guidance. Further, NRC licensees are likely unaware of what constitutes a UAP or their unique physical and anomalous characteristics.
- Having no differentiation between UAS and UAP in SID reporting has the potential to impact timely Freedom of Information Act (FOIA) response times related to UAPs/Unidentified Flying Objects (UFO) due to staff having to reanalyze UAS related responsive records to see if the licensee is describing an identified UAS or a potential UAP.
- Creating a separate category for UAP will create efficiency and avoid issues related to timeliness when responding to FOIA requests.

4. Background/Facts

- First AARO request to NRC for UAP/UAS flyover data for their Congressional Report, 5/01/2023.
- NSIR provided response to AARO for FY-2023, 6/05/2023 (received DSO and NSIR FO review and concurrence).
- AARO Congressional reporting requirement stems from the FY-2023 National Defense Authorization Act.
- FY-2023 National Defense Authorization Act requires the NRC to provide UAP and drone data to AARO each year.
- In 2021, the NRC updated its UAS flyover guidance by requesting more details about UAS incidents (e.g. UAS characteristics, flight duration, flyover time, number of drones, etc.). There has been no mention of UAP in past generic communications.
- Currently, the NRC has no process to report UAPs and has no awareness of UAPs operating around NRC licensees in its guidance, including no mention of them, no definition, no information regarding how they differ from other aircraft, and no information related to whether they should be voluntarily reported or not
- There is no impact to the EWR because the current characterization of flyover using “manned” and “unmanned” likely covers UAPs. DPCP, however, has some input and questions concerning possible rule making regarding the new federal UAP reporting law’s applicability to the NRC

5. Seeking NSIR Front Office Support:

- NSIR Front Office support and approval is requested to pursue the recommendations listed under expected outcomes of results.

6. Stakeholder Engagement:

Internal Stakeholders

- NSIR/DSO, NSIR/DPCP, NSIR/DPR (i.e., HOO-HOC), NRC Regions, FSC program,

External Stakeholders

- U.S. Department of Defense, All-domain Anomalous Resolution Office (AARO)

7. Anticipated Challenges/Differing Stakeholder Views:

- Potentially revising SID flyover reporting guidance via a GENCOM

8. Expected Outcome of Results:

- Request AARO UAP reporting guidance for government agencies and military, if any.
- Develop special UAP reporting guidance for NRC licensees.

- Issue a Security Advisory providing another update to flyover guidelines that includes UAP.
- Possible future rule making regarding the new federal law's UAP reporting requirements and its applicability to the NRC.
- Impact on staff workload is negligible. HOO should add another category of SID reporting. Licensees should receive guidance through a Generic Communication (possible security advisory). These recommendations should not significantly increase security incident database reporting (i.e. SID flyover reporting involving drones remains at 12 to 25 reports per year).

Did you/are you planning to utilize the Be riskSMART framework?

☒ Yes ☐ No.

Explanation: We will work with internal and external stakeholders to ensure all benefits, insights, and risks are being considered.

9. Security level

Publicly Available

10. Front Office Agreement/Direction: Yes (see sections 5 and 8)

11. Milestones:

- Branch Chief Alignment – 8/16/2023
- DSO Alignment – 8/21/2023
- NSIR Alignment – 8/22/2023
- CY-2023 AARO UAP Data Request – 5/1/2024
- Response to CY-2023 AARO UAP Data Request – 6/01/2024