

July 11, 2016

Timothy Graf  
Senior Security Compliance Analyst  
Diablo Canyon Nuclear Power Plant  
Pacific Gas and Electric Company  
P.O. Box 56  
Avila Beach, CA 93424

SUBJECT: REQUEST FOR CLARIFICATION ON USE OF EARLY WARNING SYSTEMS

Dear, Mr. Graf:

In response to your email dated June 08, 2016, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16167A165) to Mr. Frederick Sullivan, U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Security and Incident Response/Division of Security Operations/Security Oversight and Support Branch, subject: Letter to Diablo Canyon re: Early Warning Systems, the following information is provided for your consideration and use as deemed appropriate.

In your email you stated that Diablo Canyon (DCPP) received a letter from the NRC entitled, "The U.S. Nuclear Regulatory Commission Inspection Approach Related to Industry Implementation of Early Warning Systems," dated May 26, 2016, (ADAMS Accession No. ML16060A225), and you asked the following two questions:

- (1) "if the strategy requires early detection, does this also have to be described in the Physical Security Plan," and;
- (2) "does the detection system need to meet the requirements of 10 CFR [Title 10 of the *Code of Federal Regulations*] 73.55(i)?"

In your email, you stated that you "understand that the letter is primarily about requirements to credit voluntary early warning systems (EWS), however, it is not clear on EWS that is required to implement the protective strategy." You further stated that "At DCPP, we rely on our EWS to implement our strategy (i.e. adversary timelines begin with detection prior to the protected area intrusion detection system)."

Lastly, in your email you stated that "The second paragraph describes the requirements for non-voluntary EWS such as DCPP's, however, it only discusses barriers described in 10 CFR 73.55(e). The next paragraph describes the requirements for voluntary EWS and must meet the requirements of both 10 CFR 73.55(e) and § 73.55(i)."

The answer to both questions posed in your email is YES.

With respect to question (1): 10 CFR 73.55(c) "Security plans" requires (1) Licensee security plans must describe: (i) How the licensee will implement requirements of this section through the establishment and maintenance of a security organization, the use of security

equipment and technology, the training and qualification of security personnel, the implementation of predetermined response plans and strategies, and the protection of digital computer and communication systems and networks.

As stated in your email, “At DCPD, we rely on our EWS to implement our strategy (i.e. adversary timelines begin with detection prior to the protected area intrusion detection system).” Because of your reliance on early detection by the EWS to meet the Commission requirement for an effective protective strategy, you have chosen to make the EWS a “required” component of your physical protection system. As such, you are required to describe the EWS (design and function) in your security plan to include an explicit statement that the EWS is required to meet the performance objective and requirements of 10 CFR 73.55(b).

With respect to question (2): As stated in our letter dated May 26, 2016, “In some cases, licensees are intending to receive credit for responder response timelines based on adversary detection at the voluntary EWS rather than the protected area barrier.” In this letter, the NRC states in part that “response timelines used by licensees to develop their physical protection programs must be based on the implementation of physical protection systems that are required to meet 10 CFR 73.55(b) and not based on a voluntary EWS.”

As stated in your email, “At DCPD, we rely on our EWS to implement our strategy (i.e. adversary timelines begin with detection prior to the protected area intrusion detection system).” Because of your reliance on early detection by the EWS to meet the Commission requirement for an effective protective strategy, you have chosen to make the EWS a “required” component of your physical protection system. As such, the EWS is subject to Commission requirements in 10 CFR 73.55(e) “Physical Barriers,” 73.55(i) “Detection and Assessment Systems,” 73.55(n) “Maintenance, Testing, and Calibration,” and 73.55(o) “Compensatory Measures.”

Should you or your staff have any questions, please contact Dennis Gordon at 301-287-3633, email: [Dennis.Gordon@nrc.gov](mailto:Dennis.Gordon@nrc.gov). or, F. Scot Sullivan at 301-287-3624, email: [Frederick.Sullivan@nrc.gov](mailto:Frederick.Sullivan@nrc.gov).

Sincerely,

*/RA/*

Alison L. Rivera, Chief  
Reactor Security Branch  
Division of Security Policy  
Office of Nuclear Security and Incident Response

*/RA/*

Doug G. Huyck, Chief  
Security Oversight and Support Branch  
Division of Security Operations  
Office of Nuclear Security and Incident Response

equipment and technology, the training and qualification of security personnel, the implementation of predetermined response plans and strategies, and the protection of digital computer and communication systems and networks.

As stated in your email, “At DCP, we rely on our EWS to implement our strategy (i.e. adversary timelines begin with detection prior to the protected area intrusion detection system).” Because of your reliance on early detection by the EWS to meet the Commission requirement for an effective protective strategy, you have chosen to make the EWS a “required” component of your physical protection system. As such, you are required to describe the EWS (design and function) in your security plan to include an explicit statement that the EWS is required to meet the performance objective and requirements of 10 CFR 73.55(b).

With respect to question (2): As stated in our letter dated May 26, 2016, “In some cases, licensees are intending to receive credit for responder response timelines based on adversary detection at the voluntary EWS rather than the protected area barrier.” In this letter, the NRC states in part that “response timelines used by licensees to develop their physical protection programs must be based on the implementation of physical protection systems that are required to meet 10 CFR 73.55(b) and not based on a voluntary EWS.”

As stated in your email, “At DCP, we rely on our EWS to implement our strategy (i.e. adversary timelines begin with detection prior to the protected area intrusion detection system).” Because of your reliance on early detection by the EWS to meet the Commission requirement for an effective protective strategy, you have chosen to make the EWS a “required” component of your physical protection system. As such, the EWS is subject to Commission requirements in 10 CFR 73.55(e) “Physical Barriers,” 73.55(i) “Detection and Assessment Systems,” 73.55(n) “Maintenance, Testing, and Calibration,” and 73.55(o) “Compensatory Measures.”

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Reactor Security Branch  
Division of Security Policy  
Office of Nuclear Security and Incident Response

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Doug G. Huyck, Chief  
Security Oversight and Support Branch  
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