

Regulatory Guide Periodic Review

Regulatory Guide Number: **5.20**

Revision Number: **0**

Title: **Training, Equipping, and Qualifying of Guards and Watchmen**

Office: **NSIR/DPCP/MWSB**

Technical Lead: **Al Tardiff**

Recommended Staff Action: **Reviewed with issues identified for further consideration**

1. What are the known technical or regulatory issues with the current version of the Regulatory Guide (RG)?

This 1974 document is dated in numerous technical and regulatory areas, including references to outdated regulations.

The previous periodic review recommended withdrawal based on a review focused on operating reactors. After a review by a technical expert for fuel cycle facilities, it was determined RG 5.20 provides the only guidance on how to address the requirements of title 10 of the *Code of Federal Regulations* (10 CFR) 73.50, "Requirements for Physical Protection of Licensed Activities," for these facilities. In addition, there is currently a Rulemaking for Enhanced Security of Special Nuclear Material (RIN: 3150-AJ41) with the Commission for voting. If the Commission approves this rulemaking, 10 CFR 73.50 will be revised and new regulatory guidance will be developed to supersede RG 5.20 which will then be withdrawn. If the Commission terminates the rulemaking, RG 5.20 will be revised to delete the power reactor portion, since newer guidance exists in RG 5.75, and to incorporate updated guidance for fuel cycle facilities. The staff does not anticipate any impact of not updating the RG at this point and therefore has determined the best approach is to wait until the rulemaking has been decided.

2. What is the impact on internal and external stakeholders of not updating the RG for the known issues, in terms of anticipated numbers of licensing and inspection activities over the next several years?

The staff does not expect any new licensing actions relevant to this guide in the next several years and current licensees may continue to use RG 5.20. Updated guidance for power reactors can be found in RG 5.75, "Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities."

3. What is an estimate of the level of effort needed to address the identified issues, in terms of full-time equivalent (FTE) and contractor resources?

If the rulemaking is approved, approximately 0.01 FTE will be required to withdraw RG 5.20.

If the rulemaking is terminated, approximately 0.2 FTE will be required to complete a revision to RG 5.20 to remove the information for power reactor facilities and revise the information for fuel cycle facilities.

Regulatory Guide Periodic Review

4. **Based on the answers to the questions above, what is the staff action for this guide (Reviewed with no issues identified, Reviewed with issues identified for future consideration, Revise, or Withdraw)?**

Reviewed with issues identified for future consideration. No further action will be taken until the Commission has reached a decision on the Rulemaking for Enhanced Security of Special Nuclear Material.

5. **Provide a conceptual plan and timeframe to address the issues identified during the review.**

Staff will perform annual reviews on the status of the Rulemaking for Enhanced Security of Special Nuclear Material and take one of the following actions:

- If the Commission approves the rulemaking, once new guidance is in place to address the rule changes, staff will withdraw RG 5.20.
- If the Commission terminates the rulemaking, staff will revise RG 5.20 to remove the superseded power reactor facility information and update the guidance for fuel cycle facilities.
- If no decision has been made, then leave RG 5.20 as is until the next annual check of the rulemaking. Note: If no decision has been reached on the rulemaking by December 31, 2021, staff will revise RG 5.20 as if the rulemaking were terminated.

NOTE: This review was conducted in September 2018 and reflects the staff's plans as of that date. These plans are tentative and subject to change.