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September 13, 2018

Ms. May Ma
Mail Stop: TWFN-7-A60M
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on Draft Regulatory Guide 5048, "Standard Format and Content of Physical Security Plans, Training and Qualifications Plans and Safeguards Contingency Plans for Nuclear Power Plants" (NRC Docket ID NRC-2018-0092)

Project Number: 689

Dear Ms. Ma:

On behalf of its members, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on Draft Regulatory Guide (DG) 5048, "Standard Format and Content of Physical Security Plans, Training and Qualifications Plans and Safeguards Contingency Plans for Nuclear Power Plants." The purpose of this DG is to describe the standard format and content for licensee physical security plans, training and qualifications plans and safeguards contingency plans that the U.S. Nuclear Regulatory Commission (NRC) staff finds acceptable. The DG provides general guidance for the level of detail that licensees should provide in these plans relative to the types of information that should be addressed, including site-specific conditions, to ensure that security plans are complete and accurate.

The material in DG-5048 goes well beyond that contained in Regulatory Guide (RG) 5.54, "Standard Format and Content of Safeguards Contingency Plans for Nuclear Power Plants," Revision 1 (i.e., the preceding issued revision of RG 5.54). As the change in document title implies, the RG scope has been expanded to cover physical security plans and training and qualification plans. The expanded guidance is, in many cases, duplicative of the requirements in 10 CFR 73.55 and the NRC-endorsed guidance in NEI 03-12, "Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan [and Independent Spent Fuel Storage Installation Security Plan]." We are unaware of any issues with NEI 03-12 substantive enough to warrant superseding it with the proposed guidance in DG-5048.

¹ The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

Further, DG-5048 does not comport with the guidance in NUREG-0800, "Standard Review Plan (SRP) for Safety Evaluation Reports," Section 13.6.1, "SRP Acceptance Criteria." Section 13.6.1 clearly states that a "Security Plan is considered acceptable if it conforms to the most recent revision of the NRC-endorsed NEI 03-12 format and the requirements listed in Appendices I, II and III of this document."

We also note that DG-5048 appears to contradict certain requirements in 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage." For example, the document directs incorporation of certain information related to access controls, search programs and communication requirements that § 73.55 states should be contained in implementing procedures.

Following the proposed guidance in DG-5048 would lead a licensee to significantly increase the level of detail of information contained in site security plans and, for this reason, would have several undesirable outcomes.

First, it would unnecessarily burden the industry and the NRC by driving an increase in security plan changes which, in turn, necessitates more licensing submittals and NRC reviews. The NRC-approved security plans for each power reactor facility are based on the NRC-endorsed template and development guidance presented in NEI 03-12. The template and guidance were written to meet all the requirements of 10 CFR 73.55 and to direct the placement of implementing details in procedures, as permitted by regulations. The processes in 10 CFR 50.54(p) and 10 CFR 50.90 provide the appropriate framework to permit licensees to modify their plans and implementing procedures while ensuring the NRC is notified of changes that may decrease the effectiveness of a security plan.

Second, licensees may be discouraged from making enhancements to their security plans and procedures due to the increase in required processing time and resources. For example, licensees may effect changes to their site implementing procedures throughout the year to address lessons learned, operating experience and observations from critiques. Faced with an increased burden to make changes to security plans that contain the same procedure-level information, licensees may choose to delay or eschew making these enhancements. Changes that improve a site security program would occur less frequently due to higher implementation costs.

Finally, despite the NRC's indication that DG-5048 does not modify any existing requirements or plan details and thus does not constitute a backfit concern, all licensees will, as a matter of prudence, expend significant resources reviewing the revision to RG 5.54. These reviews are conducted to ensure that differences in language between the revised guide and their approved plan are identified and assessed for future inspection compliance risk or licensing risk as they contemplate future changes to site-specific security plans.

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Given the fundamental nature of our concerns, NEI recommends the NRC remove DG-5048 from the review process and engage directly with stakeholders to develop a revision that addresses the comments above. The revised version can then be placed into a public comment review process. Alternatively, the staff may wish to consider whether further investment of stakeholder resources in DG-5048 is warranted in light of our comments and, if not, terminate the revision effort.

If you have questions or require additional information, please contact AJ Clore at (202) 739-8025 or ajc@nei.org, or me.

Sincerely,

A handwritten signature in black ink that reads "William R. Gross". The signature is written in a cursive style with a large, stylized initial "W".

William R. Gross

Attachment

c: Mr. David Curits, NSIR/DPCP, NRC
Mr. Dennis Gordon, NSIR/DPCP/RSB, NRC
Ms. Alison Rivera, NSIR/DPCP/RSB, NRC