

REGULATORY ANALYSIS

REGULATORY GUIDE 5.66, REVISION 2 ACCESS AUTHORIZATION PROGRAM FOR NUCLEAR POWER PLANTS *(This is an administratively changed version of Revision 1, issued July 2009)*

Statement of the Problem

Regulatory Guide (RG) 5.66, “Access Authorization Program for Nuclear Power Plants,” Revision 1, issued July 2009, includes sensitive unclassified non safeguards information in Attachment A of the document. However, the entire guide was not publically available because of its designation as “Official Use Only, Security-Related Information.” Members of the public who review U.S. Nuclear Regulatory Commission (NRC) products occasionally find reference to documents, such as Safeguards Information or “Official Use Only, Security-Related Information,” that are not available through the commonly used Agencywide Documents Access and Management System (ADAMS). Instead, an ADAMS search for the document concludes with “no documents found,” and the document is not posted in the NRC Library on the agency Web site. Given the NRC’s policy to increase the level of transparency where possible, the staff undertook Revision 2 to RG 5.66 simply to issue the non sensitive information in the guide in a format that makes the document available to the public. The revised guide includes no substantive changes except for the removal of the sensitive unclassified nonsafeguards information.

Therefore, issuance of this regulatory guidance is desirable to promote the ability of the public to keep apprised of the NRC’s regulatory actions to the extent possible while still withholding sensitive information where necessary.

Objective

The objective of this regulatory action is to update the guidance to allow increased accessibility to the NRC’s regulatory guidance by members of the public.

Alternative Approaches

The NRC staff considered the following alternative approaches:

- Do not issue RG 5.66.
- Issue RG 5.66.

Alternative 1: Do not issue Regulatory Guide 5.66

Under this alternative, the NRC would not issue the available non sensitive information to the public, and the current guidance would be retained. If the NRC does not take action, there would not be any changes in costs or benefit to the public, licensees, or the NRC. However, the “no-action” alternative would not improve the level of accessibility to the NRC’s regulatory guidance by the public. The NRC would continue to withhold the information from the public. This alternative provides a baseline condition from which any other alternatives to withholding may be assessed.

Alternative 2: Issue Regulatory Guide 5.66

Under this alternative, the NRC would issue RG 5.66, Revision 2. The benefit of this action is to enhance public accessibility to the information.

The impact to the NRC would be the costs associated with preparing and issuing the regulatory guide under the administrative change process. There is minimal impact to the public, limited to the voluntary costs associated with reviewing and providing comments to the NRC if desired. There is minimal impact to licensees, because the revision does not change the staff's regulatory guidance (regulatory position). The value to NRC staff and its licensees would be the benefits associated with enhanced public perception by making as much information as possible available for review by the public.

Conclusion

Based on this regulatory analysis, the NRC staff recommends issuance of RG 5.66, Revision 2. The staff concludes that the action will increase public confidence in the NRC and its regulatory mission by increasing, to the greatest extent possible, information available to the public for its scrutiny.