

REGULATORY ANALYSIS

DRAFT REGULATORY GUIDE DG-5027 GENERAL USE OF LOCKS IN THE PROTECTION AND CONTROL OF: FACILITIES, RADIOACTIVE MATERIALS, CLASSIFIED INFORMATION, CLASSIFIED MATTER, AND SAFEGUARDS INFORMATION

(Proposed Revision 1 of Regulatory Guide 5.12, dated November 1973)

1. Statement of the Problem

The U.S. Nuclear Regulatory Commission (NRC) is considering revising Regulatory Guide 5.12, "General Use of Locks in the Protection and Control of: Facilities, Radioactive Materials, Classified Information, Classified Matter, and Safeguards Information," to incorporate new information, lessons learned, and operating experience. The NRC published Revision 0 of Regulatory Guide 5.12 in November of 1973 to provide licensees and applicants with agency-approved guidance for complying with the then-current version of 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50); 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material;" and 10 CFR Part 73, "Physical Protection of Plants and Materials." The proposed Revision 1 of Regulatory Guide 5.12 (Draft Regulatory Guide (DG) 5027) would incorporate new information, lessons learned, and operating experience gained since the guide was originally published in 1973.

2. Objective

The objective of this regulatory action is to provide applicants and licensees with updated guidance that incorporates new information, lessons learned, and operating experience identified since the guide was originally issued in 1973, particularly new locking technologies and standards for locks and keys. In addition, the references in the guide were updated and relevant NRC regulations were identified.

This revision would endorse several consensus standards related to locks. Revising this regulatory guide to endorse consensus standards is consistent with NRC policy, as stated in the NRC's Management Directive 6.5, "NRC Participation in the Development and Use of Consensus Standards" (ADAMS Accession No. ML100600460). This is also in accordance with Public Law 104-113, "National Technology Transfer and Advancement Act of 1995."

3. Alternative Approaches

The NRC staff considered the following alternative approaches:

1. Maintain Regulatory Guide 5.12 in its present form
2. Withdraw Regulatory Guide 5.12
3. Revise Regulatory Guide 5.12 to address current methods and procedures.

Alternative 1: Maintain Regulatory Guide 5.12 in present form

Under this alternative, the NRC would not revise the guidance and the current guidance would be retained. This alternative is considered the “no-action” alternative and provides a baseline condition from which any other alternatives will be assessed. If NRC does not take action, there would not be any changes in costs or benefit to the public, licensees or NRC. However, the “no-action” alternative would not provide the benefits of updating the current regulatory guide. Licensees and applicants would continue to lack technical guidance and acceptable approaches for the use of new technologies that have been developed since 1973. The NRC would continue to review each application on a case-by-case basis.

Alternative 2: Withdraw Regulatory Guide 5.12

Under this alternative, the NRC would withdraw this regulatory guide. This action would eliminate the differences that exist between the current regulatory guide and the implementation of newer technologies. It would also eliminate the only readily available description of the methods the NRC staff considers acceptable for demonstrating compliance with regulations contained in 10 CFR Parts 20, 37, 50, 52, 70, 72, 73, and 95. Although this alternative would be less costly than Alternative 3, it would impede the public’s accessibility to the most current guidance information.

Alternative 3: Revise Regulatory Guide 5.12

Under this alternative, the NRC would revise Regulatory Guide 5.12. This revision would incorporate the latest information regarding the general use of locks in the protection and control of facilities, radioactive materials, classified information, classified matter, and safeguards information, as well as appropriate supporting guidance, practices, lessons learned, operating experience, and enforcement activities since 1973. By doing so, the NRC would ensure that the guidance available in this area is current and accurately reflects the staff’s position.

The impact to the NRC would be the costs associated with preparing and issuing the regulatory guide revision. The impact to the public would be the voluntary costs associated with reviewing and providing comments to NRC during the public comment period. The value to NRC staff and its applicants and applicable holders of NRC approvals would be the benefits associated with enhanced efficiency and effectiveness in using a common guidance document as the technical basis for license applications and other interactions between the NRC and its regulated entities.

Conclusion

Based on this regulatory analysis, the NRC staff concludes that revision of Regulatory Guide 5.12 is warranted. The action will enhance the selection, use, and control of locking devices in the protection of areas, facilities, and specific types of information. These benefits to the protection and control of facilities, radioactive materials, classified information, classified matter, and safeguards information would exceed the costs of developing and issuing the guide. It could also lead to cost savings for industry that comes from enhanced efficiency and effectiveness in using a common guidance document as the technical basis for license applications and other interactions between the NRC and its regulated entities.