

February 16, 2017

Dr. Edwin M. Lyman
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SUBJECT: RESPONSE TO DR. EDWIN LYMAN'S JANUARY 17, 2017 LETTER REGARDING
THE UPDATE OF TWO REGULATORY GUIDES

Dear Dr. Lyman:

Thank you for sharing your concerns regarding the update of Regulatory Guide (RG) 5.69, "Guidance for the Application of a Radiological Sabotage Design-Basis Threat in the Design, Development and Implementation of a Physical Security Program that Meets 10 CFR 73.55 Requirements," and RG 5.77, "Insider Mitigation Program."

These guidance documents, along with other regulatory guides that we develop and update, are indeed a key factor in increasing staff efficiencies. We remain committed to the efficient use of staff resources, and feel that the time and resources spent now will help reduce resource expenditures in the long term.

While we strive to meet the objectives in our internal guidance such as Management Directive 6.6, "Regulatory Guides," we recognize that RG 5.69 in particular is unique in our regulatory framework. While the design basis threat (DBT) rule language is publicly available, the specific DBT attributes are designated as safeguards information and have been placed in RG 5.69. Along with the DBT rule, RG 5.69 helps establish the basis for licensees' approaches to developing protective strategies for their sites, and as such, careful consideration must be given to its revision.

While we are not trying to reach consensus with licensees on each technical topic, we feel it is prudent to understand industry's position on each topic as they are the end users of the documents. By ensuring mutual understanding, we are better able to develop clear and concise guidance that can be uniformly interpreted by licensees and staff reviewers and inspectors. This clarity and understanding reduces the potential for unintended consequences that could be adverse to security, and reduces staff and licensee resources that would be spent resolving technical issues on a case-by-case basis due to unclear language or incomplete guidance.

We have completed stakeholder interactions on RG 5.77 and have started the process outlined in SRM-M160623B (ML16179A382). We appreciate your participation in the review and update of these documents. If you would like to further discuss these updates, please contact Jim Andersen, Director, Division of Physical and Cyber Security Policy, at 301-287-3598.

Sincerely,

/RA/

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

LETTER TO DR. EDWIN LYMAN CONCERNING RESPONSE TO DR. EDWIN LYMAN'S
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