



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, DC 20555 - 0001**

April 1, 2009

MEMORANDUM TO: Mario V. Bonaca, Chairman
Safeguards and Security Subcommittee

FROM: Maitri Banerjee, Senior Staff Engineer **/RA/**
Reactor Safety Branch A
Advisory Committee on Reactor Safeguards

SUBJECT: ANALYSIS OF THE EDO RESPONSE TO ACRS LETTER
ON DRAFT FINAL REGULATORY GUIDE DG-5021,
"MANAGING THE SAFETY/SECURITY INTERFACE"

Attached is a copy of the EDO's March 25, 2009 response to the ACRS' February 18, 2009 letter on Draft Final Regulatory Guide DG-5021, "Managing the Safety/Security Interface." A copy of the Committee's letter is also attached.

Committee Letter

In its letter, the Committee recommended:

1. Draft Regulatory Guide DG-5021, 'Managing the Safety/Security Interface,' should be issued as final.
2. All regulatory guidance for changes in the licensing basis should be updated to include security considerations.

EDO Response

The EDO response stated:

1. "DG-5021 has been assigned Regulatory Guide number 5.74 and will be forwarded to the Office of Nuclear Regulatory Research (RES) for issuance concurrent with publication of the Title 10 *Code of Federal Regulation* Part 73 in the *Federal Register*, which is expected later this month."
2. "Recommendation 2 has identified an action not specifically contemplated by the staff. The Office of Nuclear Reactor Regulation is assuming the lead on this recommendation, and will coordinate with the Offices of New Reactors and RES to evaluate and develop an efficient and effective method for ensuring the safety/security interface is addressed for license amendments and the associated staff review."



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February 18, 2009

Mr. R. W. Borchardt
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: DRAFT FINAL REGULATORY GUIDE DG-5021, "MANAGING THE SAFETY/SECURITY INTERFACE"

Dear Mr. Borchardt:

During the 559th meeting of the Advisory Committee on Reactor Safeguards, (ACRS) February 5-7, 2009, we reviewed the draft final Regulatory Guide DG-5021, "Managing the Safety/Security Interface." During our review, we had the benefit of discussions with representatives of the NRC staff. We also had the benefit of the documents referenced.

RECOMMENDATIONS

1. Draft Regulatory Guide DG-5021, "Managing the Safety/Security Interface," should be issued as final.
2. All regulatory guidance for changes in the licensing basis should be updated to include security considerations.

DISCUSSION

NRC regulation in 10 CFR 73.58, "Safety/Security Interface Requirements for Nuclear Power Reactors," makes it explicit that plant activities should not adversely affect security and that security activities should not adversely affect safety. The rule requires that all changes be evaluated to identify potential adverse effects on the capability to maintain either safety or security including implementation of the site emergency plan. Where potential adverse interactions are identified, compensatory and/or mitigative actions must be taken to maintain safety and security. Although existing configuration management programs should already control this interface, the explicit requirement imposed by the rule is justified by the complexity of the many new security measures introduced by the post-September 11, 2001, security environment.

In order to support the effective implementation of the rule, the staff has developed and provided appropriate guidance in DG-5021. This Guide describes an approach that the NRC staff considers acceptable for licensees to use in satisfying the intent of the rule.

To meet the requirements of the rule, DG-5021 recommends that licensees review planned and emergent changes and activities to identify the possible impact of these changes or activities on

the detection, delay, and response elements of the site physical protection program. Licensees are responsible for establishing, implementing, and maintaining site procedures that ensure that personnel knowledgeable in each program area participate in the site work control process and are appropriately informed of proposed changes that could have an adverse effect on security and/or safety. Controls and processes should be established to ensure that the security organization has the opportunity to review proposed changes and activities to identify potential adverse impacts on the site physical protection program. These controls and processes should also ensure that changes in the site physical protection program do not have an adverse impact on safety. DG-5021 lists site work areas where planned or emergent changes should be reviewed by personnel familiar with the site physical protection program to identify potential adverse impact on security. Examples of the activities in these work areas that should be reviewed are also provided. A screening process is suggested that leverages current change-management processes that would facilitate the identification of adverse impacts.

The emphasis of DG-5021 is on site changes that could have an adverse impact on security. This seems to be appropriate because licensees already have in place proven change-management processes that focus on the impact of the change on safety. Consistent with this approach, DG-5021 states that the licensees should use the existing management controls and processes described in 10 CFR 50.59, "Changes, Tests, and Experiments," to evaluate proposed changes in the design or operation of its physical protection program that could affect elements of plant operation including emergency preparedness. The change management control provided by 10 CFR 50.59 is typically well implemented at sites and there is robust experience with this change-management control process. These processes can be used to evaluate potential safety impact of changes to the site physical protection program.

DG-5021 cites the use of existing management controls and processes under 10 CFR 50.59. The regulatory guides that deal with changes in the licensing basis should be updated to include a provision to investigate the interface between safety and security. In the case of risk-informed applications, Regulatory Guide 1.174 and the related regulatory guides should include the impact on security as an element of the integrated decision-making process.

Draft Regulatory Guide DG-5021 provides an effective way of implementing the requirements of 10 CFR 73.58 and should be issued as final.

Sincerely,

/RA/

Mario V. Bonaca
Chairman

References:

1. SECY-08-0099, dated July 9, 2008, "Final Rulemaking - Power Reactor Security Requirements (RIN 3150-AG63)" (ML081650474)
2. Staff Requirements Memorandum, dated December 17, 2008, "Staff Requirements - Affirmation Session, 1:55 P.M., Wednesday, December 17, 2008, Commissioners' Conference Room, One White Flint North, Rockville, Maryland (open to public attendance)" (ML083520252)

3. Regulatory Guide 1.174, Revision 1, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," November 2002 (ML023240437)

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Analysis

The EDO response to ACRS Recommendation No. 1 is satisfactory.

The EDO response to ACRS Recommendation No. 2 may not be satisfactory. The ACRS recommended updating all regulatory guidance for changes in the licensing basis. The ACRS letter also noted that in the case of risk-informed applications, Regulatory Guide 1.174 and the related regulatory guides should include the impact on security as an element of the integrated decision-making process. While the EDO appears to have accepted the recommendation, he is considering means other than updating specific regulatory guidance. The EDO response says that it intends to develop a method for ensuring the safety/security interface is addressed for license amendments and the associated staff review. This response appears to address the license amendment process and not regulatory guidance for changes in the licensing basis.

Attachments: As stated

cc: ACRS Members

C. Santos

S. Duraiswamy



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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WASHINGTON, DC 20555 - 0001

March 25, 2009

Dr. Mario V. Bonaca, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission

Dear Dr. Bonaca:

I would like to take this opportunity to thank the Advisory Committee on Reactor Safeguards (ACRS) for reviewing Draft Regulatory Guide 5021, "Managing the Safety/Security Interface." The ACRS recommendations identified in your February 18, 2009, letter have been evaluated by the U.S. Nuclear Regulatory Commission staff and their response is provided below.

Recommendation 1 states: "Draft Regulatory Guide DG-5021, 'Managing the Safety/Security Interface,' should be issued as final."

Staff Response: DG-5021 has been assigned Regulatory Guide number 5.74 and will be forwarded to the Office of Nuclear Regulatory Research (RES) for issuance concurrent with publication of the Title 10 *Code of Federal Regulation* Part 73 in the *Federal Register*, which is expected later this month.

Recommendation 2 states: "All regulatory guidance for changes in the licensing basis should be updated to include security considerations."

Staff Response: Recommendation 2 has identified an action not specifically contemplated by the staff. The Office of Nuclear Reactor Regulation is assuming the lead on this recommendation, and will coordinate with the Offices of New Reactors and RES to evaluate and develop an efficient and effective method for ensuring the safety/security interface is addressed for license amendments and the associated staff review.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
SECY



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March 25, 2009

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Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission

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Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

cc: Chairman Klein
Commissioner Jaczko
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