

Regulatory Guide Number: 5.65, Revision 0

Title: “Vital Area Access Controls, Protection of Physical Security Equipment, and Key and Lock Controls”

Office/Division/Branch: NSIR/DPCP/MWSB

Technical Lead: Angela Wu

SUBJECT: Bases for Withdrawal

(1) What regulation(s) did the Regulatory Guide support?

Regulatory Guide (RG) 5.65 was published in September 1986 to provide guidance on meeting the requirements in the 1980s rulemaking for Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, “Physical Protection of Plants and Materials,” specifically, 10 CFR 73.55, “Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage,” and 10 CFR 73.70, “Records.”

The amendments to 10 CFR Part 73 clarified the designation and protection of vital areas containing safety-related equipment at nuclear power reactors intended to safeguard against sabotage that could cause a radiological release and prevent theft and diversion of special nuclear material. Specifically, 10 CFR 73.55 clarified safeguards policy for power reactors regarding control of access to vital areas during emergency and nonemergency situations, protection of certain physical security equipment, and key and lock controls. Section 73.70 of 10 CFR addressed the requirements for logging personnel access and egress for each specific vital area.

(2) What was the purpose of the Regulatory Guide?

Regulatory Guide 5.65 provided guidance to licensees on access controls. The purpose of these measures is: (1) to ensure adequate access for safety purposes while providing necessary physical security; (2) to provide protection of specified physical security equipment which, if sabotaged, could significantly affect the security of the plant; and (3) to provide guidance for key, lock, and combination changes when an employee with access to them leaves. The objective of controlling access to protected and vital areas of nuclear power plants is to ensure that only authorized persons with a legitimate need be allowed access to such areas.

(3) How was the Regulatory Guide used?

The RG provided methods that were acceptable to the NRC staff for implementing the requirements stated in 10 CFR 73.55 and 10 CFR 73.70 as they pertained to access controls following the 1986 rulemaking.

(4) Why the Regulatory Guide is no longer needed?

RG 5.65 is no longer needed due to the following regulatory and technical issues:

- On March 27, 2009, the Commission amended 10 CFR Part 73 for nuclear power plants to incorporate security requirements that were issued through Commission security orders as a result of the September 11, 2001 terrorist attacks (74 FR 13925). In addition, the rulemaking added several new requirements to incorporate insights gained from implementation of the security orders, review of site security plans, implementation of the NRC's enhanced baseline inspection program, and NRC evaluation of force-on-force exercises. As a result, the guidance in RG 5.65 became outdated.

Rather, more recent regulatory guidance has been issued that supersedes the guidance in RG 5.65.

- RG 5.66, "Access Authorization Program for Nuclear Power Plants," Rev. 2 (October 2011) supersedes the guidance in RG 5.65 regarding access authorization at nuclear power plants. RG 5.66 provides an acceptable approach by which licensees can establish and implement an access authorization program for granting unescorted access to protected and vital areas of a nuclear power plant.
- RG 5.76, "Physical Protection at Nuclear Power Reactors" (July 2009), which was issued to facilitate implementation of the new 10 CFR Part 73 rule in 2009 supersedes the guidance in RG 5.65 regarding protection of security equipment, vital and protected area transients, delays, barriers, underground pathways, power, escort, ingress and egress, record keeping, and review/audit requirements.
- RG 5.12, "General Use of Locks in the Protection and Control of: Facilities, Radioactive Materials, Classified Information, Classified Matter, and Safeguards Information," Rev. 1 (October 2016) supersedes the guidance in RG 5.65 regarding keys and locks. The guidance offered in RG 5.65 is brief and limited to two paragraphs, discussing the requirement and frequency to change and rotate keys, locks, and combinations. The same information is discussed in much greater detail in RG 5.12.
- RG 5.74, "Managing the Safety/Security Interface," Rev. 1 (April 2015) supersedes the guidance in RG 5.65 with regard to managing the safety and security interface. RG 5.65 provides only brief guidance (one paragraph) on the cross training of roles, responsibilities, and general practices of the safety and security organizations as a mechanism to reduce interface problems between the two organizations. RG 5.74 provides more detailed guidance for training to aid the interface between safety and security organizations.

(5) What guidance is available once the Regulatory Guide is withdrawn?

Once RG 5.65 has been withdrawn, the following RGs are available to offer guidance on access controls:

- RG 5.66, "Access Authorization Program for Nuclear Power Plants," Rev. 2 (October 2011).

- RG 5.76, “Physical Protection at Nuclear Power Reactors” (July 2009).
- RG 5.12, “General Use of Locks in the Protection and Control of: Facilities, Radioactive Materials, Classified Information, Classified Matter, and Safeguards Information,” Rev. 1 (October 2016).
- RG 5.74, “Managing the Safety/Security Interface,” Rev. 1 (April 2015).

Additional technical information can be found in:

- RG 5.68, “Protection Against Malevolent Use of Vehicles at Nuclear Power Plants” (August 1994).
- NUREG-1959, “Intrusion Detection Systems and Subsystems: Technical Information for NRC Licensees,” Rev. 1 (September 2017).
- NUREG-1964, “Access Control Systems: Technical Information for NRC Licensees” (April 2011).

(6) Is the Regulatory Guide referenced in other documents and what are the “ripple effects” on these documents if it is withdrawn?

RG 5.65 is not referenced in other documents and therefore, there are no “ripple effects” resulting from its withdrawal.

(7) What is the basis for believing that no guidance similar to that in the Regulatory Guide will ever be needed?

The NRC is withdrawing the RG because it is outdated and because updated guidance can be found in other RGs and NUREGs that supersede RG 5.65 (i.e. RG 5.66, RG 5.76, RG 5.12, RG 5.74, NUREG/CR-6190, NUREG-1959, and NUREG-1964).

(8) Will generic guidance still be needed?

The regulations in 10 CFR Part 73, specifically sections 73.55 and 73.70, establish the requirements for access controls. Existing guidance related to implementation of these requirements will still be needed and are found in RG: 5.66, 5.76, 5.12, and 5.74. Furthermore, additional information can be found in NUREG/CR-6190, NUREG-1959, and NUREG-1964.

(9) What is the rationale for withdrawing this Regulatory Guide instead of revising it?

Because more recent regulatory guidance has been issued on the regulatory requirements addressed in RG 5.65 that supersede the 1986 guidance, RG 5.65 has become obsolete. As a result, RG 5.65 should be withdrawn rather than revised as revising the document would be duplicative.

(10) Do other agencies rely upon the Regulatory Guide, e.g., the Agreement States, National Aeronautical and Space Administration, Department of Energy?

The staff is unaware of any other agency that uses or relies on the guidance included in RG 5.65.