



NUCLEAR ENERGY INSTITUTE

Stephen D. Floyd
VICE PRESIDENT, REGULATORY AFFAIRS
NUCLEAR GENERATION DIVISION

May 19, 2004

Mr. Roy P. Zimmerman
Director, Office of Nuclear Security
and Incident Response
U.S. Nuclear Regulatory Commission
11545 Rockville Pike
Mail Stop T14 D22A, Room 4 D2
Rockville, MD 20852

Dear Mr. Zimmerman:

In my letter to you dated February 20, 2003, I provided an outline of our proposed security frequently asked question process. Enclosed is a white paper that describes the process in detail.

The Security Frequently Asked Question (SFAQ) process provides a context for industry to work with the NRC to resolve questions on security order implementation, force-on-force testing, access authorization, cyber security, and other general security issues that will arise for the foreseeable future. We view this approach as essential in providing long-term stability for the implementation of security requirements. In addition, it will provide the NRC with a streamlined process for identifying, resolving, and communicating the resolution of issues to ensure consistent guidance across all nuclear power plants.

As we discussed earlier, we are moving forward with implementation of this process. In this regard, we are distributing the process to the industry and identifying panel members. When a sufficient number of issues are identified, we will contact your office to find a mutually agreeable date for a joint meeting.

Sincerely,

A handwritten signature in cursive script that reads "Stephen D. Floyd".

Stephen D. Floyd

Attachments:

SFAQ White Paper
SFAQ Input Form



SAFEGUARDS INFORMATION (WHEN COMPLETED)

Security Frequently Asked Questions (SFAQ)

Request Form

(Requestor to Complete)

| | | | |
|-------------------|--------|-----------------|--|
| Licensee: | | Date Submitted: | |
| Licensee Contact: | Phone: | e-mail: | |
| NRC Contact: | Phone: | e-mail: | |

| | | |
|---|-------------------------------|----------------------------------|
| Is this a request for a Site-Specific SFAQ or a Generic SFAQ? | Site <input type="checkbox"/> | Generic <input type="checkbox"/> |
|---|-------------------------------|----------------------------------|

| | |
|---|---|
| Potentially relevant existing SFAQ numbers: | |
| This question involves: (check all that apply) | Design Basis <input type="checkbox"/> , Force-on-Force <input type="checkbox"/> , Training <input type="checkbox"/> , Access <input type="checkbox"/> , Security Plan <input type="checkbox"/> , Cyber <input type="checkbox"/> , Other <input type="checkbox"/> |

Description of Question:

Proposed Solution:

Note: Requestor to complete page 1 of the form and transmit through approved electronic means or mail to securitygrp@nei.org or NEI Security FAQ, 1776 I St. NW, Suite 400, Washington, DC 20006-3708. Alternatively, the form and supporting documentation may be hand delivered to the NEI SFAQ Coordinator. The question will be discussed at the next regularly scheduled Security Issue Panel meeting.

| |
|---|
| Additional pages attached? Yes <input type="checkbox"/> No <input type="checkbox"/> |
|---|

| | | |
|--------------------------------|--------------|-----|
| (NEI to complete) Request # | Date entered | By: |
|--------------------------------|--------------|-----|

SAFEGUARDS INFORMATION (WHEN COMPLETED)
Security Frequently Asked Questions (SFAQ)
Request Form

SFAQ Evaluation and Resolution Section

Issue presented at Joint NRC/NEI Security Issue Panel: Date

Resolution of SFAQ

(NRC Security Issue Panel Chairman)

Approved by:

Date:

(Industry Security Issue Panel Chairman)

Approved by:

Date:

SFAQ closed in tracking system and SFAQ database updated: Date:

SECURITY FREQUENTLY ASKED QUESTION PROCESS

WHITE PAPER

I. INTRODUCTION:

The purpose of the Security Frequently Asked Question (SFAQ) process is to provide an organized forum for Licensees and the NRC to resolve questions concerning the implementation of security requirements in a collaborative and open context. It is hoped that by using this process, licensee's questions can be answered in a timely and complete manner and the NRC can exercise its regulatory responsibility in the most efficient and direct manner possible.

It is inevitable that order implementation issues, force-on-force testing issues and general issues resulting from security inspections will arise for the foreseeable future. It is clear that this process cannot be used to change any regulatory requirements promulgated through rules or orders. Its intent is to resolve interpretation and implementation issues in the context of existing guidance and/or requirements.

II. SCOPE:

The primary purpose of the SFAQ process is to provide clarification on the interpretation of NRC security requirements and to resolve questions arising from implementing NEI or NRC guidance documents. Questions may be plant specific and concern only one facility or questions may be generic and involve all facilities.

The questions that are evaluated may be categorized into the following topical areas:

- ◆ Design Basis
- ◆ Force-on-Force
- ◆ Training
- ◆ Access Authorization
- ◆ Security Plans
- ◆ Cyber Security
- ◆ Other

Issues involving enforcement actions, changes to regulatory requirements promulgated through rules or orders, or other regulatory actions, are not within the scope of this process.

III. MAKEUP OF INDUSTRY SECURITY ISSUE PANEL:

The quality of answers provided to the questions submitted under the SFAQ process will depend upon the knowledge, experience, and commitment of the Industry Security Issue Panel (ISIP). The ISIP will consist of representatives from the commercial nuclear power industry and at least one NEI representative. The actual panel makeup may vary depending upon the specific subject matter being evaluated.

The industry representatives for the Review Team should consist of management personnel experienced in security matters and representing significant security related issues for their respective companies. They should be recommended to NEI as representing the commercial nuclear industry on matters of security and have the national status within the industry to make decisions and render opinions that would be implemented without further management review.

NEI senior management shall designate an NEI representative that will function as the Industry Panel Chairman. NEI will also arrange meetings and provide administrative support for the communication and transmittal of SFAQ status and resolution.

The licensee originating an SFAQ may provide a representative to present and describe the SFAQ at the initial review meeting and any subsequent review meetings where the SFAQ is discussed.

The NRC will designate a corresponding review panel and Panel Chairman according to their internal procedures.

IV. SAFEGUARDS CONSIDERATIONS:

Many of the issues dealing with nuclear power plant security questions involve the use of Safeguards Information. Consequently, no person is allowed access to Safeguards Information unless the person has an established "need to know" for the information and has completed the Federal Bureau of Investigation criminal history record information (CHRI) check to the extent required by 10 CFR 73.57.

If the SFAQ deals with Safeguards Information, the Safeguards designated SFAQ request form must be used. Along with any attachments, the entire package will be stored, transmitted and distributed as Safeguards Information according to 10 CFR 73.21. If the SFAQ form, when completed, does not contain Safeguards Information and none of the supporting documentation is Safeguards Information, then the form may be treated as Non-Safeguards. However, the "Safeguards Information" header on the SFAQ form must be removed before using the form to transmit Non-Safeguards information. In order to facilitate efficient tracking, review and closure of SFAQs, NEI will maintain a Non-Safeguards log of the SFAQs. This log will show basic information such as requestor, date initiated, unique tracking number, and current status. This log will be available, password controlled, on the NEI web site and will be updated on a periodic basis.

NEI will also maintain a file of in-progress and completed SFAQs and will make that information available to the NRC and licensees on an as needed basis. For Safeguards SFAQs, the information will be transmitted to users through an approved means, either in hard copy or electronic versions.

V. QUESTION DEVELOPMENT:

A well-written SFAQ provides appropriate references from the regulatory or NEI documents that will focus the issue before the ISIP. History, operating conditions and security features may be relevant and should be included as supporting documentation, however, it is imperative that any supporting documentation be complete and accurate in all material respects.

It is important to involve the appropriate stakeholders in development of the SFAQ request. Licensees should seek, where appropriate, the input of the resident inspector and/or Regional Office on the facts and circumstances surrounding the issue. In addition, the initiator of the SFAQ should attempt to determine if the question has been previously addressed by reviewing the complete list of previous or pending SFAQs or talking with the ISIP Chairman at NEI.

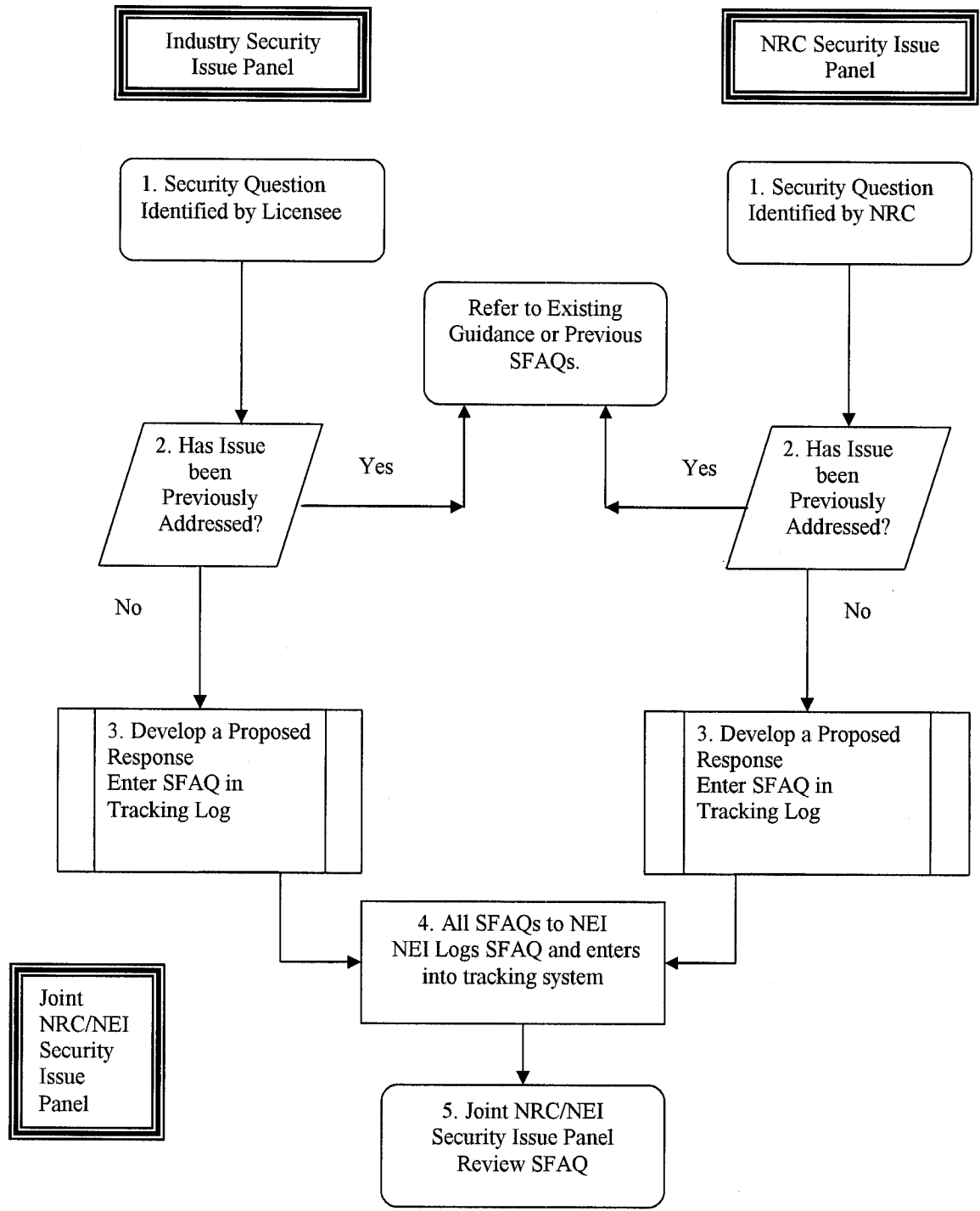
VI. CONSENSUS:

NEI will manage the Industry SFAQ process and work closely with each licensee and the NRC to provide an efficient and organized process for identifying, evaluating, and resolving questions that arise on security issues. It is understood that this process will be collegial and seek a consensus opinion whenever possible. However, if consensus cannot be reached by the Joint NEI/NRC Security Review Panel after two consecutive panel meetings, the issue will be referred to NRC Director, Office of Nuclear Security and Incident Response for a final decision.

The industry, as represented by the NEI Chief Nuclear Officer, may appeal decisions to the NRC Executive Director of Operations for Security and Preparedness.

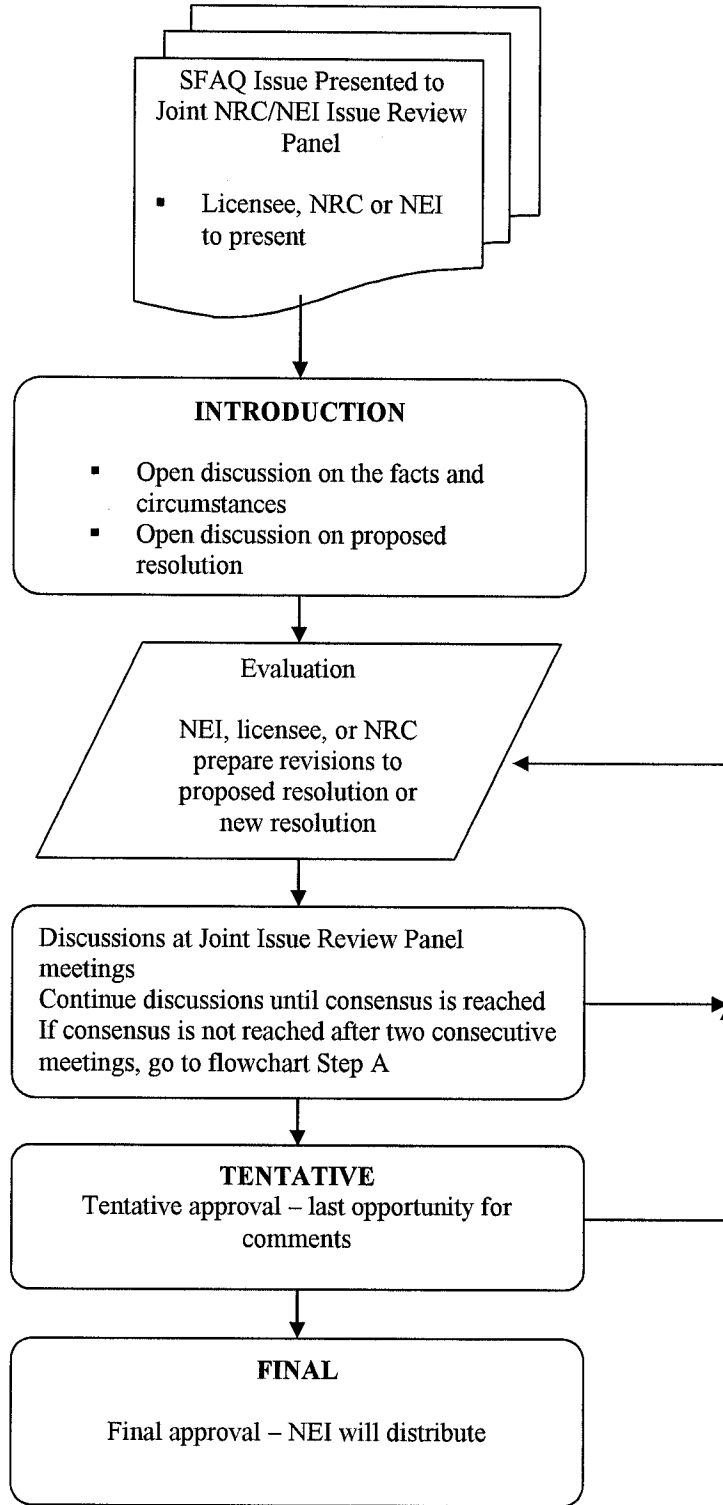
VII. SFAQ PROCESS FLOWCHART:

The following is a graphical representation of the SFAQ process:



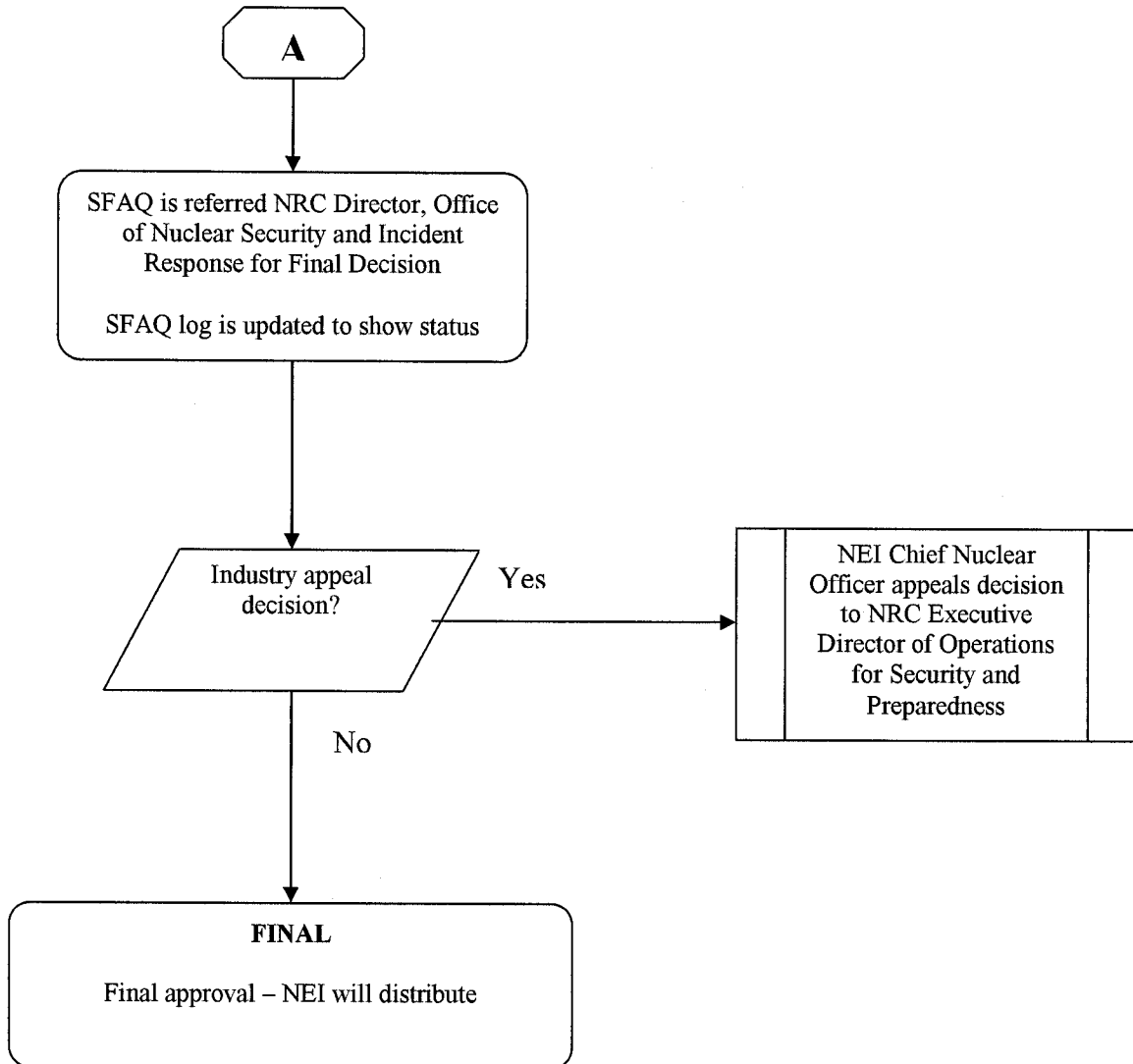
See details on following page

Joint NRC/NEI Issue Panel Meeting Details (Step 6)



(Step 8)

Process Flow Chart – Appeal Process (Step 7)



VIII. NOTES ON PROCESS STEPS

Identification (Step 1)

Industry personnel will send guidance interpretation questions, inspector open items with which they disagree, and implementation issues, to NEI using the SFAQ form. The SFAQ form should be fully completed along with describing a proposed answer if possible. The NRC will have a similar process governed by their internal procedures for steps 1, 2, and 3. Industry personnel will check the web site or SFAQ log to determine if the question/issue has been or is being addressed.

Review for Previous Guidance (Step 2)

In order to avoid duplication of issues, the Industry Security Issue Panel (ISIP) will review the SFAQ and determine if the issue has already been addressed. If it has, the ISIP will refer the licensee to the appropriate guidance or previously resolved SFAQ and return the SFAQ form to the originator.

Develop a Proposed Response (Step 3)

If the SFAQ describes a valid question, either generic or specific to the licensee, the ISIP will develop a proposed response to the issue. The ISIP will consider the proposed answer provided by the licensee on the SFAQ form in developing the proposed response.

Any pending regulatory action involving the security issue in question will be deferred pending final resolution of the issue.

Log and Track SFAQ (Step 4)

The SFAQ will be assigned a unique tracking number and entered into the security SFAQ log. The NRC will send their SFAQs to NEI who will assign a tracking number and maintain a pending file for the subsequent panel meeting. Summary information for each SFAQ will also be entered in a Non-Safeguards log available on the NEI web site.

Review by Joint NRC/NEI Security Issue Panel (Step 5)

The NEI and NRC Security Issue Panels will meet jointly approximately monthly to discuss SFAQs that have been initiated since the previous joint meeting. The purpose of the joint meetings is to discuss open SFAQs and reach consensus on an acceptable response to the issue(s).

A key role of the Joint Panels is to ensure the proposed resolution does not conflict with a regulatory requirement and is consistent with the panels understanding of the intent of regulatory requirements and associated guidance.

Joint NRC/NEI Issue Panel Meeting Details (Step 6)

A new SFAQ is added to the agenda and brought to the Joint NRC/NEI Security Issue Panel for initial introduction. Licensees and NRC resident inspectors and/or Regional Office personnel may be in attendance as necessary to represent the issue. However, if the SFAQ is sufficiently written the SFAQ is expected to “stand on its own.”

The responsible Issue Team Chairman (NRC or NEI) will present and lead the discussion on the facts and circumstances surrounding the SFAQ. If the proposed introduced SFAQ’s resolution wording is not acceptable to the NRC and/or Industry Security Issue Panel members, a written alternative resolution shall be prepared by the dissenter for discussion at the next meeting. Written alternative resolutions should be developed and provided to the Joint NRC/NEI Security Issue Panel at least one week in advance of the subsequent Team meeting.

The NRC and Industry Issue Panel members will discuss proposed resolution(s) until consensus is achieved. Once consensus is achieved, the SFAQ is marked “TENTATIVE”. The industry and NRC will have until the next monthly meeting to brief their constituents on the tentative response and identify objections.

If there are no objections to the “TENATATIVE” SFAQ given or the objections are addressed, the SFAQ will be considered closed and the log updated to “APPROVED” at the next Team meeting.

An SFAQ can be withdrawn at any time; but for reconsideration, must re-enter this process at the beginning.

In some limited cases (involving an issue with no contention and where exigent resolution is needed), it is possible for the SFAQ Joint NRC/NEI Security Issue Panel to reach immediate consensus and the SFAQ be moved directly to “APPROVED”. This is usually the exception.

If consensus cannot be reached after two consecutive joint panel meeting, the SFAQ is referred to the NRC Director, Office of Nuclear Security and Incident Response for a final decision (see step 7 on flow chart).

Senior Management Review and Appeal (Step 7)

The NRC Director, Office of Nuclear Security and Incident Response has the authority to make a final decision on the resolution of an SFAQ if the Joint NRC/NEI Security Issue Panel was not able to reach a consensus after two consecutive team meetings.

The industry, as represented by the NEI Chief Nuclear Officer, may appeal decisions to the NRC Executive Director of Operations for Security and Preparedness.

Promulgation (Step 8)

Once a SFAQ has been "APPROVED", it is distributed to NEI Security Points of Contact and to the NRC using approved means. In addition, the Non-Safeguards log will be updated and placed on the NEI member website. SFAQs are effective upon issuance except when specifically noted within for an alternate effective date.

IX. ATTACHMENT

Safeguards Security Frequently Asked Questions (SFAQ) Request Form – Word Template