

July 9, 2007

MEMORANDUM TO: Michael R. Johnson, Chairman
Committee to Review Generic Requirements

FROM: Roy P. Zimmerman, Director */RA by W. Dean for/*
Office of Nuclear Security and Incident Response

SUBJECT: VALUE ADDED TO STAFF PROPOSALS AS A RESULT OF REVIEW
BY THE COMMITTEE TO REVIEW GENERIC REQUIREMENTS
(JUNE 2006 THROUGH MAY 2007)

The enclosed information is provided by the Office of Nuclear Security and Incident Response (NSIR) in response to your memorandum dated June 8, 2007. The enclosed information may be used when preparing the Committee to Review Generic Requirements (CRGR) Annual Report to the Commission.

As the enclosure to the June 8, 2007, memorandum indicates, once during the reporting period was NSIR the lead office presenting a proposal at a CRGR Meeting (No. 415 held on April 17, 2007). The purpose of the meeting was to discuss proposed Regulatory Guide (RG) 5.69, "Guidance for the Application of the Radiological Sabotage Design-Basis Threat in the Design, Development, and Implementation of a Physical Security Program that Meets Title 10 of the *Code of Federal Regulations* (10 CFR), Section 73.55 Requirements (Safeguards)," and RG 5.70, "Guidance for the Application of the Theft and Diversion Design-Basis Threat in the Design, Development, and Implementation of a Physical Security Program that Meets 10 CFR 73.45 and 73.46 Requirements (Classified)."

If there are any questions concerning the enclosed information, please contact Mr. Alan Frazier, NSIR/DSP/FCSSB, at (301) 415-6853.

Enclosure:
As stated

CONTACT: Alan Frazier, DSP/NSIR
(301) 415-6853

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OFC	TL: DDRSR: RSB	BC: DDRSR: RSB	DD: DDRSR	D: DSP
NAME	A. Frazier	D. Huyck	S. Morris	P. Holahan
DATE	6/29/07	7/2/07 w/comments	7/3/07 w/comments	7/5/07 w/comments

OFC	D: NSIR
NAME	W. Dean for R. Zimmerman
DATE	7/9/07

OFFICIAL RECORD COPY

**VALUE ADDED TO THE STAFF PROPOSALS REVIEWED
BY THE COMMITTEE TO REVIEW GENERIC REQUIREMENTS
FROM JUNE 2006 THROUGH MAY 2007**

OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

The Office of Nuclear Security and Incident Response (NSIR) was the lead office presenting a proposal at one Committee to Review Generic Requirements (CRGR) Meeting during the reporting period. The purpose of the CRGR meeting (No. 415), held on April 17, 2007, was to discuss proposed Regulatory Guide (RG) 5.69, "Guidance for the Application of the Radiological Sabotage Design-Basis Threat in the Design, Development, and Implementation of a Physical Security Program that Meets Title 10 of the *Code of Federal Regulations* (10 CFR), Section 73.55 Requirements (Safeguards)," and RG 5.70, "Guidance for the Application of the Theft and Diversion Design-Basis Threat in the Design, Development, and Implementation of a Physical Security Program that Meets 10 CFR 73.45 and 73.46 Requirements (Classified)."

- **Value Added:** RGs 5.69 and 5.70 are guidance documents and as such do not contain requirements to be imposed on licensees. Therefore, the CRGR noted that, although imposition of some portions of the positions contained in the RGs might constitute a backfit, those positions provided therein are considered just one acceptable way to meet regulatory requirements. The CRGR provided minor editorial comments, which the staff agreed to incorporate, but did not otherwise substantially influence the contents of the guides.
- **Staff Effort:** Although the staff effort expended in addressing CRGR comments and recommendations was minimal, NSIR would like to mention staff efforts with regard to logistical issues. RG 5.69 and 5.70 contain Safeguards Information (SGI) and Confidential National Security Information, respectively. In keeping with the agency goal of openness, the CRGR typically considers documents that are not sensitive in nature and are publically available. Since the CRGR process was not specifically designed to distribute, handle, and store sensitive documents, NSIR staff was directly involved in the logistics of the distribution, handling, and storage of these documents for the CRGR members. This involvement resulted in the unanticipated expenditure of NSIR staff time. Although the NSIR staff hours were not considered overly burdensome for this effort, NSIR is developing several new security-related RGs and NUREGs, many of which will be at least SGI. To facilitate future CRGR reviews of classified and SGI documents, NSIR suggests that the CRGR support staff review its infrastructure and process for distributing, handling, and storing classified and SGI documents.
- **Schedule Impact:** The CRGR process did delay the staff's schedule by approximately one month due to an issue with getting on the CRGR calendar.
- **Issues Identified:** The CRGR did not identify any significant issues regarding the two RGs. Therefore, costs in terms of overall impact on schedules and resources were minimal.

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