

**NEI 05-10 [Revision 3]**

# **Security Frequently Asked Questions Process**

**April 2010**

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**Nuclear Energy Institute**

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## **ACKNOWLEDGEMENTS**

NEI wishes to acknowledge the efforts of the NEI Security Frequently Asked Questions Task Force members, as well as industry and U.S. Nuclear Regulatory Commission contributors involved in developing this document.

## **NOTICE**

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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 generic questions concerning the implementation of security requirements in a collaborative and coordinated context. This process is intended to support the resolution of 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 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 related to security programs under 10 CFR Part 73.

### **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 without consideration or evaluation of site specific information). Potential SFAQs could include questions where the regulatory guidance may not be sufficiently clear, 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. The question must be sufficiently generic. (Does it affect more than one plant without consideration or evaluation of site specific information?)
2. The question does not involve unresolved inspection issues enforcement actions, allegations, or other situations covered by existing regulatory processes. The SFAQ process may be used to disseminate information regarding resolved inspection issues, enforcement actions, allegations, or other situations covered by existing regulatory processes.
3. The resolution of the question should facilitate consistent implementation of industry or NRC security guidance.

If all the criteria are met, 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 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 requirements. 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 issues 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). Any person allowed access to SFAQs containing SGI must have an established "need to know" for the information and meet the requirements of 10 CFR 73.21. Non-SGI questions and related material will be handled in accordance with NRC Regulatory Issue Summary 2005-26, Control Of Sensitive Unclassified Non-Safeguards Information Related To Nuclear Power Reactors, and with 10 CFR 2.390 – Exempt from Public Disclosure, as applicable.

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

## **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). SFAQs generated by the NRC Panel will be provided to the Industry Panel Chairman to be logged and tracked. The non-SGI log will show basic information such as unique tracking number, date initiated, initiator, and current status. This log will be available to each Panel Chairman and updated on a periodic basis.

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

## **7 CONSENSUS AND APPROVAL**

Members of the Industry Panel and the NRC Panel will form a Joint Panel and work together to attain timely, clear resolution of SFAQs. Final approval of SFAQ answers are the responsibility of the NRC Director – Division of Nuclear Security. The Joint Panel 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.

When consensus can not be reached between the industry and the NRC, the industry has the right to appeal the decision as outlined in section 10, step 5.

## **8 WITHDRAWAL, TRANSMITTAL, AND MODIFICATION**

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

Once a SFAQ response/solution has been approved it is distributed by NEI and the NRC using approved means. In addition, the NEI representative will update the SFAQ Log.

In the event that any approved SFAQ resolution is subsequently determined to require revision, the revised SFAQ must be reprocessed.

## **9 SFAQ IMPLEMENTATION**

SFAQs that involve generic changes to the NEI 03-12 template language should be revised immediately through the licensee's security plans if required to demonstrate compliance with NRC regulations. SFAQs that affect the site specific information provided as bracketed text should be changed through the licensee's security plans as necessary. Utilities should make any necessary changes to their Security Plan, Training and Qualification Plan and Contingency Plan consistent with the implementation date agreed upon by the industry and NRC. The NRC will be notified of the changes in accordance with the requirements of 10 CFR 50.54(p).

The following statement should be considered in the accepted SFAQs that affect NEI 03-12 black text: "Licensees submitting their security plans using the NRC endorsed NEI 03-12 revision [#] template should revise the endorsed text in section [...] of the [PSP, T&Q, SCP as appropriate] by [provide direction on text to be revised, replaced, inserted, etc]. The change to NRC endorsed NEI 03-12 revision [#] language should be listed on the "Table of Deviations from NEI 03-12 rev. [#] Text" which has been provided by NEI to accompany each plan submittal. The justification that should be provided on the table is "Language revised in accordance with SFAQ # [09-##]".

## **10 PROCESS OUTLINE**

In addition to the following SFAQ process description, 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, 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 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.

### Joint Panel Screening (Step 2)

The Joint Panel shall conduct an initial 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 appropriate 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 Joint Panel as an SFAQ, the Joint Panel shall assign an individual from the initiating Panel to further develop the proposed final response if necessary. This shall include consideration of proposals by the initiator. The proposed final response should be internally discussed within the initiating Panel. After this internal consideration, the SFAQ including the proposed final response shall be submitted via the appropriate 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. 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 the proposed final 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.

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

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

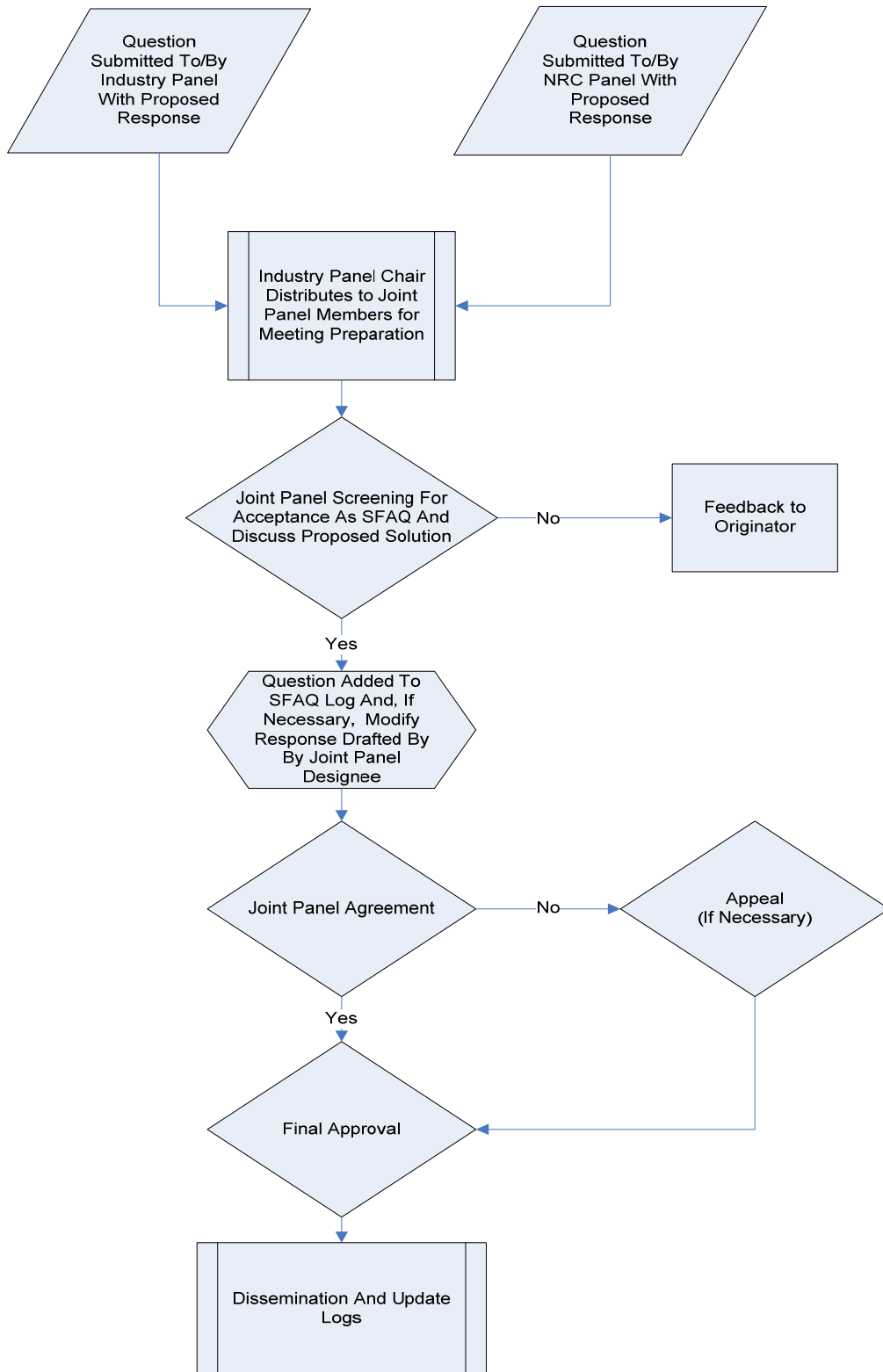
After approval by the NRC Deputy Director for Reactor Security, a copy of the approved SFAQ response/solution shall be returned to the Industry Panel Chair. The Industry Panel Chair shall review the document to check that its content is consistent with the Industry Panel's understanding of the resolution.

The industry, as represented by the NEI Chief Nuclear Officer, may appeal decisions of the Deputy Director for Reactor Security to NRC management within one month. The NRC should 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 response/solution has been approved it is distributed by NEI using any approved means. In addition, the NEI representative will update the SFAQ Log. Since SFAQ responses/solutions 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 the final response.

# 10 PROCESS FLOWCHART



**11 SFAQ FORM**

SAFEGUARDS INFORMATION OR EXEMPT FROM PUBLIC DISCLOSURE IN  
 ACCORDANCE WITH 10 CFR 2.390 (WHEN COMPLETED)  
 OR  
 SECURITY RELATED INFORMATION – WITHHOLD UNDER 10 CFR §2.390 (WHEN  
 COMPLETED)

SFAQ YY-XX Title

Security Frequently Asked Questions (SFAQ) Request Form

SFAQ Number: \_\_\_\_\_

(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"/>

**Question, including background description and applicable reference(s):**

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**Proposed Solution:**

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Additional pages attached? Yes <input type="checkbox"/> No <input type="checkbox"/>
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(NEI to complete) Request #	Date entered	By:
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**SFAQ Evaluation and Resolution Section**

Form Revision 3, 03/10

SAFEGUARDS INFORMATION OR EXEMPT FROM PUBLIC DISCLOSURE IN  
 ACCORDANCE WITH 10 CFR 2.390 (WHEN COMPLETED)  
 OR  
 SECURITY RELATED INFORMATION – WITHHOLD UNDER 10 CFR §2.390 (WHEN  
 COMPLETED)



SAFEGUARDS INFORMATION OR EXEMPT FROM PUBLIC DISCLOSURE IN  
ACCORDANCE WITH 10 CFR 2.390 (WHEN COMPLETED)  
OR  
SECURITY RELATED INFORMATION – WITHHOLD UNDER 10 CFR §2.390 (WHEN  
COMPLETED)

Security Frequently Asked Questions (SFAQ) Request Form

SFAQ Number: \_\_\_\_\_

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

**Resolution of SFAQ**

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Resolution Requires a Document(s) Revision: Yes  No  Document(s):

(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 3, 03/10

SAFEGUARDS INFORMATION OR EXEMPT FROM PUBLIC DISCLOSURE IN  
ACCORDANCE WITH 10 CFR 2.390 (WHEN COMPLETED)  
OR  
SECURITY RELATED INFORMATION – WITHHOLD UNDER 10 CFR §2.390 (WHEN  
COMPLETED)