

NEI 05-10 [Revision 2]

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# Security Frequently Asked Questions Process

February 2006



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Nuclear Energy Institute

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February 2006

*Nuclear Energy Institute, 1776 I Street N. W., Suite 400, Washington D.C. (202.739.8000)*

## ACKNOWLEDGEMENTS

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# SECURITY FREQUENTLY ASKED QUESTIONS PROCESS

## 1 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 coordinated context. This process should support addressing licensees' questions in a timely and effective manner and support the NRC's exercising of its regulatory responsibility in the most efficient and direct manner possible.

It is expected that order implementation questions, force-on-force testing questions and general questions 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 clarify existing guidance and to assist in addressing implementation questions.

## 2 SFAQ CRITERIA

To be considered as an SFAQ, a question must be generic (i.e., have the potential to affect more than one plant). Potential SFAQs could include questions where the regulatory guidance is unclear or absent, or where consistency in application would benefit both the NRC and licensees.

In order to determine whether a question should be considered as an SFAQ, the initiating panel (industry or NRC) shall apply the following criteria:

1. Is the question sufficiently generic? (Does it affect more than one plant?)
2. The question does not involve changes to regulations or commitments, unresolved inspection findings, enforcement actions, allegations, or other situations covered by existing regulatory processes.
3. Will addressing the question enhance consistent implementation of industry or NRC security guidance?

If the answer to all of these questions/statements is "yes," then an SFAQ is appropriate.

A bias toward initially screening in and discussing a question is appropriate for cases where conformance with the above criteria is unclear.

## 3 MAKEUP OF SECURITY QUESTION PANELS

The Industry Security Question Panel (hereafter referred to as the Industry Panel) will consist of representatives from the commercial nuclear power industry and at least one

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NEI representative. The Industry Panel members shall consist of management personnel experienced in security matters. They shall be selected by NEI, and represent the commercial nuclear industry on matters of security.

NEI senior management shall designate an NEI representative who will function as the Industry Panel Chair. 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 be invited to provide a representative to present and describe the SFAQ at the meetings where the SFAQ is discussed.

NRC management will designate a corresponding review panel (hereafter referred to as the NRC Panel) and the NRC Panel Chairman.

Within this document, the collective group of the Industry Panel and NRC Panel shall be referred to as the Joint Panel.

#### 4 REGULATORY PROCESS INTERFACE

The SFAQ process is intended to provide clear answers to generic questions that could affect industry implementation of security measures. Frequently, generic questions are identified through the NRC Inspection and Enforcement process. It is important that the respective roles of each process be maintained. For the specific licensee(s) for which unresolved inspection findings or violations are involved, the inspection and enforcement process (including the licensee's option to appeal the NRC's decision) will take precedence and should proceed independently of the resolution of any related SFAQ. The SFAQ process must focus on the generic question and avoid site-specific factors that might distort the understanding of the resolution.

#### 5 SFAQ DOCUMENTATION AND SAFEGUARDS CONSIDERATIONS

Many of the questions dealing with nuclear power plant security may involve Safeguards Information (SGI). Consequently, as with other SGI information, no person is allowed access to Safeguards Information pertaining to SFAQs unless the person has an established "need to know" for the information and has completed the Federal Bureau of Investigation criminal history record information check to the extent required by 10 CFR 73.57. Non-SGI questions and related material will be handled in accordance with [NRC Regulatory Issue Summary 2005-26, Control Of Sensitive Unclassified Nonsafeguards Information Related To Nuclear Power Reactors, and](#) with 10 CFR 2.390 – Exempt from Public Disclosure.

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Any SGI material associated with the SFAQ must be stored, transmitted and distributed according to 10 CFR 73.21 requirements.

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## 6 SFAQ LOG AND STATUS TRACKING

In order to facilitate efficient tracking, review, and closure of SFAQs, the Industry Panel Chair will maintain a non-Safeguards log of all SFAQs (SGI and non-SGI). The NRC Panel will provide SFAQs to the Industry Panel Chairman to be logged and tracked. A separate non-SGI log will be maintained and will show basic information such as unique tracking number, date initiated, initiator, and current status. This log will be available from each Panel Chairman and updated on a periodic basis.

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Both Panel Chairs will maintain a file of in-process and completed SFAQs.

## 7 CONSENSUS AND APPROVAL

The Industry and NRC Panels will work together to attain timely, clear resolution of SFAQs. Final approval of SFAQ answers shall be the responsibility of the NRC Director – Division of Nuclear Security. The Industry and NRC Panels will strive to provide a draft answer acceptable to both Panels. Where agreement cannot be attained, the Panels may submit alternative answers and comments regarding other options under consideration with written rationale. This information shall be provided to the NRC Director – Division of Nuclear Security and both Panels. Upon reaching a decision between alternate proposed SFAQ responses, the NRC Director – Division of Nuclear Security will provide a response noting the rationale for rejecting the unaccepted option to both Panels. Documents stating why the alternatives were not accepted shall not be published beyond the Industry and NRC Panels except by the agreement of both Panel Chairs. Draft answers and options shall not be published.

When consensus can not be reached between the industry and the NRC, the industry has the right to appeal decision of the NRC Director, Office of Nuclear Security and Incident Response. Appeals should be issued and resolved in a timely manner. The industry should issue an appeal (if necessary) within one month of the decision by the NRC Director – Division of Nuclear Security. The NRC will attempt to resolve the industry's appeal within one month of its receipt.

## 8 WITHDRAWAL, TRANSMITTAL, AND MODIFICATION

An SFAQ may be withdrawn by the initiating Panel at any time prior to final disposition.

Once approved, SFAQs shall be disseminated to the industry by the NRC and the Industry Panel Chair. The SFAQ log shall also be updated to reflecting the approved status.

In the event that any approved SFAQ answer is subsequently determined to require revision, the revised answer shall be formatted in a manner that makes the nature of the change clear. If an SFAQ is revised it must be reprocessed to ensure both panels are aware of the revision and update. In the event that any SFAQ answer is revoked both panels will be notified. The revoked answer shall be retained in the file of SFAQs clearly marked to ensure that its status is understood and directing users to relevant follow-on guidance, if applicable.

## 9 SFAQ IMPLEMENTATION

SFAQs that involve changes to NEI 03-12 may be implemented immediately if required or desired for site specific reasons. However, the industry's position is that utilities should make changes to their Security Plan, Training and Qualification Plan and Contingency Plan no later than 90 days from the NRC's endorsement of a periodic update to NEI 03-09 "Security Officer Training Program" and/or NEI 03-12 "Template for Security Plan and Training and Qualification Plan." The NRC will be notified of the changes in accordance with the requirements of 10 CFR 50.54p

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## 10 PROCESS OUTLINE

The following discusses the process of addressing SFAQs. A flow-chart of this process is provided as Attachment 1.

### Identification and Question Development (Step 1)

Industry or NRC personnel will send potential SFAQs arising from internal reviews, industry operating experience information, NRC inspections, or other sources, to the Industry Panel Chair. Use of the SFAQ form (Attachment 2) is encouraged. The proposed SFAQ should provide appropriate references from the regulatory or industry documents. The history, operating conditions and description of security features may be relevant and should be included as supporting documentation. The submittal should include a proposed answer where possible. The NRC will establish a similar process governed by their internal procedures. Initiators should check the SFAQ log to prevent redundancy with existing questions. It is imperative that facts and supporting documentation are complete and accurate in all material respects.

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### Internal Screening (Step 2)

The Industry and NRC Panels shall conduct an internal screening of proposed SFAQs to determine whether they meet the criteria of Section 2. In the event that a question does not meet those criteria, or where it duplicates questions addressed in existing SFAQs or other questions undergoing screening, the Panel Chair shall notify the originator that the question will not be resolved through the SFAQ process. For cases which are screened as meeting criteria for an SFAQ, a brief description shall be provided to the Industry Panel Chairman who shall assign an SFAQ number and enter it in the SFAQ Log.

### Internally Develop a Proposed Response (Step 3)

Once a question is accepted by the Industry and NRC Panels as an SFAQ, the initiating Panel shall assign an individual to develop the proposed response. This shall include consideration of proposals by the initiator. The proposed response should be internally discussed within the initiating Panel. After this internal consideration, the SFAQ including the proposed response shall be submitted via the Panel Chair to the counterpart

Panel. This effort should be done two weeks prior to the meeting unless the frequency of meetings requires compression of that interval.

#### Joint Panel Interaction and Review (Step 4)

The Joint Panel will meet periodically to discuss SFAQs. Items for the agenda shall be agreed upon by the Panel Chairs and should include as many pending SFAQs that can be accommodated.

New SFAQs on the agenda should be presented by the initiating Panel. While the draft should already have been distributed, this presentation provides an opportunity to ask clarifying questions. A decision is not expected at this presentation; however, candid exchange is encouraged to facilitate consideration of all pertinent aspects by all parties.

In cases involving a question with general consensus on the answer and where prompt resolution is needed, the Joint Panel may reach immediate consensus and the SFAQ could be directly recommended for approval, but this must be identified to both Chairs sufficiently in advance to permit appropriate internal review.

After internal review subsequent to this initial presentation, written revisions or alternative resolutions should be developed with rationale provided. These should be provided to both panels via their Chairs at least one week in advance of the subsequent Joint Panel meeting.

At the second meeting regarding a specific SFAQ, the Joint Panel should discuss proposed resolution(s). If agreement cannot be achieved, both Panels should attain a clear understanding of the outstanding points of agreement and disagreement in order that modified resolutions can be developed. One or both panels should agree to take action to provide a revised resolution at the next meeting.

If consensus cannot be reached after the second joint panel meeting, the SFAQ shall normally be referred to the NRC Director - Division of Nuclear Security for a decision. Resolution options from both Panels shall be provided in such instances. Communication prior to presentation to the Director shall include opportunity to document comments on proposals from the other Panel.

After approval by the NRC Director – Division of Nuclear Security, a copy of the approved SFAQ shall be returned to the Industry Panel Chair. The Industry Panel Chair shall review the document to check that its content is consistent with the Industry Panel's understanding of the resolution.

#### Appeal (if necessary) (Step 5)

The industry, as represented by the NEI Chief Nuclear Officer, may appeal decisions to NRC management. Appeals will normally be to the NRC Director, Office of Nuclear Security and Incident Response. The industry should issue an appeal (if necessary) within one month of the decision by the NRC Director – Division of Nuclear Security.

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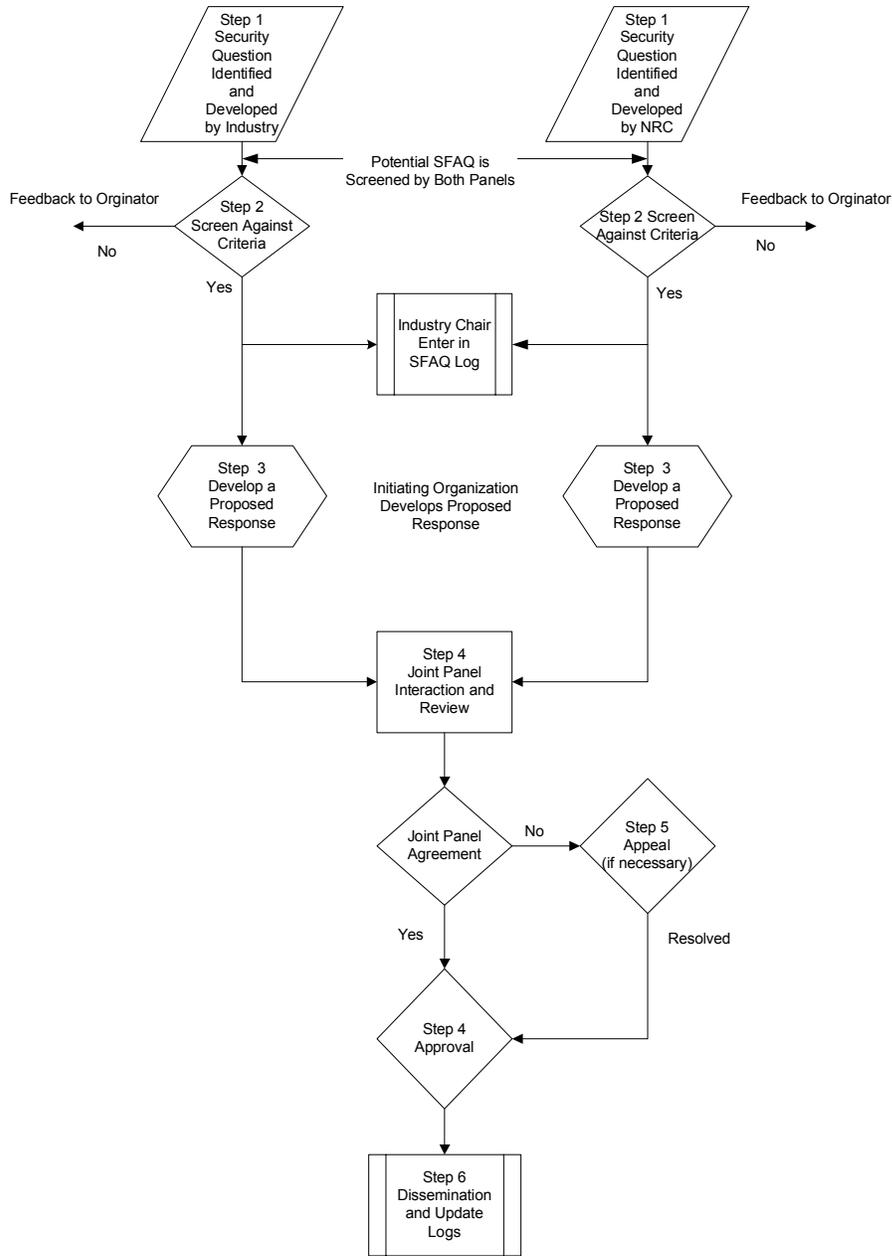
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The NRC will attempt to resolve the industry's appeal within one month of its receipt. The SFAQ will not be issued until the appeal has been resolved.

#### Dissemination (Step 6)

Once a SFAQ has been approved it is distributed by NEI and by NRC using any approved means. In addition, the NEI representative will update the SFAQ Log. Since SFAQs are clarifications of guidance, they can be effective immediately. If implementation timing guidance is appropriate, those should be arranged between the Panel Chairs and communicated concurrently with dissemination of the SFAQ answer. Prior to issuance, the proposed solution text of the SFAQ worksheet will be deleted to assure a clear understanding of final answer.

# 10 PROCESS FLOWCHART



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# 11 SFAQ FORM

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SFAQ YY-XX Title

## Security Frequently Asked Questions (SFAQ)

### Request Form

**SFAQ Number** \_\_\_\_\_ (Industry Panel Chair to complete)  
(Requestor to Complete)

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

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:

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### Proposed Solution:

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Note: Requestor to complete page 1 of the form and transmit through approved electronic means or mail to 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  No

(NEI to complete) Request #	Date entered	By:
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### SFAQ Evaluation and Resolution Section

Form Revision 2, 02/06

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Security Frequently Asked Questions (SFAQ)

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Request Form

SFAQ Number \_\_\_\_\_ (Industry Panel Chair to complete)

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

Resolution of SFAQ

[Empty box for Resolution of SFAQ]

(NRC Security Question Panel Chairman) Approved by:	Date:
(Industry Security Question Panel Chairman) Approved by:	Date:

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

Form Revision 2, 02/06

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