



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 4, 2018

Ms. Susan Perkins-Grew
Director, Nuclear Security
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

SUBJECT: APPROVAL-FOR-USE OF NUCLEAR ENERGY INSTITUTE 03-12, "TEMPLATE FOR SECURITY PLAN, TRAINING AND QUALIFICATION PLAN, SAFEGUARDS CONTINGENCY PLAN [AND INDEPENDENT SPENT FUEL STORAGE INSTALLATION SECURITY PROGRAM]" REVISION 7.1, DATED JANUARY 2018

Dear Ms. Perkins-Grew:

On May 25, 2016, you submitted a letter (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16222A416), on behalf of the Nuclear Energy Institute (NEI) to the U.S. Nuclear Regulatory Commission (NRC) via encrypted e-mail containing four attachments designated as safeguards information. In your letter, you requested that the NRC staff review and approve a revised NEI 03-12, "Template for Security Plan, Training and Qualification, Safeguards Contingency Plan, [and Independent Spent Fuel Storage Installation Security Program]," Revision 7.1, Section 21, "Compensatory Measures."

Following review of the 2016 submittal and multiple meetings with your staff, in a letter dated April 17, 2018 (ADAMS Accession Number ML18088A422), the NRC staff provided written comments on NEI 03-12, Revision 7.1, Section 21. As a result, on May 8, 2018, you submitted to the NRC, via encrypted e-mail (ADAMS Accession No. ML18137A268), an updated version of NEI 03-12, Revision 7.1, Section 21, dated January 2018, with supporting information.

The NRC staff has conducted a thorough review of the revised documents provided in your May 8, 2018, e-mail to ensure that the NRC's written comments were adequately addressed in NEI 03-12, Revision 7.1, dated January 2018, and supporting documentation, including the NEI White Paper titled, "Conducting A Security Risk Assessment To Support Selection Of Compensatory Measures," dated May 2018. The NRC staff has determined that all NRC comments contained in the NRC letter dated April 17, 2018, have been adequately addressed.

NEI 03-12, Revision 7.1, Section 21, provides a risk-informed methodology that licensees may use for conducting a risk assessment to determine the appropriate timeframes for implementing compensatory measures. It also provides a list of generic compensatory measures and appropriate timeframes for implementing those measures. Finally, NEI 03-12, Revision 7.1, Section 21, provides interim measures that a licensee may implement prior to the implementation of generic compensatory measures. Consistent with NEI 03-12, Revision 7.1, Section 21, licensees may not adopt implementing timeframes for compensatory measures that exceed the maximum timeframes set forth in Section 21.

A licensee should document its commitment to use the risk assessment methodology described in NEI 03-12, Revision 7.1, Section 21, in its NRC-approved physical security plan. Furthermore, as stated in NEI 03-12, Revision 7.1, Section 21, and the associated NEI White Paper, this documentation should describe how the risk assessment was conducted as well as the results of the risk assessment analysis, including but not limited to, a description of the site-specific conditions considered and actions taken to address those conditions. Each licensee's written risk assessment process and any documented risk assessment that was conducted as a result of degraded or inoperable equipment, systems, or components of the physical protection program will be subject to NRC inspection.

Licensees have an obligation to protect against threats up to and including the Design Basis Threat. If a licensee's risk assessment analysis determines that the compensatory measures and implementing timeframes identified in NEI 03-12, Revision 7.1, Section 21, do not adequately address that risk, then the licensee must modify those compensatory measures and implementing timeframes to address the risk. This may include immediate implementation of compensatory measures to compensate for the degraded or inoperable equipment, systems, or components of the physical protection program.

In conclusion, consistent with these understandings, the NRC approves NEI 03-12, Revision 7.1, Section 21, dated January 2018, for use by NRC licensees.

If you have any concerns or questions, please contact Ms. Doris Lewis of my staff at (301) 287-3794, or via e-mail at Doris.Lewis@nrc.gov.

Sincerely,

/RA/

Brian E. Holian, Director
Office of Nuclear Security and Incident Response

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 REVISION 7.1, DATED JANUARY 2018; DATED: DECEMBER 4, 2018

ADAMS Submission No.: ML18137A359

OFC	DPCP/RSB	DPCP/RSB	NSIR/DSO	OGC (via e-mail)
NAME	D. Gordon	D. Lewis	F. Sullivan	N. St. Amour
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OFC	NSIR/DSO	NSIR/DPCP	NSIR	
NAME	M. Bailey	S. Helton (D. Curtis for)	B. Holian	
DATE	11/29/18	11/30/18	12/4/18	

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