

## OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

**SECURITY REVIEW PROCEDURE FOR  
SECURITY PLAN CHANGES**

REVISION: 2

EFFECTIVE DATE: June 2011

## CHANGE NOTICE

Office Instruction No.:	LIC 800
Office Instruction Title:	SECURITY REVIEW PROCEDURE FOR SECURITY PLAN CHANGES
Primary Contact:	Doug Huyck, NSIR/DSP/SPSB/BC 301-415-7201  Evelyn Williams esw@nrc.gov
Responsible Organization:	NSIR/PMDA
Training	None
ADAMS Accession No.:	ML101180052

**Summary of Changes:** Changes to Revision 2 include (1) making the Office Procedure totally specific to NSIR, removing all references to the Office of Nuclear Reactors, as appropriate; and (2) incorporating minor editorial changes throughout the document.

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**1.0 PURPOSE**

The purpose of this Office Procedure is to describe the process for the Nuclear Regulatory Commission (NRC or Commission) staff's technical review of licensee changes to NRC - approved Operating Power Reactor(s) Physical Security Plans (PSPs), Safeguards Contingency Plans (SCPs), and Training and Qualification Plans (T&QPs) conducted in accordance with Title 10 of the *Code of Federal Regulation* (10 CFR) 50.54(p)(2), 10 CFR 50.90, and 10 CFR 73.5. For the purpose of this procedure, "security plans" shall include a licensee's PSP, T&QP, and SCP.

**2.0 APPLICABILITY**

This procedure applies to all the Office of Nuclear Security and Incident Response (NSIR) staff tasked with the review of all security plan changes reported to the NRC by licensees of commercial nuclear power plants in accordance with 10 CFR 50.54(p)(2), requests submitted pursuant to 10 CFR 50.90 (Application for Amendment of License), Office of Nuclear Reactor Regulation (NRR) licensing procedures Office Instruction LIC-109 "Acceptance Review Procedures," and LIC-101, "License Amendment Review Procedures", and 10 CFR 73.5 Specific Exemptions, 10 CFR 73.55(a)(1)-(3) and (r), "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage."

**3.0 OBJECTIVES**

This Office Procedure describes the basic process for staff's technical review of licensee security plan changes reported in accordance with 10 CFR 50.54(p)(2), 10 CFR 50.90, 10 CFR 73.55(r), and 10 CFR 73.5. The procedure is intended to enhance efficiency, effectiveness, and openness in achieving NRC's strategic goals and supports the Agency's internal central directives of achieving established objectives and goals. Specific objectives include the following:

- Ensuring appropriate regulatory oversight to maintain public health and safety and common defense.
- Promoting consistency in the processing, technical review, and documentation of security plan changes by the NRC staff.
- Improving internal and external communications, coordination, and collaboration associated with the technical review of changes to Commission-approved security plans and the adequacy of licensees' implementation of 10 CFR 50.54(p)(2), 10 CFR 50.90, 10 CFR 73.5, and 10 CFR 73.55(r).

## OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

**SECURITY REVIEW PROCEDURE FOR  
SECURITY PLAN CHANGES**

REVISION: 2

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**4.0 BACKGROUND**

The licensee may make changes to the security plans without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plans. The licensee shall maintain records of changes to the plans made without prior Commission approval for a period of 3 years from the date of the change, and shall submit (within 2 months after changes are made), a report containing the description of each change to the security plan that was made without prior Commission approval, as specified in 10 CFR 50.54(p)(1) and 10 CFR 50.4(b)(4)(iii).

Pursuant to 10 CFR 50.54(p)(1), a licensee may make no change which would decrease the effectiveness of security plans prepared in accordance with 10 CFR 50.34(c), 10 CFR Part 73, or of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, Responsibility Matrix) contained in a licensee's safeguards contingency plan adhering to 10 CFR 50.34(d) or 10 CFR Part 73, as applicable, without prior approval of the Commission. A licensee desiring to make such a change that would decrease the safeguards effectiveness is required to submit an application for a license amendment in accordance with 10 CFR 50.90, or alternative measure under 10 CFR 73.55(r), 10 CFR 73.55(r)(i), 10 CFR 73.55(r)(3), and 10 CFR 73.55(r)(4).

Exemptions from the requirements of the regulations may be granted in accordance with 10 CFR 73.5 (based on licensee application) if the exemptions are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

**5.0 BASIC REQUIREMENTS**

Licensees are required to submit changes to their security plans in accordance with 10 CFR 50.54(p)(2). The NRC's review of the changes is intended to confirm that licensees have appropriately provided the technical basis and concluded that the changes did not decrease the safeguards effectiveness (i.e., the program and/or requirements) of their Commission-approved security plans. In coordination with NRR and the applicable regional office, additional information may be obtained from the licensee regarding changes. Additional regulatory actions (such as inspection and enforcement) may be needed for changes that have been determined to have reduced the safeguards effectiveness (i.e., changes to security program and/or requirements resulted in not meeting regulatory requirements or resulted in reduced availability or reliability) of security measures previously established by license condition or that were made without prior NRC approval.

## OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

**SECURITY REVIEW PROCEDURE FOR  
SECURITY PLAN CHANGES**

REVISION: 2

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This procedure provides the NRC staff review guidance on:

- Using the general Technical Assignment Control (TAC) number for 10 CFR 50.54(p) reviews or establishing the TAC number for 10 CFR 50.90 reviews, 10 CFR 73.55(r), and 10 CFR 73.5 (the recovery of fees is allowed by 10 CFR 170.11(a)(1)(iii)(c)) for estimating resources, coordinating reviews, and documenting and transmitting NRC staff's basis and conclusions.
- Streamlining the review and preparation of documentation.
- Assuring the consistency and quality of technical reviews.
- Taking necessary regulatory actions on reported changes that resulted in a decrease in safeguards effectiveness of Commission-approved security plans.

**6.0 RESPONSIBILITIES AND AUTHORITIES**

NSIR staff conducting 10 CFR 50.54(p)(2), 10 CFR 50.90, 10 CFR 73.55(r), and 10 CFR 73.5-related reviews of security plan changes are responsible for implementing this procedure. NSIR staff is also encouraged to suggest improvements to procedures to their management or to the assigned technical contact. The following describes the responsibilities and authorities.

Review Responsibility

NSIR licensing staff serves as lead technical reviewers of Operating Power Reactor(s) PSPs, and provides technical support to Agency offices in technical reviews and documentation of security-related licensing bases. These activities are completed, in part, by reviewing the adequacy of security plans submitted for Commission approval including amendments, alternative measures to security plans, and exemptions. The staff performs an administrative review of the application in accordance with 10 CFR 2.102 and works with NRR to submit requests for additional information (RAIs) where needed. NRR's process for acceptance reviews is outlined in the NRR Office Instruction LIC-109, "Acceptance Review Procedures."

NSIR licensing staff is responsible for developing and maintaining technical documentation that supports a recommendation for approval or denial of the application. Specifically, when a determination of denial is made, technical staff must retain and provide documentation supporting the technical basis for the conclusion. The documentation for denial must be available, consistent with the requirements in 10 CFR 2.108 and notice of hearing requirements in 10 CFR 2.104.

## OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

**SECURITY REVIEW PROCEDURE FOR  
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Changes not requiring prior Commission approval are reported under 10 CFR 50.54(p)(2) reviews. An overview of the workflow and interfaces for the review of changes not requiring prior Commission approval is described in Enclosure 1. The staff is responsible for the following:

Technical Reviewer

- Performs the technical review of 10 CFR 50.54(p)(2) plan changes (see Enclosure 1), but may also perform reviews of 10 CFR 50.90 licensee security plan amendments to include 10 CFR 73.55(r) alternative measures (see Enclosure 2) and 10 CFR 73.5 exemptions (Enclosure 3) as needed. This task involves establishing (for 10 CFR 50.90 reviews) and/or using the appropriate TAC numbers, in accordance with NSIR Office Procedure FIN 303, "Time and Labor Reporting."

Staff review of 10 CFR 50.54(p)(2) plan changes should verify that changes to security programs did not result in (1) a noncompliance or violation of established regulatory requirements or (2) reduced or decreased availability or reliability of security measures (systems, personnel, or programs) previously established by license condition or by Commission-approved security plans.

Review of 10 CFR 50.90 security plan amendments includes: (1) comparing specific amendments with descriptions of programs and commitments in Commission-approved security plans; (2) reviewing the adequacy of licensee's technical bases for amendments; (3) reviewing the consistency of amendments with staff guidance, including generic communications such as information notices and security advisories, security frequently asked questions, and NRC inspectors' reports of interactions; (4) reviewing amendments for consistency with NRC-endorsed Nuclear Energy Institute (NEI) security plan template and guidance; (5) reviewing consistency of amendments with NRC approved amendments specific to the site; (6) reviewing compliance of amendments with regulatory requirements (including NRC Orders); and (7) specific reviews as directed by the Team Leader or Branch Chief.

Review of 10 CFR 73.5 exemptions involves reviewing a licensee-provided justification of site-specific conditions as to why a requirement cannot be met and there are no other security measures the licensee can implement to be in compliance.

See Enclosure 7, Security Reviewer Activity Checklist, for an activity-specific list of tasks.

Team Leader

- Coordinates, as needed, with the Headquarters (HQ) Staff, regional staff, and with the NRR Project Manager.

## OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

**SECURITY REVIEW PROCEDURE FOR  
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REVISION: 2

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- Serves as the single point of contact within NSIR for managing technical reviews of security plans for 10 CFR Part 50 power reactor licensees.
- Assigns staff, including requesting outside technical support.
- Reviews reports of pending casework for near-term commitments or milestones to facilitate performance, planning, and adjustment of assignments.
- Provides assistance to Technical Reviewers, as needed, including resolution of issues (technical, policy, process, and administrative).
- Reviews and concurs on Security Reviews (SRs) prior to transmittal.

Branch Project Plan Coordinator

- Enters casework (i.e., specific 10 CFR 50.54(p)(2) change, etc.) information, such as the name of assigned Technical Reviewer, assisting reviewers, due dates, TAC numbers, review status, comments, etc., into an appropriate work tracking system for reporting of performance and analysis for budgeting.
- Provides periodic reports of pending casework (i.e., open) for assigned Technical Reviewer to update. These reports serve to track near-term commitments for planning and performance.
- Provides analysis and reports of closed, open, and pending casework for operating plan updates, and analysis of level of effort, including trending of resources expended for budgeting and planning.

E-Safe Processing Center

- Maintains Safeguards Information files for all operating power reactor licensees (i.e., case files containing security plans, memos, letters, RAIs, Safety Evaluations, and SRs), including copies of incoming correspondence received on distribution from NRC Document Control Desk and outgoing correspondence on distribution for each licensee. The E-Safe Processing Center notifies the Technical Reviewer when documents are available in the system.

Branch Chief

- The Branch Chief, or designee, has signature authority for technical reviews and licensing decisions.
- Facilitates staff performance by providing regulatory and policy guidance to the Team Leader (TL) and Technical Reviewers as needed in the review and resolution of issues (i.e., policy, technical, process, or administrative).

## OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

**SECURITY REVIEW PROCEDURE FOR  
SECURITY PLAN CHANGES**

REVISION: 2

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- Interacts with other HQ Program Offices and Regions on technical reviews related to licensing and security policy, as appropriate.
- Ensures that budget planning accounts for performing technical reviews of 10 CFR 50.54(p)(2) changes, 10 CFR 50.90, 10 CFR 73.5 and others processes as discussed in this document.

Regions: Plant Support Branch Chief

- Ensures inspection and/or plant security inspector support of licensees' implementation of 10 CFR 50.54(p)(2) changes, 10 CFR 50.90 amendments, 10 CFR 73.5 exemptions, and 10 CFR 73.55(r) alternative measures during baseline inspections.
- Provides inspection follow-up and lead enforcement for security plans changes that may decrease safeguards effectiveness and were made without prior NRC approval.
- Serves as Regional point of contact for HQ Program Offices on power reactor inspections and implementation concerns.
- Supports HQ staff during site licensing visits in coordination with Regional Representatives.

**7.0 PERFORMANCE MEASURES**

Technical Reviewers should complete evaluations in a timely manner after document receipt. Complex evaluations, or those requiring additional information from licensees for clarification (i.e., require additional time) may be treated separately with specific milestones established by reactor security Branch Chief and/or TL.

**8.0 POINT OF CONTACT**

Branch Chief, NSIR/Division of Security Policy (DSP)/Reactor Security Rulemaking and Licensing Branch

**9.0 RESPONSIBLE DIVISION**

NSIR/DSP

**10.0 EFFECTIVE DATE**

September 2011

## OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

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**11.0 REFERENCES**

- NRC Generic Letter 95-08, 10 CFR 50.54(p) (Process for Changes to Security Plans Without Prior NRC Approval), dated October 31, 1995
- NEI 03-12 Security Plan Template (latest NRC endorsed version).
- NUREG 0800 (Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants)
- Standard Review Plans 13.6.1 (Security Plans)
- Physical Security Licensing Reviewer Qualification Program

## Enclosures:

Enclosure 1: 10 CFR 50.54(p)(2) Licensee Security Plan Change Review Work Flow

Enclosure 2: 10 CFR 50.90 Licensee Security Plan Amendment Work Flow

Enclosure 3: 10 CFR 73.5 Licensee Exemption Process Work Flow

Enclosure 4: Security Review Report Template

Enclosure 5: Security Review Report Supplement 1 Template

Enclosure 6: Security Reviewer Activity Checklist

Enclosure 7: Appendix A – Change History



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Enclosure 5: Security Review Report Supplement 1 Template

Enclosure 6: Security Reviewer Activity Checklist

Enclosure 7: Appendix A – Change History

**ADAMS ACCESSION NO.: ML101180052, Pkg. ML101180345**

OFFICE	NSIR/DSP/RSRLB	NSIR/DSP/RSRLB	NSIR/DSP/DDRS	NSIR/DSP/D
NAME	BSchnetzler	DHuyck	MLayton	RCorreia
DATE	5/24/2010	6/7/2010	8/27/2010	8/27/2010
OFFICE	NSIR/PMDA/AMB	NSIR/PMDA		
NAME	EWilliams	CRheume		
DATE	5 / 2 /2011	5 / 16 /2011		

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