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NUCLEAR ENERGY INSTITUTE

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March 27, 2007 (2:17pm)

Ms. Annette L. Vietti-Cook
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: Nuclear Energy Institute Comments on Proposed Power Reactor Security Requirements, 71Fed. Reg. 62664 (October 26, 2006)

Project Number: 689

Dear Ms. Vietti-Cook:

The Nuclear Energy Institute¹ appreciates the opportunity to comment on the subject rulemaking. We also appreciate the difficult task the NRC staff had in incorporating Order requirements which contain safeguards information into a public rulemaking. Our detailed comments, written from the perspective of a literal reading of the proposed rule, are enclosed. However, we have a number of overarching concerns that warrant Commission attention.

The primary goal of the rulemaking was to codify the post 9-11 orders into security regulations. Every site has institutionalized the order requirements through NRC endorsed industry guidance (NEI 03-12) and NRC approved site security plans. Properly constructed, the proposed rules would have minimal impact on the existing site security programs. We believed this to be the Commission's intent. We agree the patchwork of regulatory requirements comprised of new statutes, regulations and orders needs to be consolidated via rulemaking. Specifically, the Energy Policy Act of 2005 provisions and the order requirements that industry has implemented should be codified. However our literal reading of the proposed rule has revealed a large number of new requirements which appear to be imposed through staff "clarifications" rather than on their own merit and demonstrated need.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Template = SECY-067

SECY-02

It is unfortunate the supporting guidance was not available at the time the NRC published the proposed rule for comments. The guidance would have provided insights into the intent with certain provisions we may interpret as new requirements. We understand the guidance may be available in the June and look forward to engaging with the NRC staff at that time.

We had the benefit of interacting with the staff in two public meetings, the most recent on March 9. In that meeting we identified on the order of 30 new requirements above and beyond the 12 new requirements highlighted in the *Federal Register* notice. In many instances the NRC staff, in response, stated it was not their intent to impose a new requirement. Given that clarification, we expect to see significant revisions to the rule language. In other instances the basis cited for a particular change is a Commission determination that the threat environment has changed. This begs the question of why were these new provisions not imposed in 2003 when the Commission issued orders to bolster security in light of the increased threat environment. The Commission should explain all of these changes. Absent such an explanation, justification should be provided as to why new requirements are warranted for the same threat environment that existed four years ago.

New requirements will impact licensees existing plans, procedures, training, and industry guidance documents. Sites will divert security, plant management and supporting plant resources to address these new requirements. The diversion of security attention from the defense of the operating facility to additional revisions to NRC approved security plans is counterproductive at a time when security focus and stability is paramount in the current threat environment.

In §73.55 the proposed rule appears to move away from the existing performance standard for security which is to defend against radiological sabotage; to defend target set elements with a view toward preventing core damage (and similar damage to spent fuel in the pool) each of which could directly or indirectly endanger public health and safety by exposure to radiation. The existing performance objective of preventing radiological sabotage has been turned into "designed to prevent significant core damage and spent fuel sabotage through the coordinated implementation of specific actions and strategies required to intercept, challenge, delay, and neutralize threats up to and including the design basis threat of radiological sabotage." The rule should consistently maintain the objective stated in 73.1 of protecting against radiological sabotage.

Also there are aspects of the proposed §73.56 rule that are beyond any requirement in the Access Authorization Order, dated January 7, 2003. For example, the proposed language requires psychological reassessment of individuals within five years of the date on which it was last completed. This is a new requirement with little justification and significant cost and negligible benefit.

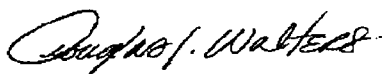
That the 2002 Interim Compensatory Measures order and other order requirements were contained in documents broadly referred to as "security orders" does not mandate that all such requirements belong in security regulations. [e.g., 73.55] Indeed many of the enhancements had nothing whatsoever to do with physical security; they dealt with advanced fire fighting strategies, new operations mitigation strategies, and emergency planning recovery strategies. Many of the scenarios are well beyond both the DBT for radiological sabotage and the design basis and licensing basis of the plant. Proposed changes to the contingency plan force detailed procedures unrelated to security into the contingency plan and specifically prohibit reference to other plant procedures. This will adversely impact how operations, EP and other organizations perform their recovery functions; require significant procedural changes and corresponding retraining for no stated valid reason. This also places considerable detail into a licensing document that carries with it an extensive set of change processes.

The rule language must be revised to minimize misinterpretations and not create unintended new requirements. To not do so would introduce considerable confusion and instability into the inspection process and tie up licensee and regional resources in avoidable controversy about what was intended (vice how it can be read). To prematurely publish a rulemaking flawed in such a way would be contrary to the Commission's principles of good regulation. While it is evident that considerable staff work went into drafting the hundreds of pages of rulemaking, it is equally evident that more work is required.

It is of paramount importance that the final security rulemaking be carefully crafted. There is not need to expedite this rulemaking. Each licensee currently has an NRC approved Security Plan that incorporates all Post 9-11 orders and new requirements. Licensees have demonstrated through up to date NRC Force-On-Force tactical exercises the ability to effectively defend against the most current Design Basis Threats of radiological sabotage. We encourage the Commission to permit the industry to work with the staff following the close of the public comment period to resolve industry comments and ensure the corresponding safeguards regulatory guidance achieve clarity and single purpose. If the proposed rule language is not changed it will have a significant impact on the industry and inject instability in the security at our facilities.

If you have any questions on the enclosed information please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Douglas J. Walters".

Douglas J. Walters

Ms. Annette Vetti-Cook

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Enclosures

C: Ms. Trish K. Holahan , NRC

Part 73 Section 73.55

Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.	Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.	This title would be retained.	
	(a) Introduction.	This header would be added for formatting purposes.	
§ 73.55 By December 2, 1986, each licensee, as appropriate, shall submit proposed amendments to its security plan which define how the amended requirements of Paragraphs (a), (d)(7), (d)(9), and (e)(1) will be met.	(a)(1) By [date - 180 days - after the effective date of the final rule published in the <i>Federal Register</i>] , each nuclear power reactor licensee, licensed under 10 CFR part 50, shall incorporate the revised requirements of this section through amendments to its Commission-approved Physical Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, referred to collectively as "approved security plans," and shall submit the amended security plans to the Commission for review and approval.	This requirement would be added to discuss the types of Commission licensees to whom the proposed requirements of this section would apply and the schedule for submitting the amended security plans. The Commission intends to delete the current language, because it applies only to a past rule change that is completed. The proposed requirements of this section would be applicable to decommissioned/ing reactors unless otherwise exempted.	Once the final rule and detailed supporting guidance is published, NEI 03-12 will require revision. A significant amount of time is then necessary to review the guidance, prepare the necessary changes to NEI 03-12, and submit NEI 03-12 to NRC for endorsement. Once endorsed, licensee will prepare their individual plan changes and submit them to the NRC for approval. Given this level of effort the 180 days does not appear to be workable. The rule language needs to consider the amount of time involved in completing these tasks.

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
§ 73.55 Each submittal must include a proposed implementation schedule for Commission approval.	(a)(2) The amended security plans must be submitted as specified in § 50.4 of this chapter and must describe how the revised requirements of this section will be implemented by the licensee, to include a proposed implementation schedule.	This requirement would be added to provide a reference to the current § 50.4(b)(4) which describes procedural details relative to the proposed security plan submission requirement.	
§ 73.55 The amended safeguards requirements of these paragraphs must be implemented by the licensee within 180 days after Commission approval of the proposed security plan in accordance with the approved schedule.	(a)(3) The licensee shall implement the existing approved security plans and associated Commission orders until Commission approval of the amended security plans, unless otherwise authorized by the Commission.	This requirement would be added to clarify that the licensee must continue to implement the current Commission-approved security plans until the Commission approves the amended plans. The phrase "unless otherwise authorized by the Commission" would provide flexibility to account for unanticipated situations that may affect the licensee's ability to comply with this proposed requirement.	
§ 73.55(b)(1)(i) The licensee is responsible to the Commission for maintaining safeguards in accordance with Commission regulations and the licensee's security plan.	(a)(4) The licensee is responsible for maintaining the onsite physical protection program in accordance with Commission regulations and related Commission-directed orders through the	This requirement would retain the current requirement that the licensee is responsible for meeting Commission regulations and the approved security plans. The phrase "through the implementation of the approved security plans and site	

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	implementation of the approved security plans and site implementing procedures.	<p>implementing procedures" would be added to describe the relationship between Commission regulations, the approved security plans, and implementing procedures. The word "safeguards" would be replaced with the phrase "physical protection program" to more accurately focus this requirement to the security program rather than the broad "safeguards" which includes safety.</p> <p>The Commission views the approved security plans as the mechanism through which the licensee meets Commission requirements through implementation, therefore, the licensee is responsible to the Commission for this performance.</p>	
	(a)(5) Applicants for an operating license under the provisions of part 50 of this chapter, or holders of a combined license under the provisions of part 52 of this chapter, shall satisfy the requirements of this section before the receipt of special nuclear material in the form	This requirement would be added to describe the proposed requirements for applicants and to specify that these proposed requirements must be met before an applicant's receipt of special nuclear material in the form of fuel assemblies.	

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	of fuel assemblies.		
	(a)(6) For licenses issued after [effective date of this rule], licensees shall design, construct, and equip the central alarm station and secondary alarm station to equivalent standards.	<p>This requirement would be added to describe the Commission expectations for new reactors. Based on changes to the threat environment the Commission has determined that the functions required to be performed by the central alarm station are a critical element of the licensee capability to satisfy the performance objective and requirements of the proposed paragraph (b) of this section.</p> <p>Therefore, to ensure that these critical capabilities are maintained, the Commission has determined that this proposed requirement would be a prudent and necessary measure to ensure the licensee's ability to summon assistance or otherwise respond to an alarm as is currently required by § 73.55(e)(1) and therefore satisfy the performance objective and requirements of the proposed paragraph (b) of this section.</p>	
	(a)(6)(i) Licensees shall apply the requirements for	This requirement would be added for consistency with and	The proposed rule language appears to be misplaced and would be more appropriate

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	the central alarm station listed in paragraphs (e)(6)(v), (e)(7)(iii), and (i)(8)(ii) of this section to the secondary alarm station as well as the central alarm station.	clarification of the proposed requirement of paragraph (a)(6) of this section. The Commission has determined that these construction standards that were previously applied to only the central alarm station should also be built into the secondary alarm station for new reactor licensees.	for sections (e) and (i).
	(a)(6)(ii) Licensees shall comply with the requirements of paragraph (i)(4) of this section such that both alarm stations are provided with equivalent capabilities for detection, assessment, monitoring, observation, surveillance, and communications.	This requirement would be added for consistency with and clarification of the proposed requirement of paragraph (i)(4) of this section and to clarify that for new reactors, both the central and secondary alarm stations must be provided "equivalent capabilities" and not simply equivalent "functional" capabilities as is stated in the proposed paragraph (i)(4) of this section. The Commission has determined that these capabilities must be equivalent for new reactors to ensure that the secondary alarm station is redundant to the central alarm station.	The proposed rule language appears to be misplaced and would be more appropriate for section (i). Also, see comments for (i)(4) regarding equivalent and functionally equivalent.
§ 73.55(a) General performance objective and requirements.	(b) General performance objective and requirements.	This header would be retained. The proposed requirements of this section are intended to represent the general outline for a	

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		physical protection program that would provide an acceptable level of protection if effectively implemented. The proposed actions, standards, criteria, and requirements of this section are intended to be bounded by the description of the design basis threat identified by the Commission in § 73.1.	
§ 73.55(a) The licensee shall establish and maintain an onsite physical protection system and security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.	(b)(1) The licensee shall establish and maintain a physical protection program, to include a security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.	This requirement would retain the current performance objective of § 73.55(a) with two minor changes. First, the phrase "an onsite physical protection system" would be replaced with the phrase "a physical protection program" to more clearly state the Commission's view that the physical protection system elements described in this proposed rule combine to make the licensee physical protection program. Second, the word "and" would be replaced with the phrase "to include a" to clarify the Commission's view that the security organization is not considered to be independent of the licensee physical protection program but rather, is a component of that program.	

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<p>§ 73.55(a) The physical protection system shall be designed to protect against the design basis threat of radiological sabotage as stated in § 73.1(a).</p> <p>§ 73.55(h)(4)(iii)(A) Requiring responding guards or other armed response personnel to interpose themselves...</p>	<p>(b)(2) The physical protection program must be designed to detect, assess, intercept, challenge, delay, and neutralize threats up to and including the design basis threat of radiological sabotage as stated in § 73.1(a), at all times.</p>	<p>This requirement would contain a substantial revision to provide a more detailed and performance based requirement for the design of the licensee physical protection program. Most significantly, the word "interpose" would be replaced with the words "detect, assess, intercept, challenge, delay, and neutralize". The current requirement of § 73.55(h)(4)(iii)(A) requires the licensee to "interpose" for the purpose of preventing radiological sabotage, however, the definition of "radiological sabotage" stated in § 73.2 does not contain a performance based element by which the Commission can measure this capability and therefore, this proposed requirement would provide the six performance based elements or capabilities "detect, assess, intercept, challenge, delay, and neutralize." The first element, "detect", would be provided through the use of detection equipment, patrols, access controls, and other program elements required by this proposed rule and would provide</p>	<p>The proposed language and discussion in the statement of considerations is confusing and inconsistent.</p> <p>The statement of considerations references the existing regulatory requirement which is delineated in § 73.55(a) and notes it is being revised to provide a more detailed and performance based requirement for the design of the physical protection program. However, the statement of considerations also cites the existing §73.55(h)(4)(iii)(A) as the section with language that is problematic. So which of the existing regulations is (b)(2) intending to modify?</p> <p>Also, §73.55(h)(4)(iii)(A) is modified later in the proposed rule in section (K)(7)(iii). The language in that section cites four of the six criteria delineated in (b)(2) yet those six criteria are intended to address the concern with the word "interpose" which only appears in §73.55(h)(4)(iii)(A). The linkage between the language in §73.55(h)(4)(iii)(A) and in (b)(2) not clear and should be explained and justified.</p> <p>The proposed rule language is too detailed, prescriptive, and not performance based. This level of detail is inappropriate for inclusion in rule language. It is appropriate for inclusion in</p>

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		<p>notification to the licensee that a potential threat is present and where the threat is located.</p> <p>The second element, "assess", would provide a mechanism through which the licensee would identify the nature of the threat detected. This would be accomplished through the use of video equipment, patrols, and other program elements that would be required by this proposed rule and would provide the licensee with information about the threat upon which the licensee would determine how to respond. The third, fourth, and fifth elements would comprise the component actions of response and would be provided by personnel trained and equipped in accordance with a response strategy. The third element "intercept" would be the act of placing a person at an intersecting defensive position directly in the path of advancement taken by the threat, and between the threat and the protected target or target set element. The fourth element</p>	<p>guidance.</p> <p>Further, the proposed language and statements of consideration do nothing to change the definition of radiological sabotage. If the concern is truly with the definition of radiological sabotage, then it should be revised. It is not clear how the problem of "the definition of "radiological sabotage" stated in § 73.2 does not contain a performance based element by which the Commission can measure..." is addressed.</p> <p>A literal reading of the rule language is that a physical protection program is not capable of protecting against radiological sabotage unless it has six specific elements. All six elements are not required to protect against acts of radiological sabotage.</p> <p>Further, these six elements to not apply to all threat conditions. For example, defense against a large vehicle bomb is not likely to require all six capabilities.</p> <p>In a performance based environment, performance assessments properly focus on out comes not the underlying processes.</p>

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		<p>"challenge" would be to verbally or physically confront the threat to impede, halt, or otherwise interact with the threat with the intent of preventing further advancement of the threat towards the protected target or target set element.</p> <p>The fifth element "delay" would be to take necessary actions to counter any attempt by the threat to advance towards the protected target or target set element. The sixth element "neutralize" would be to place the threat in a condition from which the threat no longer has the potential to, or capability of, doing harm to the protected item. The Commission does not intend to suggest that the action, "neutralize", would require the application of "deadly force" in all instances. The phrase "threat of radiological sabotage" would be replaced with the phrase "threats up to and including the design basis threat of radiological sabotage" to clarify the Commission's view that the licensee must provide protection against any element of the design</p>	

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		basis threat, to include those that do not rise to the full capability of the design basis threat.	
<p>§ 73.55(a) To achieve this general performance objective, the onsite physical protection system and security organization must include, but not necessarily be limited to, the capabilities to meet the specific requirements contained in paragraphs (b) through (h) of this section.</p> <p>§ 73.55(e)(1) ...so that a single act cannot remove the capability of calling for assistance or otherwise responding to an alarm.</p>	<p>(b)(3) The licensee physical protection program must be designed and implemented to satisfy the requirements of this section and ensure that no single act, as bounded by the design basis threat, can disable the personnel, equipment, or systems necessary to prevent significant core damage and spent fuel sabotage.</p>	<p>This requirement would retain and revise two current requirements to provide a performance based requirement for the design of the physical protection program. The first significant revision would expand the current requirement for alarm stations to be protected against a single act, and would require that the licensee physical protection program be designed to ensure that a single act can not disable the personnel, equipment, or systems necessary to prevent significant core damage and spent fuel sabotage which would result in the loss of the capability to prevent radiological sabotage. The Commission's view is that because of changes to the threat environment, it is necessary to emphasize the "remove the capability" requirement of the current § 73.55(e)(1) such that the single act protection requirement would apply to personnel, equipment, and systems required to perform</p>	<p>Language is not consistent with order language in regards to "single act" and appears to expand the requirement beyond what was required by the order (reference Section 3 of 4/29/2003 DBT Order).</p> <p>Recommend that (b)(3) be revised as follows:</p> <p>(b)(3) The licensee physical protection program must be designed and implemented to satisfy the requirements of this section and ensure that no single act, as bounded by the design basis threat, can disable the personnel, equipment, or systems necessary to prevent significant core damage and spent fuel sabotage. result in radiological sabotage.</p> <p>The terms "significant core damage" and "spent fuel sabotage" should be replaced with the term "radiological sabotage" because "radiological sabotage" is a defined term in 10 CFR 73.2 and the other terms are not.</p> <p>The rule should include a definition of "no single act."</p>

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		<p>specific functions that if disabled would remove the licensee capability to prevent radiological sabotage. The second significant revision would provide a measurable and performance based requirement against which the Commission would measure the effectiveness of the licensee's physical protection program to prevent radiological sabotage.</p> <p>The Commission's view is that the goal of the licensee's physical protection program must include an acceptable safety margin to assure that the performance objective of public health and safety is met. This safety margin would be established by designing and implementing a physical protection program that protects against radiological sabotage by preventing significant core damage and spent fuel sabotage which describes the undesirable consequences that could result from the destruction of a target set or all elements of a target set and would be a precursor to radiological sabotage. The Commission's view is that</p>	

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		<p>significant damage to the core or sabotage to spent fuel would result in a condition in which the performance objective of "High Assurance" could no longer be provided and therefore, prevention of significant core damage and spent fuel sabotage are a measurable performance criteria against which the Commission would evaluate the effectiveness of the licensee physical protection program.</p> <p>The phrase "as bounded by the design basis threat" would be used to clarify the Commission's view that the licensee must ensure that the physical protection program is designed to protect against the design basis threat and all other threats that do not rise to the level of the design basis threat. The phrase "the capabilities to meet the specific requirements contained in paragraphs (b) through (h) of this section" would be replaced by the phrase "implemented to satisfy the requirements of this section" to account for the reformatting of this proposed rule and to describe</p>	

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		the Commission view that the licensee is responsible to implement Commission requirements through the approved security plans and procedures	
	(b)(4) The physical protection program must include diverse and redundant equipment, systems, technology, programs, supporting processes, and implementing procedures.	This requirement would be added to apply defense-in-depth concepts as part of the physical protection program to ensure the capability to meet the performance objective of the proposed paragraph (b)(1) of this section is maintained in the changing threat environment. The terms "diverse and redundant" are intended to describe defense-in-depth in a performance based manner and would be a critical element for meeting the proposed requirement for protection against a single act described in the proposed paragraph (b)(3) of this section.	<p>Scope of this statement is far reaching and ambiguous. As written, this requirement appears to impose more stringent design criteria than for safety-related systems.</p> <p>The language used in (b)(4) does not match the SOC discussion. The focus of the SOC is on defense in depth which is currently described in NEI 03-12.</p> <p>At the March 9 public meeting (see Page 23 of the meeting transcript) the NRC staff clarified that the intent of this new requirement was not to produce a completely diverse and redundant system for every attribute of the site security plan.</p> <p>Given the clarification on this provision we recommend revising (b)(4) as follows:</p> <p>(b)(4) The physical protection program must include <u>defense in depth</u>. diverse and redundant equipment, systems, technology, programs, supporting processes, and implementing procedures.</p>

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§ 73.55(b)(4)(i) Upon the request of an authorized representative of the Commission, the licensee shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities.	(b)(5) Upon the request of an authorized representative of the Commission, the licensee shall demonstrate the ability to meet Commission requirements through the implementation of the physical protection program, including the ability of armed and unarmed personnel to perform assigned duties and responsibilities required by the approved security plans and licensee procedures.	This requirement would retain the current requirement for demonstration and would contain minor revisions to apply this requirement to the licensee's ability to implement the physical protection program and not be limited to only the ability of security personnel to carry out their duties. This proposed requirement would clarify the Commission's view that the licensee must also demonstrate the effectiveness of plans, procedures, and equipment to accomplish their intended function within the physical protection program.	
	(b)(6) The licensee shall establish and maintain a written performance evaluation program in accordance with appendix B and appendix C to this part, to demonstrate and assess the effectiveness of armed responders and armed security officers to perform their assigned duties and responsibilities to protect target sets described in paragraph (f) of this section	This requirement would be added to specify that this performance evaluation program would be the mechanism by which the licensee would demonstrate the capabilities described by the performance based requirements of the proposed paragraphs (b)(2) through (4) of this section. The phrase "target sets" would be used consistent with the proposed (b)(3) of this section to describe the combination of equipment and operator actions which, if all	<p>We recommend deleting this section because it is redundant to the requirements specified in Appendix B and C to this part.</p> <p>If retained, recommend it be revised as follows:</p> <p>(b)(6) The licensee shall establish and maintain a written performance evaluation program in accordance with appendix B and appendix C to this part, to demonstrate and assess the effectiveness of armed responders and</p>

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	and appendix C to this part, through implementation of the licensee protective strategy.	<p>are prevented from performing their intended safety function or prevented from being accomplished, would likely result in significant core damage (e.g., non-incipient, non-localized fuel melting, and/or core disruption) barring extraordinary action by plant operators.</p> <p>A target set with respect to spent fuel sabotage is draining the spent fuel pool leaving the spent fuel uncovered for a period of time, allowing spent fuel heat up and the associated potential for release of fission products.</p>	armed security officers to perform their assigned duties and responsibilities to protect target sets described in paragraph (f) of this section and appendix C to this part, through implementation of the licensee protective strategy.
§ 73.55(d)(7) The licensee shall: (i) Establish an access authorization system...	(b)(7) The licensee shall establish, maintain, and follow an access authorization program in accordance with § 73.56.	This requirement would be retained and revised to require the licensee to provide an Access Authorization Program.	
	(b)(7)(i) In addition to the access authorization program required above, and the fitness-for-duty program required in part 26 of this chapter, each licensee shall develop,	This proposed requirement would be added to establish the insider mitigation program (IMP). The licensee's IMP should integrate specific elements of the licensee AA and FFD programs to focus those elements on identifying	

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	implement, and maintain an insider mitigation program.	potential insider threats and denying the opportunity for an insider to gain or retain access at an NRC licensed facility.	
	(b)(7)(ii) The insider mitigation program must be designed to oversee and monitor the initial and continuing trustworthiness and reliability of individuals granted or retaining unescorted access authorization to a protected or vital area and implement defense-in-depth methodologies to minimize the potential for an insider to adversely affect, either directly or indirectly, the licensee capability to prevent significant core damage or spent fuel sabotage.	This proposed requirement would be added to provide a performance based requirement for the design and content of the IMP. The Commission has concluded that, by itself, the initial determination of trustworthiness and reliability is not adequate to minimize the potential opportunity for an insider to gain or retain access, and that only through continual re-evaluation of the information obtained through these processes can the licensee provide the level of assurance necessary. The Commission has also determined that defense-in-depth would be provided through the integration of physical protection measures with access authorization and fitness-for-duty program elements, to ensure the licensee capability to identify and mitigate the potential activities of an insider, such as, but not limited to, tampering. The Commission does not intend that a licensee	The terms "significant core damage" and "spent fuel sabotage" should be replaced with the term "radiological sabotage." "Radiological sabotage" is a defined term in 10 CFR 73.2 and the other terms are not.

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		<p>would limit the IMP to any one or more elements, but rather that the licensee would identify and add additional elements as necessary to ensure the site's IMP satisfies the performance requirements specified by the Commission.</p> <p>The Commission has determined that no one element of the physical protection program, access authorization program, or fitness-for-duty program would, by itself, provide the level of protection against the insider necessary to meet the performance objective of the proposed paragraph (b) and therefore, the effective integration of these three programs is a necessary requirement to achieve defense-in-depth against the potential insider.</p>	
	<p>(b)(8) The licensee shall ensure that its corrective action program assures that failures, malfunctions, deficiencies, deviations, defective equipment and nonconformances in</p>	<p>This requirement would be added to provide a performance based requirement to ensure that the licensee implements and completes the required corrective actions in a timely manner and that actions would be taken to</p>	<p>Replace the word "Measures" with the words "The program". It is the corrective action program that must ensure necessary and appropriate actions are initiated.</p>

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	security program components, functions, or personnel are promptly identified and corrected. Measures shall ensure that the cause of any of these conditions is determined and that corrective action is taken to preclude repetition.	correct the cause of the problem to ensure that the problem would not be repeated.	
	(c) Security plans.	This header would be added for formatting purposes.	
	(c)(1) Licensee security plans. Licensee security plans must implement Commission requirements and must describe:	This requirement would be added to describe the purpose of the licensee Physical Security Plan, Training & Qualification Plan, and Safeguards Contingency Plan in a performance based requirement and to introduce the general types of information to be discussed.	
	(c)(1)(i) How the physical protection program will prevent significant core damage and spent fuel sabotage through the establishment and maintenance of a security organization, the use of security equipment and technology, the training and qualification of security	This requirement would be added to describe the performance based requirement to be met by the physical protection program and the basic elements of the system that must be described in the security plans.	The terms "significant core damage" and "spent fuel sabotage" should be replaced with the term "radiological sabotage." "Radiological sabotage" is a defined term in 10 CFR 73.2 and the other terms are not.

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	personnel, and the implementation of predetermined response plans and strategies; and		
	(c)(1)(ii) Site-specific conditions that affect implementation of Commission requirements.	This requirement would be added to reflect the Commission's view that licensees must focus attention on site-specific conditions in the development and implementation of site plans, procedures, processes, response strategies, and ultimately, the licensee capability to achieve the performance objective of the proposed paragraph (b)(1) of this section.	
	(c)(2) Protection of security plans. The licensee shall protect the approved security plans and other related safeguards information against unauthorized disclosure in accordance with the requirements of § 73.21.	This requirement would be added to emphasize the requirements for the protection of safeguards information in accordance with the requirements of § 73.21.	
	(c)(3) Physical security plan.	This header would be added for formatting purposes.	
	(c)(3)(i) The licensee shall establish, maintain, and implement a Commission-	This requirement would be added to specify the requirement for a physical security plan.	

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	approved physical security plan that describes how the performance objective and requirements set forth in this section will be implemented.		
	(c)(3)(ii) The physical security plan must describe the facility location and layout, the security organization and structure, duties and responsibilities of personnel, defense-in-depth implementation that describes components, equipment and technology used.	This requirement would be added to describe the general content of the physical security plan and specify the general types of information to be addressed. Because the specifics of defense-in-depth required by the proposed § 73.55(b)(4) would vary from site-to-site, the terms "components," "equipment" and "technology" would be used to provide flexibility.	The industry understands that the summary of the cyber security program now contained in Chapter 18 of NEI 03-12, Revision 4 "Template for Security Plan and Training and Qualification Plan" is sufficient to meet this requirement. NEI 03-12 Revision 4 has been endorsed by the NRC. This clarification should be provided in the Statements of Consideration.
	(c)(4) Training and qualification plan.	This header would be added for formatting purposes.	
§ 73.55(b)(4)(ii) Each licensee shall establish, maintain, and follow an NRC-approved training and qualifications plan ...	(c)(4)(i) The licensee shall establish, maintain, and follow a Commission-approved training and qualification plan, that describes how the criteria set forth in appendix B "General Criteria for Security Personnel," to this part will be implemented.	This requirement would retain and separate two current requirements of § 73.55(b)(4)(ii). This proposed requirement would require the licensee to provide a training and qualification plan.	

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<p>§ 73.55(b)(4)(ii) ...outlining the processes by which guards, watchmen, armed response persons, and other members of the security organization will be selected, trained, equipped, tested, and qualified to ensure that these individuals meet the requirements of this paragraph.</p>	<p>(c)(4)(ii) The training and qualification plan must describe the process by which armed and unarmed security personnel, watchpersons, and other members of the security organization will be selected, trained, equipped, tested, qualified, and re-qualified to ensure that these individuals possess and maintain the knowledge, skills, and abilities required to carry out their assigned duties and responsibilities effectively.</p>	<p>This requirement would retain the requirement for the licensee to outline the processes in this plan with minor revisions. The phrase "guards, watchmen, armed response persons" would be replaced by the phrase "armed and unarmed security personnel, watchpersons" to generically identify all members of the security organization. The Commission does not intend that administrative staff be included except as these personnel would be used to perform duties required to detect, assess, intercept, challenge, delay, and neutralize a threat, to include compensatory measures used to maintain these capabilities in the event of a failed component.</p>	
		<p>The phrase "meet the requirements of this paragraph" would be replaced by the phrase "possess the knowledge, skills, and abilities required to effectively carry out their assigned duties and responsibilities" to clarify that the focus of this proposed requirement would be to ensure these individuals possess these</p>	

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		capabilities.	
	(c)(5) Safeguards contingency plan.	This header would be added for formatting purposes.	
§ 73.55(h)(1) Safeguards contingency plans must be in accordance with the criteria in appendix C to this part, "Licensee Safeguards Contingency Plans."	(c)(5)(i) The licensee shall establish, maintain, and implement a Commission-approved safeguards contingency plan that describes how the criteria set forth in section II of appendix C, "Licensee Safeguards Contingency Plans," to this part will be implemented.	This requirement would retain the current requirement of § 73.55(h)(1) to provide a safeguards contingency plan with minor revisions. Most significantly, the reference to appendix C to part 73 would be revised to reflect the reformatting of the proposed appendix C to part 73 which would have a section II that applies only to power reactors.	
	(c)(5)(ii) The safeguards contingency plan must describe predetermined actions, plans, and strategies designed to intercept, challenge, delay, and neutralize threats up to and including the design basis threat of radiological sabotage.	This requirement would be added to generally describe the content of the Safeguards Contingency Plan.	<p>The proposed language is too detailed, prescriptive, and not performance based. This level of detail is inappropriate for inclusion in rule language. It is appropriate for inclusion in guidance. Use of the six elements is more suited for guidance, see comments associated with (b)(3).</p> <p>Suggest that the rule language be changed as follows:</p> <p>(c)(5)(ii) The safeguards contingency plan must describe predetermined actions, plans, and strategies designed to protect against threats up to and</p>

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			including the design basis threat of radiological sabotage.
	(c)(6) Implementing procedures.	This header would be added for formatting purposes.	
§ 73.55(b)(3)(i) Written security procedures that document the structure of the security organization and detail the duties of guards, watchmen, and other individuals responsible for security.	(c)(6)(i) The licensee shall establish, maintain, and implement written procedures that document the structure of the security organization, detail the specific duties and responsibilities of each position, and implement Commission requirements through the approved security plans.	This requirement would retain the requirement for written security procedures with minor revisions. The phrase "and implement Commission requirements through the approved security plans" would be added to clarify the requirement that the licensee implements Commission requirements through procedures as well as the approved security plans.	
	(c)(6)(ii) Implementing procedures need not be submitted to the Commission for prior approval, but are subject to inspection by the Commission.	This requirement would be added to address the current and proposed procedural details for implementing procedures.	
	(c)(6)(iii) Implementing procedures must detail the specific actions to be taken and decisions to be made by each position of the security organization to	This requirement would be added to describe the content of implementing procedures to clarify the current requirement "detail the duties of guards, watchmen, and other individuals	The Statement of Considerations notes this requirement is added to the regulation. We agree it is a new requirement and it was not evaluated in the Regulatory Analysis. To incorporate the level of detail

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	implement the approved security plans.	responsible for security."	<p>delineated (i.e. specific actions) will require an extensive re-write of existing site procedures. Many of the decisions and most of the actions cannot be forethought and cannot be documented in implementing procedures. The specificity of the requirement prevents the licensee from being able to provide the necessary flexibility to each member of the security organization to respond to the infinite spectrum of threats.</p> <p>In the March 9 public meeting (see Page 29 of the meeting transcript) the NRC stated, "It is our belief that the requirement for the implementing procedures to detail these particular pieces of information was already a requirement. There is no intent to expand that. There is no intent to increase that burden."</p> <p>Given our understanding of the intent, the word "specific" should be deleted and the section should be revised as follows:</p> <p>(c)(6)(iii) Implementing procedures must detail the specific actions to be taken and decisions to be made by each position of the security organization to implement the approved security plans.</p>

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§ 73.55(b)(3) The licensee shall have a management system to provide for...	(c)(6)(iv) The licensee shall:	This requirement would be retained and would separate the two current requirements of § 73.55(b)(3) with minor revisions. The phrase "management system" would be replaced with the word "process." The current requirement to have a management system would be addressed in the proposed § 73.55(d)(2).	
§ 73.55(b)(3) ...the development, revision, implementation, and enforcement of security procedures.	(c)(6)(iv)(A) Develop, maintain, enforce, review, and revise security implementing procedures.	This requirement would retain the requirement to develop, revise, implement, and enforce security procedures. The words "maintenance and review" would be added to clarify these tasks as necessary functions. The word "implementation" would be deleted because implementation is addressed in the proposed paragraphs (c)(6)(i) through (iii) of this section.	
§ 73.55(b)(3)(ii) Provision for written approval of these procedures and any revisions to the procedures by the individual with overall responsibility for the	(c)(6)(iv)(B) Provide a process for the written approval of implementing procedures and revisions by the individual with overall responsibility for the security functions.	This requirement would retain the current requirement for written approval with minor revisions.	

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security functions.			
	(c)(6)(iv)(C) Ensure that changes made to implementing procedures do not decrease the effectiveness of any procedure to implement and satisfy Commission requirements.	This requirement would be added to ensure that the licensee process for making changes to implementing procedures includes a process to ensure that changes do not result in a reduction of effectiveness or result in a conflict with other site procedures.	<p>The proposed rule language is noted in the Statements of Consideration as being added but the impacts are not evaluated in the Regulatory Analysis.</p> <p>There are a significant number of site procedures and the security organization is not equipped to review all those procedures every time a security procedure is modified. Implementation of this proposed requirement as written will have a significant impact on the organization and require additional security resources with the appropriate knowledge of the myriad of other site procedures.</p> <p>At the March 9 public meeting (see Page 39 of the meeting transcript) the NRC clarified the intent of this section as applying to only security procedures. The NRC staff further clarified it is not the intent of this section to get into operational areas other than where there is some specific language to that nature.</p> <p>Given this clarification, we recommend deleting this paragraph as it is redundant to proposed §73.58 to eliminate any confusion that this requirement is above and beyond the requirements in 73.58.</p>

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			<p>If retained we recommend rewriting the language as follows:</p> <p>(c)(6)(iv)(C) Ensure that changes made to <u>security</u> implementing procedures do not decrease the effectiveness of any procedure to implement and satisfy Commission <u>security</u> requirements.</p>
	<p>(c)(7) Plan revisions. The licensee shall revise approved security plans as necessary to ensure the effective implementation of Commission regulations and the licensee's protective strategy. Commission approval of revisions made pursuant to this paragraph is not required, provided that revisions meet the requirements of § 50.54(p) of this chapter. Changes that are beyond the scope allowed per § 50.54(p) of this chapter shall be submitted as required by §§ 50.90 of this chapter or § 73.5.</p>	<p>This requirement would be added to outline the three methodologies for making changes to the Commission-approved security plans and clarify that the licensee would make necessary plan changes to account for changes to site specific conditions and lessons learned from implementing the approved security plans.</p>	
§ 73.55(b) Physical	(d) Security organization.	This header would be retained	

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
Security Organization.		with a minor revision.	.
§ 73.55(b)(1) The licensee shall establish a security organization, including guards, to protect his facility against radiological sabotage.	(d)(1) The licensee shall establish and maintain a security organization designed, staffed, trained, and equipped to provide early detection, assessment, and response to unauthorized activities within any area of the facility.	<p>This requirement would retain the current requirement for a security organization to protect against radiological sabotage. This proposed requirement would be revised to describe a more performance based requirement consistent with the proposed paragraphs (b)(2) through (4) of this section.</p> <p>The phrase "including guards, to protect his facility against radiological sabotage" would be replaced with the phrase "designed, staffed, trained, and equipped to provide early detection, assessment, and response to unauthorized activities" to describe those elements of the security organization needed to provide the capabilities described in the proposed paragraph (b). The phrase "within any area of the facility" would be added to clarify the Commission's expectation that the licensee must implement measures consistent with site security assessments and the licensee response strategy, to</p>	<p>In the March 9 public meeting (see page 42 of the meeting transcript) the NRC staff stated in response to a question on this section that, "...their supposed to look into the owner-controlled area or within any area and it's intended to make that expansion out of the PA and into the OCA in a generic sense."</p> <p>The terms "early detection" and "unauthorized activities" are not defined and can have many different connotations resulting in significant impact on current programs. Also, it does not match up with the performance criteria from section (b).</p> <p>The term "any area" is nonspecific and can be interpreted broadly. Licensees only need monitor those areas necessary to successfully implement the physical protection program.</p> <p>Recommend eliminating the qualifiers "early", "unauthorized activities", and "any area". Suggest that it be reworded to match the current (b)(1) language.</p> <p>We recommend revising this section as follows:</p> <p>(d)(1) The licensee shall establish and maintain a security organization</p>

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		facilitate the identification of a threat before an attempt to penetrate the protected area would be made.	designed, staffed, trained, and equipped to provide early detection, assessment, and response to unauthorized activities within any area of the facility <u>protect the facility against radiological sabotage.</u>
§ 73.55(b)(3) The system shall include:	(d)(2) The security organization must include:	This requirement would be retained with minor revisions. The word "system" would be replaced by the phrase "security organization." Although, the security "system" would include the security organization, this proposed requirement focuses only on the security organization.	
§ 73.55(b)(3) The licensee shall have a management system...	(d)(2)(i) A management system that provides oversight of the onsite physical protection program.	This requirement would retain the requirement for a management system with minor revisions. Most significantly this proposed requirement would not limit the licensee management system to only provide for the development, revision, implementation, and enforcement of security procedures which are addressed in the proposed paragraph (c)(6)(iv) of this section. The Commission expectation would be that the licensee management system oversees all aspects of the onsite physical protection program to ensure the effective	

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		implementation of Commission requirements through the approved security plans and implementing procedures.	
§ 73.55(b)(2) At least one full time member of the security organization who has the authority to direct the physical protection activities of the security organization shall be onsite at all times.	(d)(2)(ii) At least one member, onsite and available at all times, who has the authority to direct the activities of the security organization and who is assigned no other duties that would interfere with this individual's ability to perform these duties in accordance with the approved security plans and licensee protective strategy.	This requirement would be retained with minor revisions. The phrase "who is assigned no other duties which would interfere with" would be added to ensure that the designated individual would not be assigned any duties that would prevent or interfere with the ability to direct these activities when needed.	
§ 73.55(b)(4)(i) The licensee may not permit an individual to act as a guard, watchman, armed response person, or other member of the security organization unless the individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with appendix B, "General Criteria for	(d)(3) The licensee may not permit any individual to act as a member of the security organization unless the individual has been trained, equipped, and qualified to perform assigned duties and responsibilities in accordance with the requirements of appendix B to part 73 and the Commission-approved training and qualification	This requirement would be retained with minor revisions.	

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Security Personnel," to this part.	plan.		
	(d)(4) The licensee may not assign an individual to any position involving detection, assessment, or response to unauthorized activities unless that individual has satisfied the requirements of § 73.56.	This requirement would be added to clarify the prerequisite qualifications for assignment to any position involving a function upon which detection, assessment, or response capabilities depend.	"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.
§ 73.55(b)(1) If a contract guard force is utilized for site security, the licensee's written agreement with the contractor that must be retained by the licensee as a record for the duration of the contract will clearly show that:	(d)(5) If a contracted security force is used to implement the onsite physical protection program, the licensee's written agreement with the contractor must be retained by the licensee as a record for the duration of the contract and must clearly state the following conditions:	This requirement would be retained with minor revision. The phrase "utilized for site security" would be replaced with the phrase "used to implement the onsite physical protection program" to focus on the implementation of the onsite physical protection program.	
§ 73.55(b)(1)(i) The licensee is responsible to the Commission for maintaining safeguards in accordance with Commission regulations and the licensee's security plan.	(d)(5)(i) The licensee is responsible for maintaining the onsite physical protection program in accordance with Commission orders, Commission regulations, and the approved security	This requirement would be retained with minor revisions. Most significantly, the word "safeguards" would be replaced with the phrase "onsite physical protection program" to more accurately describe the focus of this requirement.	

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	plans.		
§ 73.55(b)(1)(ii) The NRC may inspect, copy, and take away copies of all reports and documents required to be kept by Commission regulations, orders, or applicable license conditions whether the reports and documents are kept by the licensee or the contractor.	(d)(5)(ii) The Commission may inspect, copy, retain, and remove all reports and documents required to be kept by Commission regulations, orders, or applicable license conditions whether the reports and documents are kept by the licensee or the contractor.	This requirement would be retained with minor revisions.	Recommend revising the proposed rule language as follows: (d)(5)(ii) The Commission may inspect, copy, retain, and remove <u>copies of</u> all reports and documents required to be kept by Commission regulations, orders, or applicable license conditions whether the reports and documents are kept by the licensee or the contractor. We do not believe it is necessary for the NRC to have original versions of reports.
	(d)(5)(iii) An individual may not be assigned to any position involving detection, assessment, or response to unauthorized activities unless that individual has satisfied the requirements of § 73.56.	This requirement would be added for consistency with the proposed requirements of the proposed paragraph (d)(4) of this section. This proposed requirement would be stipulated in a contract because it relates to a function of the contract.	"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.
§ 73.55(b)(1)(iv) The contractor will not assign any personnel to the site who have not first been made aware of these responsibilities. § 73.55(b)(4)(i) The licensee may not permit	(d)(5)(iv) An individual may not be assigned duties and responsibilities required to implement the approved security plans or licensee protective strategy unless that individual has been properly trained, equipped,	This requirement would retain and combine two current requirements of § 73.55(b)(1)(iv) and § 73.55(b)(4)(i) with minor revisions necessary for consistency with the proposed rule.	

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an individual to act as a guard, watchman, armed response person, or other member of the security organization unless the individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with appendix B...	and qualified to perform their assigned duties and responsibilities in accordance with appendix B to part 73 and the Commission-approved training and qualification plan.		
§ 73.55(b)(1)(iii) The requirement in paragraph (b)(4) of this section that the licensee demonstrate the ability of physical security personnel to perform their assigned duties and responsibilities, includes demonstration of the ability of the contractor's physical security personnel to perform their assigned duties and responsibilities in carrying out the provisions of the Security Plan and these regulations, and...	(d)(5)(v) Upon the request of an authorized representative of the Commission, the contractor security employees shall demonstrate the ability to perform their assigned duties and responsibilities effectively.	This requirement would be retained to describe the current requirement for demonstration by contract security personnel. The language of this current requirement would be deleted and replaced by the proposed language of the proposed § 73.55(b)(5).	

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	(d)(5)(vi) Any license for possession and ownership of enhanced weapons will reside with the licensee.	This requirement would be added to implement applicable portions of the EPAct 2005, and to require any security force contract to include a statement that would ensure that, all licenses relative to firearms and enhanced weapons reside with the licensee, not the contractor.	
§ 73.55(c) Physical barriers.	(e) Physical barriers. Based upon the licensee's protective strategy, analyses, and site conditions that affect the use and placement of physical barriers, the licensee shall install and maintain physical barriers that are designed and constructed as necessary to deter, delay, and prevent the introduction of unauthorized personnel, vehicles, or materials into areas for which access must be controlled or restricted.	<p>This requirement would be added to provide a performance based requirement for determining the use and placement of physical barriers required for protection of personnel, equipment, and systems, the failure of which could directly or indirectly endanger public health and safety.</p> <p>The phrase "Based upon the licensee protective strategy, analyses, and site specific conditions", would be used to ensure that licensees consider protective strategy requirements and needs, as well as any analyses conducted by the licensee or required by the Commission to determine the effects the design basis threat could have on personnel,</p>	<p>The physical barriers must function consistent with the site protective strategy which does not always require them to perform all three functions (i.e., deter, delay, and prevent). Recommend revising as follows:</p> <p>(e) Physical barriers. Based upon the licensee's protective strategy, analyses, and site conditions that affect the use and placement of physical barriers, the licensee shall install and maintain physical barriers that are designed and constructed as necessary to deter, delay, and <u>or</u> prevent the introduction of unauthorized personnel, vehicles, or materials into areas for which access must be controlled or restricted.</p>

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		equipment, and systems, and any site specific condition that could have an impact on the capability to prevent significant core damage and spent fuel sabotage. The Commission considers these factors to be necessary considerations when determining the appropriate use and placement of barriers in any area.	
	(e)(1) The licensee shall describe in the approved security plans, the design, construction, and function of physical barriers and barrier systems used and shall ensure that each barrier and barrier system is designed and constructed to satisfy the stated function of the barrier and barrier system.	This requirement would be added to provide a mechanism by which the licensee would confirm information regarding the use, placement, and construction of barriers, to include the intended function of specific barriers as they relate to satisfying the proposed requirements of this section.	
§ 73.55(c)(9)(iii) Protect as Safeguards Information, information required by the Commission pursuant to § 73.55(c) (8) and (9). § 73.55(c)(9)(iv) Retain, in accordance	(e)(2) The licensee shall retain in accordance with § 73.70, all analyses, comparisons, and descriptions of the physical barriers and barrier systems used to satisfy the requirements of this	This requirement would retain and combine the current requirements of § 73.55(c)(9)(iii) and (9)(iv) with minor revisions.	The current language is too broad in that it requires all records to be retained as safeguards rather than maintaining only those records that meet the definition for being safeguards in accordance with 73.21. Recommend revising as follows:

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with § 73.70, all comparisons and analyses prepared pursuant to § 73.55 (c)(7) and (8).	section, and shall protect these records as safeguards information in accordance with the requirements of § 73.21.		(e)(2) The licensee shall retain in accordance with § 73.70, all analyses, comparisons, and descriptions of the physical barriers and barrier systems used to satisfy the requirements of this section, and shall protect these records as <u>that are</u> safeguards information in accordance with the requirements of § 73.21.
	(e)(3) Physical barriers must:	This header would be added for formatting purposes.	
	(e)(3)(i) Clearly delineate the boundaries of the area(s) for which the physical barrier provides protection or a function, such as protected and vital area boundaries and stand-off distance.	This requirement would be added to provide a performance based requirement for the use of barriers.	<p>"Clearly delineate" is not defined and can be interpreted broadly. This requirement is ambiguous (e.g., does it mean signage at the ditch, signage on the water, signage on the barrier, markings on a site layout drawing, etc.)</p> <p>There are no performance criteria in this section. Suggest that this section be eliminated.</p> <p>If retained, clarification regarding the meaning/intent of "Clearly delineate the boundaries of the area" should be provided as a minimum in the SOC.</p>
§ 73.55(c)(8) Each licensee shall compare the vehicle control measures established in accordance with § 73.55	(e)(3)(ii) Be designed and constructed to protect against the design basis threat commensurate to the required function of each	This requirement would be added to apply the current requirement of § 73.55(c)(8) to compare vehicle control measures against Commission design goals, to all	The proposed paragraph is well written and performance based. However, the SOC language is confusing as written and should be revised.

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(c)(7) to the Commission's design goals (i.e., to protect equipment, systems, devices, or material, the failure of which could directly or indirectly endanger public health and safety by exposure to radiation) and criteria for protection against a land vehicle bomb.	barrier and in support of the licensee protective strategy.	barriers, such as but not limited to, channeling barriers, delay barriers, and bullet resisting enclosures, and not limit this comparison to only vehicle barriers. The Commission's view is that the physical construction, materials, and design of any barrier must be sufficient to perform the intended function and therefore, the licensee must meet these standards.	Recommend revising SOC as follows: This requirement would be added to apply the current requirement of § 73.55(c)(8) to compare vehicle control measures against Commission design goals, to all barriers, such as but not limited to, channeling barriers, delay barriers, and bullet resisting enclosures, and not limit this comparison to only vehicle barriers. The Commission's view is that the physical construction, materials, and design of any barrier must be sufficient to perform the intended function and therefore, the licensee must meet these standards.
	(e)(3)(iii) Provide visual deterrence, delay, and support access control measures.	This requirement would be added to provide a performance based requirement for physical barriers. Because of changes to the threat environment the Commission believes emphasis on the use of physical barriers would be appropriate.	The physical barriers must function consistently with the site protective strategy which does not always require them to perform all three functions (i.e., visual deterrence, delay, and support access control measures). Recommend revising as follows: (e)(3)(iii) Provide visual deterrence, delay, and <u>or</u> support access control measures.
	(e)(3)(iv) Support effective	This requirement would be added	

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	implementation of the licensee's protective strategy.	to provide a performance based requirement for physical barriers. Because of changes to the threat environment the use of physical barriers within the licensee protective strategy would be considered essential.	
	(e)(4) Owner controlled area. The licensee shall establish and maintain physical barriers in the owner controlled area to deter, delay, or prevent unauthorized access, facilitate the early detection of unauthorized activities, and control approach routes to the facility.	This requirement would be added to provide a performance based requirement to provide enhanced protection outside the protected area relative to detecting and delaying a threat before reaching any area from which the threat could disable the personnel, equipment, or systems required to meet the performance objective and requirements described in the proposed paragraph (b) of this section.	<p>This requirement is new and goes well beyond any requirements contained in the orders. This requirement, as written, requires the installation of barriers in the owner controlled area relative to approaches and to facilitate early detection as well as its other barrier functions. This is a significant impact on the industry which was not evaluated in the Regulatory Analysis.</p> <p>The only barriers in the owner controlled area are vehicle barriers to provide standoff for vehicle bombs.</p> <p>Further the language in proposed section (e)(8) addresses vehicle barriers and thus adequately captures existing requirements for physical barriers in the owner controlled area.</p> <p>Also, the following terms are not defined in 10 CFR 73.2 and are ambiguous:</p> <ul style="list-style-type: none"> • unauthorized access, • unauthorized activities, and • approach routes to the facility.

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			<p>In the March 9 public meeting (see Page 50 of the meeting transcript) the NRC clarified the intent of this section was to capture the essence of what is in place today in a performance based way so that you describe the barriers that you need for your plan and your site topography and other situations that come into play with this consideration.</p> <p>If (e)(4) is retained, recommend revising as follows:</p> <p>(e)(4) Owner controlled area. The licensee shall establish and maintain physical barriers in the owner controlled area to support effective implementation of the licensee's protective strategy.</p>
	(e)(5) Isolation zone.	This header would be added for formatting purposes.	
§ 73.55(c)(3) Isolation zones shall be maintained in outdoor areas adjacent to the physical barrier at the perimeter of the protected area...	(e)(5)(i) An isolation zone must be maintained in outdoor areas adjacent to the protected area perimeter barrier. The isolation zone shall be:	This requirement would retain the current requirement for an isolation zone.	
§ 73.55(c)(3) Isolation zones... and shall be of	(e)(5)(i)(A) Designed and of sufficient size to permit	This requirement would retain and revise the current	The use of the term "unobstructed" is not performance based. Better performance

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sufficient size to permit observation of the activities of people on either side of that barrier in the event of its penetration.	unobstructed observation and assessment of activities on either side of the protected area barrier.	requirement for isolation zone design to provide observation. Most significantly, the words "designed" and "unobstructed" would be added to provide a more performance based requirement. The phrase "of people" would be deleted to focus the proposed requirement on "activities".	based language would be "assessment of activities in the area". Recommend revising as follows: (e)(5)(i)(A) "Designed and of sufficient size to permit unobstructed observation and assessment of activities on either side of the PA barrier."
§ 73.55(c)(4) Detection of penetration or attempted penetration of the protected area or the isolation zone adjacent to the protected area barrier shall assure that adequate response by the security organization can be initiated.	(e)(5)(i)(B) Equipped with intrusion detection equipment capable of detecting both attempted and actual penetration of the protected area perimeter barrier and assessment equipment capable of facilitating timely evaluation of the detected unauthorized activities before completed penetration of the protected area perimeter barrier.	This requirement would be retained and revised to require intrusion detection equipment within an isolation zone and provide a performance based requirement for that equipment. The phrase "shall assure that adequate response by the security organization can be initiated" would be moved from this proposed requirement to the proposed § 73.55(i)(9)(v).	Assessment equipment / capabilities are more appropriately addressed in (e)(5)(ii) and should be deleted from this paragraph. Additionally, the evaluation of the detected activity before completed penetration of the protected area barrier is more appropriately address in (e)(5)(ii) (i.e., "before and after each alarm annunciation.") "Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2. Recommend revising as follows: (e)(5)(i)(B) Equipped with intrusion detection equipment capable of detecting both attempted and actual penetration of the protected area perimeter barrier. and assessment equipment capable of facilitating timely evaluation of the detected

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			unauthorized activities before completed penetration of the protected area perimeter barrier.
	(e)(5)(ii) Assessment equipment in the isolation zone must provide real-time and play-back/recorded video images in a manner that allows timely evaluation of the detected unauthorized activities before and after each alarm annunciation.	This requirement would be added to provide a performance based requirement for assessment equipment utilized for the isolation zone. The Commission has determined that based on changes to threat environment the use of technology that allows for the assessment of activities before and after an alarm annunciation is necessary to facilitate a determination of the level of response needed to satisfy the performance objective and requirements of the proposed paragraph (b) of this section. The Commission believes the application of this commonly used technology would be an appropriate use of technological advancements that would effectively enhance licensee capabilities to achieve the performance objective and requirements of the proposed paragraph (b) of this section.	"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.
§ 73.55(c)(3) If parking facilities are provided for	(e)(5)(iii) Parking facilities, storage areas, or other	This requirement would be retained and revised to provide a	

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employees or visitors, they shall be located outside the isolation zone and exterior to the protected area barrier.	obstructions that could provide concealment or otherwise interfere with the licensee's capability to meet the requirements of paragraphs (e)(5)(i)(A) and (B) of this section, must be located outside of the isolation zone.	performance based requirement for the areas outside the isolation zone. Most significantly, the phrase "storage areas, or other obstructions which could provide concealment or otherwise interfere" would be added to ensure that areas inside, outside, and adjacent to the protected area barrier would be maintained clear of obstructions to ensure observation and assessment capabilities.	
	(e)(6) Protected area.	This header would be added for formatting purposes.	
	(e)(6)(i) The protected area perimeter must be protected by physical barriers designed and constructed to meet Commission requirements and all penetrations through this barrier must be secured in a manner that prevents or delays, and detects the exploitation of any penetration.	This requirement would be added to provide a performance based requirement for physical barriers and penetrations through the protected area barrier to be secured to prevent and detect attempted or actual exploitation of the penetration. The Commission's view is that penetrations must be secured equal to the strength of the barrier of which it is a part and that attempts to exploit a penetration must be detected and response initiated.	This is a new requirement and current protected area barrier requirements satisfy the protection of these penetrations. To more closely align with current design requirements, recommend revising as follows: (e)(6)(i) The protected area perimeter must be protected by physical barriers designed and constructed to meet Commission requirements and all penetrations through this barrier, <u>greater than those allowed by (e)(10)</u> , must be secured in a manner that prevents, or delays, and <u>or</u> detects the exploitation of any penetration.

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			Meeting this requirement for smaller penetrations is not necessary.
§ 73.55(c)(2) The physical barriers at the perimeter of the protected area shall be separated from any other barrier designated as a physical barrier for a vital area within the protected area.	(e)(6)(ii) The protected area perimeter physical barriers must be separated from any other barrier designated as a vital area physical barrier, unless otherwise identified in the approved physical security plan.	This requirement would be retained with minor revision. The phrase "unless otherwise identified in the approved physical security plan" would be added to provide flexibility for an alternate methodology to be described in the Commission-approved security plans.	
§ 73.55(e)(3) All emergency exits in each protected area and each vital area shall be alarmed.	(e)(6)(iii) All emergency exits in the protected area must be secured by locking devices that allow exit only and alarmed.	This requirement would retain and separate the two current requirements with minor revision. The phrase "secured by locking devices which allow exit only" would be added to provide a performance based requirement relative to the function of locking devices with emergency exit design to prevent entry. Vital areas would be addressed in the proposed § 73.55(e)(8)(vii).	
	(e)(6)(iv) Where building walls, roofs, or penetrations comprise a portion of the protected area perimeter barrier, an isolation zone is not necessary, provided that the detection, assessment, observation,	This requirement would be added to provide a performance based requirement for instances where this site condition would exist.	

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	monitoring, and surveillance requirements of this section are met, appropriately designed and constructed barriers are installed, and the area is described in the approved security plans.		
<p>§ 73.55(c)(6) The walls, doors, ceiling, floor, and any windows in the walls and in the doors of the reactor control room shall be bullet-resisting.</p> <p>§ 73.55(d)(1) The individual responsible for the last access control function (controlling admission to the protected area) must be isolated within a bullet-resisting structure as described in Paragraph (c)(6) of this section to assure his or her ability to respond or summon assistance.</p> <p>§ 73.55(e)(1) The onsite central alarm station must be considered a vital area and its walls, doors,</p>	<p>(e)(6)(v) The reactor control room, the central alarm station, and the location within which the last access control function for access to the protected area is performed, must be bullet-resisting.</p>	<p>This requirement would retain the locations identified in the current § 73.55(c)(6), (d)(1), and (e)(1). Specific reference to walls, doors, ceiling, floor, and any windows in the walls, doors, ceiling, and floor would be deleted to clarify that all construction features would be required to meet the bullet resisting requirement, and therefore remove the potential for confusion where a structural feature such as sky-lights would not be listed. The Commission does not intend to suggest that penetrations, such as heating/cooling ducts be made bullet-resistant, but rather that the licensee implement appropriate measures to prevent the exploitation of such features in a manner consistent with the intent of the bullet-resisting requirement to ensure the required functions performed in</p>	

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ceiling, floor, and any windows in the walls and in the doors must be bullet-resisting.		these locations are protected and maintained.	
	(e)(6)(vi) All exterior areas within the protected area must be periodically checked to detect and deter unauthorized activities, personnel, vehicles, and materials.	This requirement would be added to provide a performance based requirement for monitoring exterior areas of the protected area to facilitate achievement of the requirements described by the proposed paragraph (b).	The proposed rule language is not consistent with the orders and the security plan template. Recommend replacing the word "All" with "Appropriate." "Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.
	(e)(7) Vital areas.	This header would be added for formatting purposes.	
§ 73.55(c)(1) The licensee shall locate vital equipment only within a vital area, which in turn, shall be located within a protected area such that access to vital equipment requires passage through at least two physical barriers of sufficient strength to meet the performance requirements of paragraph (a) of this section.	(e)(7)(i) Vital equipment must be located only within vital areas, which in turn must be located within protected areas so that access to vital equipment requires passage through at least two physical barriers designed and constructed to perform the required function, except as otherwise approved by the Commission in accordance with paragraph (f)(2) of this section.	This requirement would be retained with minor revision. The phrase "of sufficient strength to meet the performance requirements of paragraph (a) of this section" would be replaced with the phrase "designed and constructed to perform the required function" for consistency with the proposed requirements for physical barriers discussed throughout this proposed § 73.55(e). The phrase "except as otherwise approved by the Commission in accordance with paragraph (f)(2) of this section" would be added to account for	

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		the condition addressed by paragraph (f)(2).	
§ 73.55(c)(1) More than one vital area may be located within a single protected area.	(e)(7)(ii) More than one vital area may be located within a single protected area.	This requirement would be retained.	
<p>§ 73.55(e)(1) The onsite central alarm station must be considered a vital area and...</p> <p>§ 73.55(e)(1) Onsite secondary power supply systems for alarm annunciator equipment and non-portable communications equipment as required in paragraph (f) of this section must be located within vital areas.</p>	(e)(7)(iii) The reactor control room, the spent fuel pool, secondary power supply systems for intrusion detection and assessment equipment, non-portable communications equipment, and the central alarm station, must be provided protection equivalent to vital equipment located within a vital area.	<p>This requirement would retain and combine two current requirements from 10 CFR 73.55(e)(1), for protecting these areas equivalent to a vital area. The Commission added the "spent fuel pool" to emphasize the Commission view that because of changes to the threat environment the spent fuel pool must also be provided this protection. The phrase "alarm annunciator" would be replaced with "intrusion detection and assessment" to clarify the application of this proposed requirement to intrusion detection sensors and video assessment equipment as well as the alarm annunciation equipment.</p>	<p>The proposed language significantly expands the requirements well beyond those required by the current rule and orders. Significantly it expands the requirement pertaining to "secondary power supply systems" from just "alarm annunciator equipment" to all "intrusion detection and assessment equipment". The need for such a significant expansion is not explained nor is it supported by NRC Force-on-Force inspections completed to date.</p> <p>Recommend revising as follows:</p> <p>(e)(7)(iii) The reactor control room, the spent fuel pool, secondary power supply systems for intrusion detection and assessment <u>alarm annunciator</u> equipment, non-portable communications equipment, and the central alarm station, must be provided protection equivalent to vital equipment located within a vital area.</p>
			This paragraph is redundant to proposed

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	(e)(7)(iv) Vital equipment that is undergoing maintenance or is out of service, or any other change to site conditions that could adversely affect plant safety or security, must be identified in accordance with § 73.58, and adjustments must be made to the site protective strategy, site procedures, and approved security plans, as necessary.	This requirement would be added to provide a performance based requirement consistent with the proposed § 73.58 Safety/Security Program.	<p>§73.58 and should be deleted to eliminate any confusion that this requirement is above and beyond the requirements in 73.58. Also see comments on the proposed 73.58.</p> <p>Vital safety equipment routinely undergoes preventative maintenance and is controlled in accordance with technical specifications approved by the Commission. These technical specifications limit the time such safety equipment can be out of service. Due to the limited durations of the maintenance, it would be inappropriate to continually make adjustments to site protective strategies, site procedures, and approved security plans and impracticable to complete the required training on such changes. Limited compensatory actions, if needed, per proposed 73.58 would more appropriately address maintenance on vital equipment. Recommend this proposed requirement be deleted.</p>
§ 73.55(e)(3) All emergency exits in each protected area and each vital area shall be alarmed. § 73.55(d)(7)(D) Lock and protect by an	(e)(7)(v) The licensee shall protect all vital areas, vital area access portals, and vital area emergency exits with intrusion detection equipment and locking devices. Emergency exit	This requirement would retain and combine two current requirements 10 CFR 73.55(e)(3) and (d)(7)(D) with minor revision for formatting purposes. The phrase "Emergency exit locking devices shall be designed to	The proposed language inappropriately includes "all vital areas" which is confusing and above and beyond the requirements in the current regulations and orders. The correct reference in the current regulations is § 73.55(d)(7)(i)(D) which when taken in context is addressing <u>access</u> to all vital areas. Therefore, this requirement should

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activated intrusion alarm system all unoccupied vital areas.	locking devices shall be designed to permit exit only.	permit exit only" would be added to provide a performance based requirement to describe the function to be provided by emergency exit locking devices.	<p>more appropriately focus on all vital area access portals and emergency exits. Additionally, the requirement that "emergency exit locking devices shall be designed to permit exit only" may be construed to mean that keys cannot be used from outside. If this is the case it could impact operations and security emergency response and security defensive strategies that rely on responders entering the vital area through the emergency exit with the use of a security controlled key.</p> <p>Recommend revising as follows:</p> <p>(e)(7)(v) The licensee shall protect all vital areas, vital area access portals, and vital area emergency exits with intrusion detection equipment and <u>security controlled</u> locking devices. Emergency exit locking devices shall be designed to permit exit only.</p>
§ 73.55(d)(7)(D) Lock and protect by an activated intrusion alarm system all unoccupied vital areas	(e)(7)(vi) Unoccupied vital areas must be locked.	This requirement would retain the current requirement to lock unoccupied vital areas with minor revision for formatting purposes. The current requirement to alarm all vital areas would be moved to the proposed paragraph (e)(7)(v) of this section.	

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	(e)(8) Vehicle barrier system. The licensee must:	This header would be added for formatting purposes.	The header should clarify that this section applies only to land based vehicles.
§ 73.55(c)(7) Vehicle control measures, including vehicle barrier systems, must be established to protect against use of a land vehicle, as specified by the Commission, as a means of transportation to gain unauthorized proximity to vital areas.	(e)(8)(i) Prevent unauthorized vehicle access or proximity to any area from which any vehicle, its personnel, or its contents could disable the personnel, equipment, or systems necessary to meet the performance objective and requirements described in paragraph (b) of this section.	This requirement would be retained and revised to provide a requirement for protection against any vehicle within the context of the design basis threat described in § 73.1. Because of changes to the threat environment, the meaning of the word "proximity" remains the same but is applied to include all locations from which the design basis threat could disable the personnel, equipment, or systems required to prevent radiological sabotage.	<p>The proposed language expands the purpose of the vehicle barrier to include control of personnel and all design basis vehicles which are beyond that specified in the order. The vehicle barrier's purpose is to prevent a vehicle bomb attack from reaching an area where it could disable equipment necessary for the safe shutdown of the plant. It is not a purpose of the vehicle barrier to prevent <u>any type</u> of vehicle from delivering adversaries to the proximity of the plant. Existing protective strategies adequately address this situation. Implementation of this proposed requirement could require the installation of a "protected area" type barrier in addition to the current vehicle barrier which is not supported by NRC Force-on-Force inspections completed to date.</p> <p>Additionally, the proposed language has no performance basis.</p> <p>Recommend revising as follows:</p> <p>(e)(8)(i) Prevent unauthorized vehicle access or proximity to any area from which <u>any the vehicle's, its personnel, or its contents (vehicle bomb threat as discussed in the design basis threat)</u></p>

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			could disable <u>equipment needed for safe shutdown of the plant or the personnel, equipment, or systems necessary to successfully implement the protective strategy and requirements described in paragraph (b) of this section.</u>
	(e)(8)(ii) Limit and control all vehicle approach routes.	This requirement would be added to provide a requirement for limiting and controlling vehicle access routes to the site for the purpose of protecting the facility against vehicle bomb attacks and the use of vehicles as a means of transporting personnel and materials that would be considered a threat. Because of changes to the threat environment the Commission has determined that control of all vehicle approach routes is a critical element of the onsite physical protection program.	<p>The proposed language is too broad and should be re-written to define the approach routes expected to be controlled.</p> <p>For example, a public road could be interpreted to be an approach route to the site. Licensees are not responsible for control public roads.</p> <p>Further, as delineated in Section (e)(8)(iii) below, licensees must design and install a vehicle barrier system, to include passive and active barriers, at a stand-off distance adequate to protect personnel, equipment, and systems against the design basis threat. Therefore the installed vehicle barrier system in and of itself serves as the control of vehicle approach routes.</p> <p>Recommend this requirement be deleted.</p>
	(e)(8)(iii) Design and install	This requirement would be added	As worded, the proposed language expands the purpose of the vehicle barrier

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	a vehicle barrier system, to include passive and active barriers, at a stand-off distance adequate to protect personnel, equipment, and systems against the design basis threat.	to require the licensee to determine the potential effects a vehicle bomb could have on the facility and to establish a barrier system at a stand-off distance sufficient to protect personnel, equipment and systems. Because of changes to the threat environment, the Commission views stand-off distances to be a critical element of the onsite physical protection program and which require continuing analysis and evaluation to maintain effectiveness.	<p>to include all aspects of the design basis threat which is beyond the order requirements.</p> <p>Recommend revising as follows:</p> <p>(e)(8)(iii) Design and install a vehicle barrier system, to include passive and active barriers, at a stand-off distance adequate to protect personnel, equipment, and systems against the <u>vehicle bomb threat as discussed in the design basis threat.</u></p>
	(e)(8)(iv) Deter, detect, delay, or prevent vehicle use as a means of transporting unauthorized personnel or materials to gain unauthorized access beyond a vehicle barrier system, gain proximity to a protected area or vital area, or otherwise penetrate the protected area perimeter.	This requirement would be added to ensure the licensee maintains the capability to deter, detect, delay, or prevent unauthorized access beyond a vehicle barrier system. Because of changes to the threat environment, the Commission views the vehicle threat to be a critical element of the onsite physical protection program that requires continual analysis and evaluation to maintain effectiveness. This proposed requirement would include vehicles that do not reach the full capability of the design basis threat.	<p>The proposed language expands the purpose of the vehicle barrier beyond that specified in the order. The vehicle barrier's purpose is to prevent a vehicle bomb attack from reaching an area where it could disable equipment necessary for the safe shutdown of the plant. It is not a purpose of the vehicle barrier to prevent <u>any type</u> of vehicle from delivering unauthorized personnel to the proximity of the plant protected area. Implementation of this proposed requirement could require the installation of a "protected area" type barrier in addition to the current vehicle barrier.</p> <p>This is a significant new requirement that is not evaluated in the Regulatory</p>

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			<p>Analysis.</p> <p>In the March 9 public meeting, (see Page 52 of the meeting transcript) the NRC staff clarifies that there is no intent to go beyond what's already being applied. There is language about proximity and there is some associated requirements for the protection of personnel and equipment and systems. But there is no intent for it to require that you prevent a bicycle from getting over the top of your vehicle barrier.</p> <p>If there is no intent to impose a new requirement we recommend deleting the proposed section.</p>
	<p>(e)(8)(v) Periodically check the operation of active vehicle barriers and provide a secondary power source or a means of mechanical or manual operation, in the event of a power failure to ensure that the active barrier can be placed in the denial position within the time line required to prevent unauthorized vehicle access beyond the required standoff distance.</p>	<p>This requirement would be added consistent with the current requirement of § 73.55(g)(1) and would apply to the operation of active vehicle barriers within time lines required to prevent unauthorized vehicle access, despite the loss of the primary power source. The term "periodically" would be intended to allow the licensees to establish checks at a frequency necessary to ensure active barriers remain effective for both denial and non-denial operation.</p>	

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	(e)(8)(vi) Provide surveillance and observation of vehicle barriers and barrier systems to detect unauthorized activities and to ensure the integrity of each vehicle barrier and barrier system.	This requirement would be added to provide a requirement for the licensee to monitor the integrity of barriers to verify availability when needed and to prevent or detect tampering. Because of changes to the threat environment, the Commission views the vehicle bomb consideration to be a critical element of the onsite physical protection program which requires continuing analysis and evaluation to maintain effectiveness.	<p>As worded, the proposed language could be broadly interpreted to mean "continual" surveillance and observation requiring the use of close circuit television or other continuous means.</p> <p>Additionally, "unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.</p> <p>At the March 9 public meeting, (see page 53 of the meeting transcript) the staff indicated they believe this proposed requirement is already implemented through the orders and is part of the site plans already.</p> <p>We do not agree and recommend revising as follows:</p> <p>(e)(8)(vi) Provide <u>periodic</u> surveillance and observation of <u>installed</u> vehicle barriers and barrier systems to detect unauthorized activities <u>tampering</u> and to ensure the integrity of each <u>the</u> vehicle barrier and barrier system.</p>
	(e)(9) Waterways.	This header would be added for formatting purposes.	
	(e)(9)(i) The licensee shall control waterway approach routes or proximity to any	This requirement would be added to provide a requirement for controlling waterway approach	Suggest combining sections (i) and (iv) since in many cases assistance will be required from outside agencies.

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	area from which a waterborne vehicle, its personnel, or its contents could disable the personnel, equipment, or systems necessary to meet the performance objective and requirements described in paragraph (b) of this section.	routes consistent with the requirement of the proposed paragraph (e)(9)(ii) of this section. Because of changes to the threat environment, the Commission views waterway approach routes and control measures to be a critical element of the onsite physical protection program and one that requires continual analysis and evaluation to maintain effectiveness.	Recommend revising as follows: (e)(9)(i) The licensee shall <u>establish measures</u> to prevent unauthorized waterborne access control waterway approach routes or proximity to any area from which a waterborne vehicle, its personnel, or its contents could disable <u>equipment needed for safe shutdown of the plant or the</u> personnel, equipment, or systems necessary to <u>successfully implement the protective strategy.</u> meet the performance objective and requirements described in paragraph (b) of this section. <u>Where necessary the licensee shall coordinate with local, State, and Federal agencies having jurisdiction over waterway approaches to install waterborne vehicle control measures where applicable.</u>
	(e)(9)(ii) The licensee shall delineate areas from which a waterborne vehicle must be restricted and install waterborne vehicle control measures, where applicable.	This requirement would be added to provide a requirement for notifying unauthorized individuals that access is not permitted, and the installation of barriers where appropriate.	
	(e)(9)(iii) The licensee shall monitor waterway approaches and adjacent	This requirement would be added to provide a requirement for monitoring waterway approaches	The proposed requirement is beyond the requirements contained in the current regulations and orders. The need to

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	areas to ensure early detection, assessment, and response to unauthorized activity or proximity, and to ensure the integrity of installed waterborne vehicle control measures.	consistent with other monitoring and surveillance requirements of this proposed section.	<p>"monitor waterway approaches and adjacent areas to ensure early detection, assessment, and response to unauthorized activity or proximity" is protective strategy dependent.</p> <p>"Unauthorized activity" is ambiguous and is not defined in 10 CFR 73.2.</p> <p>Recommend revising as follows:</p> <p>(e)(9)(iii) <u>As needed to successfully implement the protective strategy, the licensee shall monitor waterway approaches and adjacent areas to ensure early detection, assessment, and response to unauthorized activity intruders is provided. or proximity, and to ensure the integrity of installed waterborne vehicle control measures</u></p>
	(e)(9)(iv) Where necessary to meet the requirements of this section, licensees shall coordinate with local, state, and Federal agencies having jurisdiction over waterway approaches.	This requirement would be added to provide a requirement to coordinate where necessary with other agencies having jurisdictional authority over waterways to ensure that the proposed requirements of this section would be met.	Recommend combining with (e)(9)(i). See comments for (e)(9)(i) above for recommended wording.
	(e)(10) Unattended openings in any barrier established to meet the requirements of this section that are 620 cm ² (96.1 in ²)	This requirement would be added to provide a requirement for all openings in any OCA, PA, or VA barrier to ensure that the intended function of the barrier is	The proposed language is inconsistent with the existing regulations and associated regulatory guidance for openings in the PA and VA. First, the word "unattended" is confusing and we

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	<p>or greater in total area and have a smallest dimension of 15 cm (5.9 in) or greater, must be secured and monitored at a frequency that would prevent exploitation of the opening consistent with the intended function of each barrier.</p>	<p>met. The phrase "consistent with the intended function of each barrier" would describe the criteria for making a determination to secure or monitor openings of this size where the intended function of the barrier would be compromised if the opening is not secured or monitored. The size of the opening described is a commonly accepted standard throughout the security profession for application to any security program and one that represents an opening large enough for a person to exploit.</p> <p>Therefore, the Commission has determined that openings meeting the stated criteria require measures to prevent exploitation.</p>	<p>recommend it be eliminated. Openings in the PA and VA must be secured and thus they are not unattended. Further, once the opening is secured, there is no requirement to monitor the opening so it is unclear what constitutes an unattended opening.</p> <p>Second, as proposed, this requirement would inappropriately applied the 620 cm² (96.1 in²) or greater requirement to the vehicle barriers which is impracticable. Vehicle barriers in the OCA are designed to protect against penetration of the vehicle bomb attack as described in the design basis threat. Also, most vehicle barrier systems have opening to allow personnel access and access by other smaller vehicles.</p> <p>Third, none of the security orders included such a requirement.</p> <p>We recommend eliminating this provision.</p> <p>If retained, recommend revising as follows:</p> <p>(e)(10) Unattended openings in the protected area or vital area barrier established to meet the requirements of this section that are 620 cm² (96.1 in²) or greater in total area and have a</p>

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			smallest dimension of 15 cm (5.9 in) or greater, must be secured and or monitored at a frequency that would prevent exploitation of the opening consistent with the intended function of each barrier.
	(f) Target sets.	This header would be added for formatting purposes.	
	(f)(1) The licensee shall document in site procedures the process used to develop and identify target sets, to include analyses and methodologies used to determine and group the target set equipment or elements.	This requirement would be added to provide a performance based requirement for the licensee to document how each target set was developed to facilitate review of the licensee methodology by the Commission. The Commission has determined that because of changes to the threat environment the identification and protection of all target sets would be a critical component for the development and implementation of the licensee protective strategy and the capability of the licensee to prevent significant core damage and spent fuel sabotage, therefore, providing protection against radiological sabotage and satisfying the performance objective and requirements stated in the proposed paragraph (b) of	

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		this section.	
	(f)(2) The licensee shall consider the effects that cyber attacks may have upon individual equipment or elements of each target set or grouping.	This requirement would be added to ensure cyber attacks associated with advancements in the area of automated computer technology are considered and the affects that such attacks may have on the integrity of individual target set equipment and elements is accounted for in the licensee protective strategy.	<p>The proposed requirement exceeds the requirements contained in the orders.</p> <p>If retained we recommend moving the language to section (m) so that the requirements for cyber security are listed together. The language should also be revised as follows:</p> <p>The licensee shall consider the effects that cyber attacks may have upon <u>disabling</u> individual equipment or elements of each target set or grouping.</p>
	(f)(3) Target set equipment or elements that are not contained within a protected or vital area must be explicitly identified in the approved security plans and protective measures for such equipment or elements must be addressed by the licensee's protective strategy in accordance with appendix C to this part.	This requirement would be added to provide a performance based requirement to identify and account for this condition in the approved security plans, if it exists at a site.	This requirement is beyond the order requirements. Incorporating target set equipment or elements that are not contained within a protected or vital area or otherwise, into the security plan will limit flexibility in responding to the changing threat environment in a timely manner since changes would require prior NRC review and approval. All target set elements are maintained in licensee controlled documents. Recommend this requirement be deleted.
	(f)(4) The licensee shall implement a program for the oversight of plant	This requirement would be added to require the licensee to establish and implement a	Operations already have controls in place to maintain configuration control through normal operations and surveillance. The proposed requirement should only address

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	equipment and systems documented as part of the licensee protective strategy to ensure that changes to the configuration of the identified equipment and systems do not compromise the licensee's capability to prevent significant core damage and spent fuel sabotage.	program that focuses on ensuring that certain plant equipment and systems are periodically checked to ensure that unauthorized configuration changes or tampering would be identified and an appropriate response initiated. Based on changes to the threat environment, the Commission has determined this would be an appropriate enhancement to the licensee onsite physical protection program.	obvious tampering. Additionally, the terms "significant core damage" and "spent fuel sabotage" are not defined terms in 10 CFR 73.2. Recommend revising as follows: (f)(4) The licensee shall implement a program for the oversight of plant equipment and systems documented as part of the licensee protective strategy. to ensure that changes to the configuration of the identified equipment and systems do not compromise the licensee's capability to prevent significant core damage and spent fuel sabotage.
	(g) Access control.	This header would be added for formatting purposes.	
	(g)(1) The licensee shall:	This header would be added for formatting purposes.	
§ 73.55(d)(1) The licensee shall control all points of personnel and vehicle access into a protected area.	(g)(1)(i) Control all points of personnel, vehicle, and material access into any area, or beyond any physical barrier or barrier system, established to meet the requirements of this section.	This requirement would be retained and revised with minor revisions. Most significantly, the phrase "a protected area" would be replaced by the phrase "any area, or beyond any physical barrier or barrier system, established to meet the requirements of this section" to clarify that the focus of this	This requirement is beyond the requirements in the current regulations and orders. As written this requirement is ambiguous and can be interpreted broadly to apply new requirements to the OCA (e.g., vehicle barrier) that are impracticable and unnecessary. For example, vehicle barriers in the OCA are there to provide standoff for the design basis vehicle bomb. The design of the

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		<p>proposed requirement would not be limited to only protected area access but would apply to any area for which access must be controlled to meet complimentary requirements addressed in this proposed rule. In addition, the word "material" would be added to emphasize that the control of material into these areas would also be a critical element of the onsite physical protection program to facilitate achievement of the performance objective of the proposed paragraph (b) of this section.</p>	<p>vehicle barrier system may include gaps that personnel can walk through. Under the proposed rule language, this type of access must be controlled. This is not necessary.</p> <p>Recommend retaining and revising the existing language for PA access to include materials. We recommend a new section to address access through the OCA vehicle barrier system.</p> <p>Recommend revising as follows:</p> <p>(g)(1)(i) Control all points of personnel, vehicle, and material access into any area, or beyond any physical barrier or barrier system, <u>the protected area</u> established to meet the requirements of this section.</p> <p>(g)(1)(i)(A) Control all points of personnel, vehicle access, capable of transporting the design basis threat bomb, and material access into any area, or beyond the any physical barrier or barrier through the vehicle barrier system, established to meet the requirements of this section.</p>
§ 73.55(d)(7)(i)(B) Positively control, in accordance with the	(g)(1)(ii) Control all points of personnel and vehicle access into vital areas in	This requirement would be retained with minor revisions.	The word "lists" needs to be deleted and replaced with "approval". This then would also allow several means of access control based on authorized approval.

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access list established pursuant to paragraph (d)(7)(i) of this section, all points of personnel and vehicle access to vital areas.	accordance with access authorization lists.		Recommend revising as follows: (g)(1)(ii) Control all points of personnel and vehicle access into vital areas in accordance with access authorization lists <u>approval</u> .
§ 73.55(d)(7)(i) ...limit unescorted access to vital areas during nonemergency conditions to individuals who require access in order to perform their duties. To achieve this, the licensee shall:	(g)(1)(iii) During non-emergency conditions, limit unescorted access to the protected area and vital areas to only those individuals who require unescorted access to perform assigned duties and responsibilities.	This requirement would be retained and revised with minor revisions. Most significantly, the phrase "protected area" would be added to emphasize that the same "assigned duties and responsibilities" criteria apply to both vital and protected areas.	
	(g)(1)(iv) Monitor and ensure the integrity of access control systems.	This requirement would be added to provide a requirement for ensuring the integrity of the access control system and prevent its unauthorized bypass. Based on changes to the threat environment, the Commission has determined that emphasis would be necessary to ensure that the integrity of the access control system is maintained through oversight and that attempts to circumvent or bypass the established process will be	The proposed requirement is beyond the requirements in the current regulations and orders. As written, the proposed language is ambiguous and can be interpreted broadly. For example, what does "monitor", "integrity", and "access control system" actually mean? 10 CFR 50 Appendix B requires adequate quality controls for licensees. Recommend deleting this paragraph.

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		detected and access denied.	
	(g)(1)(v) Provide supervision and control over the badging process to prevent unauthorized bypass of access control equipment located at or outside of the protected area.	This requirement would be added to provide a requirement for ensuring the integrity of the access control process. Based on changes to the threat environment, the Commission has determined that specific emphasis on access control equipment outside the protected area would be necessary to ensure that the integrity of the access control system is maintained for those process elements that are not contained within the protected area.	<p>The proposed language goes beyond the requirements contained in the orders. The order requires surveillance capabilities and duress alarms.</p> <p>Recommend revising as follows:</p> <p>(g)(1)(v) Provide surveillance or duress alarms for badging processes located outside the protected area".</p>
§ 73.55(d)(1). The individual responsible for the last access control function (controlling admission to the protected area) must be isolated within a bullet-resisting structure as described in paragraph (c)(6) of this section to assure his or her ability to respond or to summon assistance.	(g)(1)(vi) Isolate the individual responsible for the last access control function (controlling admission to the protected area) within a bullet-resisting structure to assure the ability to respond or to summon assistance in response to unauthorized activities.	This requirement would be retained and revised with minor revisions. Most significantly, the phrase "as described in paragraph (c)(6) of this section" would be deleted because the specific criteria for bullet-resisting would no longer be addressed in the referenced paragraph. Specific criteria would be addressed in standards published by the Underwriters Laboratory (UL).	"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.
	(g)(1)(vii) In response to specific threat and security	This requirement would be added to require two specific actions to	The proposed requirement is beyond the requirements currently in regulations or

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	<p>information, implement a two-person (line-of-sight) rule for all personnel in vital areas so that no one individual is permitted unescorted access to vital areas. Under these conditions the licensee shall implement measures to verify that the two person rule has been met when a vital area is accessed.</p>	<p>be taken by the licensee where credible threat information is provided. This proposed requirement would first require that the two-person rule be implemented, and second, that measures be implemented to verify that the two-person rule is met when access to a vital area is gained. This proposed requirement would include those areas identified in the proposed (e)(8)(iv) of this section to be protected as vital areas. Based on changes to the threat environment, the Commission has determined that the proposed requirement is necessary to facilitate licensee achievement of the performance objective of the proposed paragraph (b) of this section.</p>	<p>orders. The procedures for implementing the two-person rule should address the controls required. Access records are always auditable as required by regulation. "specific threat" appears to be an expansion of the current requirement to implement the two-person rule.</p> <p>Recommend revising as follows:</p> <p>(g)(1)(vii) In response to a site specific <u>credible threat, as defined by the Commission, and security information</u>, implement a two-person (line-of-sight) rule for all personnel in vital areas. so that no one individual is permitted unescorted access to vital areas. Under these conditions the licensee shall implement measures to verify that the two person rule has been met when a vital area is accessed.</p>
	<p>(g)(2) In accordance with the approved security plans and before granting unescorted access through an access control point, the licensee shall:</p>	<p>This requirement would be added to specify the basic functions that must be satisfied to meet the current and proposed requirements for controlling access into any area for which access controls are implemented.</p>	<p>This section appears to expand the current requirements for the protected area into the OCA without sufficient clarification of the performance measures. The performance measures for access controls in the OCA should be related solely to ensuring the effective implementation of the protective strategy.</p>

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			As written, this requirement should only apply to access to the protected area. Recommend revising as follows: (g)(2) In accordance with the approved security plans and before granting unescorted access through an <u>a protected area</u> access control point, the licensee shall:
§ 73.55(d)(1) Identification...of all individuals unless otherwise provided herein must be made and...	(g)(2)(i) Confirm the identity of individuals.	This requirement would retain the current requirement with minor revisions for formatting purposes.	Not required for the OCA per current regulations and orders.
§ 73.55(d)(1) ...authorization must be checked at these points.	(g)(2)(ii) Verify the authorization for access of individuals, vehicles, and materials.	This requirement would retain the current requirement with minor revisions for formatting purposes.	Not required for the OCA per current regulations and orders.
§ 73.55(d)(1) ...search of all individuals unless otherwise provided herein must be made and...	(g)(2)(iii) Search individuals, vehicles, packages, deliveries, and materials in accordance with paragraph (h) of this section.	This requirement would retain the current requirement with minor revisions for formatting purposes.	Not required for the OCA per current regulations and orders other than in relation to the design basis threat vehicle bomb.
	(g)(2)(iv) Confirm, in accordance with industry shared lists and databases, that individuals have not been denied access to	This requirement would be added to describe an acceptable information sharing mechanism used by licensees to share information about visitors and	Not required for the OCA per current regulations and orders. The requirement to check the industry database should be relocated to 73.56 for unescorted access and to (g)(7)(i) of this section for escorted access.

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	another licensed facility.	employees who have requested either escorted or unescorted access to at least one site. Based on changes to the threat environment, the Commission has determined that this proposed requirement would be a prudent enhancement to the licensee capabilities.	
	(g)(3) Access control points must be:	This header would be added for formatting purposes.	The text contained in the SOC "to accomplish the desired function of the specific access control point" should be inserted into the rule language to clarify the performance criteria
	(g)(3)(i) Equipped with locking devices, intrusion detection equipment, and monitoring, observation, and surveillance equipment, as appropriate.	This requirement would be added to describe the types of equipment determined to be acceptable to satisfy the desired level of performance intended by the proposed requirements of this section. The phrase "as appropriate" would be used to provide the flexibility needed to provide only that equipment that is required to accomplish the desired function of the specific access control point.	Not required for the OCA per current regulations and orders. The term "appropriate" needs further clarification. Recommend revising as follows: (g)(3)(i) Equipped with locking devices, intrusion detection equipment, and monitoring, observation, and surveillance equipment, as appropriate <u>to implement the protective strategy.</u>
§ 73.55(d)(1) The licensee shall control all points of personnel and vehicle access into a	(g)(3)(ii) Located outside or concurrent with, the physical barrier system through which it controls	This requirement would be added to clarify the location of access control points to ensure personnel and vehicles do not gain access	

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protected area.	access.	beyond a barrier (i.e., stand-off distance) before being searched.	
	(g)(4) Emergency conditions.	This header would be added for formatting purposes.	
§ 73.55(d)(7)(ii) Design the access authorization system to accommodate the potential need for rapid ingress or egress of individuals during emergency conditions or situations that could lead to emergency conditions. To help assure this, the licensee shall:	(g)(4)(i) The licensee shall design the access control system to accommodate the potential need for rapid ingress or egress of authorized individuals during emergency conditions or situations that could lead to emergency conditions.	This requirement would be retained with minor revision. Most significantly, the phrase "access authorization system" would be replaced with the phrase "access control system" to clarify that the focus of this proposed requirement is on controlling access during emergency conditions. The need for rapid ingress and egress is a physical action and would more appropriately be addressed through access controls. Also, the phrase "authorized individuals" would be added to indicate that access authorization requirements are satisfied by the individual in advance of the need for access. In addition, the phrase "To help assure this, the licensee shall:" would be deleted because it would no longer be needed.	
§ 73.55(d)(7)(ii)(A) Ensure prompt access to	(g)(4)(ii) Under emergency conditions, the licensee	This requirement would be retained and revised to add a	The terms "significant core damage" and "spent fuel sabotage" should be replaced with the term "radiological sabotage"

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vital equipment.	shall implement procedures to ensure that: (g)(4)(ii)(A) Authorized emergency personnel are provided prompt access to affected areas and equipment. (g)(4)(ii)(B) Attempted or actual unauthorized entry to vital equipment is detected. (g)(4)(ii)(C) The capability to prevent significant core damage and spent fuel sabotage is maintained.	performance based requirement that the licensee develop and maintain a process by which prompt access to vital equipment is assured while at the same time ensuring the detection of unauthorized entry, and that this process would be implemented in a manner that is consistent with the proposed requirements of this section and ensures the licensee capability to satisfy the performance objective of the proposed paragraph (b) of this section.	because "radiological sabotage" is a defined term in 10 CFR 73.2 and the other terms are not.
	(g)(4)(iii) The licensee shall ensure that restrictions for site access and egress during emergency conditions are coordinated with responses by offsite emergency support agencies identified in the site emergency plans.	This requirement would be added to provide a performance based requirement for coordination of security access controls during emergencies with the access needs of emergency response personnel. This proposed requirement is intended to provide the necessary level of flexibility to the licensee to ensure access by appropriate personnel while maintaining the necessary security posture for controlling access to areas where dangerous conditions exist, such as violent conflict involving weapons.	The proposed requirement goes beyond current regulations and orders.

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	(g)(5) Vehicles.	This header would be added for formatting purposes.	
§ 73.55(d)(4) The licensee shall exercise positive control over all such designated vehicles to assure that they are used only by authorized persons and for authorized purposes.	(g)(5)(i) The licensee shall exercise control over all vehicles while inside the protected area and vital areas to ensure they are used only by authorized persons and for authorized purposes.	This requirement would be retained and revised to apply to all vehicles and not be limited to only designated vehicles. Most significantly, the phrase "all such designated vehicles" would be deleted to remove this limitation and clarify that the proposed requirement applies to any vehicle granted access. The word "positive" would be deleted to remove uncertainties regarding the meaning of this word.	
§ 73.55(d)(4) All vehicles, except designated licensee vehicles, requiring entry into the protected area shall be escorted by a member of the security organization while within the protected area, and...	(g)(5)(ii) Vehicles inside the protected area or vital areas must be operated by an individual authorized unescorted access to the area, or must be escorted by an individual trained, qualified, and equipped to perform vehicle escort duties, while inside the area.	This requirement would be retained and would contain a significant revision to relieve the licensee from the current requirement to escort a vehicle operated by an individual who otherwise has unescorted access and relief from the requirement that a member of the security organization must escort vehicles. The phrase "escorted by a member of the security organization" would be replaced with the phrase "operated by an individual authorized unescorted access to the area, or must be	The term "qualified" is problematic in that it could unnecessarily require maintenance of "qualification cards". Written and verbal instructions and the ability to communicate with CAS or SAS should meet the training and equipment requirements. Recommend revising as follows: (g)(5)(ii) Vehicles inside the protected area or vital areas must be operated by an individual authorized unescorted access to the area, or must be escorted by an individual trained, qualified , and equipped to perform vehicle escort duties, while inside the area.

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		escorted while inside the area" to allow personnel authorized unescorted access, to operate the vehicle without escort and to allow a vehicle to be escorted by an individual other than a member of the security organization if the operator is not authorized unescorted access. Training and qualification requirements for escorts would be addressed in the proposed § 73.55(g)(7) and (g)(8).	
§ 73.55(d)(4) Designated licensee vehicles shall be limited in their use to onsite plant functions and shall remain in the protected area except for operational, maintenance, repair security and emergency purposes.	(g)(5)(iii) Vehicles inside the protected area must be limited to plant functions or emergencies, and must be disabled when not in use.	This requirement would be retained and revised. Most significantly, the phrase "Designated licensee" would be deleted to broaden the scope of this proposed requirement to all vehicles. Also, the phrase "shall remain in the protected area except for operational, maintenance, repair security and emergency purposes" would be deleted because it would no longer be needed. The word "disabled" would be added to specify that when not in use all vehicles must be rendered non-operational such that the vehicle would not be in a ready-to-use configuration.	Use of the term "disabled" could be interpreted to mean more than removing the keys from a vehicle. Recommend revising as follows: (g)(5)(iii) Vehicles inside the protected area must be limited to plant functions or emergencies, and must be disabled <u>placed in a condition such that the vehicle would not be in a ready-to-use configuration</u> , when not in use. Alternatively, the SOCs could clarify that removing the key adequately disables the vehicle.

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	(g)(5)(iv) Vehicles transporting hazardous materials inside the protected area must be escorted by an armed member of the security organization.	This requirement would be added to ensure the control of hazardous material deliveries. The Commission has determined that the level of control described by this proposed requirement is prudent and necessary to satisfy the performance objective of the proposed paragraph (b) of this section.	<p>The term "hazardous materials" should be better defined in accordance with current guidance to clarify the performance criteria. The words "or driven by personnel with unescorted access" should be added to the end of the proposed text. This provides adequate control of these vehicles to prevent unauthorized use to prevent effective implementation of the protective strategy.</p> <p>Recommend revising as follows:</p> <p>(g)(5)(iv) Vehicles transporting hazardous materials inside the protected area must be escorted by an armed member of the security organization <u>or driven by personnel with unescorted access.</u></p>
	(g)(6) Access control devices.	This header would be added for formatting purposes.	
§ 73.55(d)(5) A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.	(g)(6)(i) Identification badges. The licensee shall implement a numbered photo identification badge/key-card system for all individuals authorized unescorted access to the protected area and vital areas.	This requirement would be retained and revised with minor revisions. Most significantly, the phrase "and vital areas" is added to provide necessary focus that badges apply to both the protected area and vital areas. Access to the protected area does not include access to a vital area except as required to perform	

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		duties.	
<p>§ 73.55(d)(5)(ii) Badges may be removed from the protected area when measures are in place to confirm the true identity and authorization for access of the badge holder upon entry to the protected area.</p>	<p>(g)(6)(i)(A) Identification badges may be removed from the protected area only when measures are in place to confirm the true identity and authorization for unescorted access of the badge holder before allowing unescorted access to the protected area.</p>	<p>This requirement would be retained and revised with minor revisions. Most significantly, the phrase "upon entry to the protected area" would be replaced with the phrase "before allowing unescorted access to the protected area" to clarify that the performance to be achieved would be to confirm and verify access authorization before granting access to any individual.</p>	
<p>§ 73.55(d)(5)(ii) Badges shall be displayed by all individuals while inside the protected area.</p>	<p>(g)(6)(i)(B) Except where operational safety concerns require otherwise, identification badges must be clearly displayed by all individuals while inside the protected area and vital areas.</p>	<p>This requirement would retain the current requirement to display badges at all times and would be revised to address the exception to this proposed requirement. The phrase "Except where operational safety concerns require otherwise," would be added to account for considerations such as radiological control requirements or foreign material exclusion requirements, that may preclude this requirement. In addition, the word "clearly" would be added to describe the expected performance that badges would be visible to provide an indication</p>	

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		of authorization to be in the area.	
	(g)(6)(i)(C) The licensee shall maintain a record, to include the name and areas to which unescorted access is granted, of all individuals to whom photo identification badge/key-cards have been issued.	This requirement would be added to account for technological advancements commonly associated with electronically based badging systems used by licensees. The Commission has determined that this proposed requirement is prudent and necessary because such a record would be automatically made as a standard function and intent of this type of system. In addition, badging systems commonly used by licensees include the ability to program remote card-readers which are designed to grant or deny access to specific areas based upon the information electronically associated with specific badges/key-cards. This proposed requirement would not specify the media in which this record must be maintained to allow for electronic storage.	
§ 73.55(d)(8) All keys, locks, combinations, and related access control devices used to control access to protected areas and vital areas	(g)(6)(ii) Keys, locks, combinations, and passwords. All keys, locks, combinations, passwords, and related access control devices used to control	This requirement would be retained and revised with minor revisions. Most significantly, the word "passwords" would be added to account for technological advancements	Addition of "security systems" and "safeguards information" to this section introduces new requirements that are beyond the requirements of the security orders. The terminology could be broadly interpreted as requiring controls and accountability that are unmanageable and

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must be controlled to reduce the probability of compromise.	access to protected areas, vital areas, security systems, and safeguards information must be controlled and accounted for to reduce the probability of compromise. The licensee shall:	associated with the use of computers. The phrase "security systems, and safeguards information" would be added to emphasize the need to control access to these items. The phrase "and accounted for" would be added to confirm possession by the individual to whom the access control device has been issued.	<p>would provide little or no benefit in preventing unauthorized access to areas, systems, or information. Access controls for safeguards information should be contained in 10CFR73.21. The language in the current rule is acceptable and performance based to meet the requirements of the current security orders.</p> <p>Passwords should be addressed comprehensively in one single section in this rule and removed from all other sections of the rule. Co-mingling passwords with keys, locks, combinations can lead to confusion.</p> <p>There are long standing IT processes in place to manage privileged user accounts, including passwords. These methods should be employed to manage passwords.</p> <p>Accounting for passwords defeats the purpose of having passwords; It is possible to account for individuals that are provided passwords. This requirement is addressed in (g)(6)(ii)(B).</p> <p>The term "Access Control" is inconsistently used throughout the Proposed Rules and it is not always clear when Access Control refers to password control vs. hardware or other control methods.</p>

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			<p>The industry recommends the following modification:</p> <p>(g)(6)(ii) Keys, locks, combinations, and passwords. All keys and locks, and related access control devices used to control physical access to protected areas, vital areas, security systems, and safeguards information must be controlled and accounted for to reduce the probability of compromise. All passwords and combinations used to control physical access to protected areas, vital areas, security systems, and safeguards information must be controlled and modified periodically to reduce the probability of compromise.</p>
<p>§ 73.55(d)(8) The licensee shall issue keys, locks, combinations, and other access control devices to protected areas and vital areas only to persons granted unescorted facility access.</p>	<p>(g)(6)(ii)(A) Issue access control devices only to individuals who require unescorted access to perform official duties and responsibilities.</p>	<p>This requirement would be retained and revised with minor revisions. Most significantly, the phrase "protected areas and vital areas" would be replaced with the phrase "to perform official duties and responsibilities" to account for access control devices to items or systems that may be located outside of protected and vital areas, such as to computer systems and safeguards information storage cabinets. The phrase "keys, locks, combinations, and other access control devices"</p>	<p>Access to safeguards information is sometimes necessary for individuals without unescorted access to a facility because they have no need for access to the facility to perform their responsibilities. See the comments for 73.55(g)(6).</p> <p>This requirement does not apply to passwords. We understand that passwords are not considered a part of "access control equipment." We need clarification to better define when we are talking about physical access controls as opposed to electronic access to digital assets.</p>

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		would be replaced by the phrase "access control devices" to generically describe these items and account for other technological advancements that may occur in the future.	
	(g)(6)(ii)(B) Maintain a record, to include name and affiliation, of all individuals to whom access control devices have been issued, and implement a process to account for access control devices at least annually.	This requirement would be added to facilitate achievement of the current requirement to control access control devices to reduce the probability of compromise. The use of key control logs and annual inventories is a commonly used mechanism for any security system and therefore, the Commission has determined that this proposed requirement is a prudent and necessary enhancement to facilitate the licensee's capability to achieve the performance objective of the proposed paragraph (b) of this section.	<p>The words "name and affiliation" should be removed to make the language performance based.</p> <p>Recommend revising as follows:</p> <p>(g)(6)(ii)(B) Maintain a record, to include name and affiliation, of all individuals to whom access control devices have been issued, and implement a process to account for access control devices at least annually.</p> <p>Maintaining a list of passwords is contrary to basic password protection paradigm that only the individual has access to his password.</p> <p>Industry recommends the proposed language is revised say "...and implement a process to account for physical access control devices at least annually</p>
§ 73.55(d)(8) Whenever there is evidence or suspicion that any key, lock,	(g)(6)(ii)(C) Implement compensatory measures upon discovery or suspicion that any access control	This requirement would be retained and revised to provide a performance based requirement for compensatory measures taken	This requirement does not apply to passwords. Industry accepted IT security practices address the disabling of privilege user access on critical device.

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combination, or related access control device may have been compromised, it must be changed or rotated.	device may have been compromised. Compensatory measures must remain in effect until the compromise is corrected.	in response to compromise. Most significantly, the phrase "it must be changed or rotated" would be captured in the proposed § 73.55(g)(6)(ii) (D) and (E). The phrase "Compensatory Measures must remain in effect until the compromise is corrected" would be added to provide focus specific to when compensatory measures would no longer apply.	
§ 73.55(d)(8) Whenever there is evidence or suspicion that any key, lock, combination, or related access control devices may have been compromised, it must be changed or rotated.	(g)(6)(ii)(D) Retrieve, change, rotate, deactivate, or otherwise disable access control devices that have been, or may have been compromised.	This requirement would be retained and revised with minor revisions. Most significantly, the words "retrieve", "deactivate", and "disable" would be added to ensure focus is provided on these actions relative to ensuring control of access control devices and to account for electronic devices.	This requirement does not apply to passwords. Industry accepted IT security practices address the disabling of privilege user access on critical device.
§ 73.55(d)(7)(C) Revoke, in the case of an individual's involuntary termination for cause, the individual's unescorted facility access and retrieve his or her identification badge and other entry devices, as	(g)(6)(ii)(E) Retrieve, change, rotate, deactivate, or otherwise disable all access control devices issued to individuals who no longer require unescorted access to the areas for which the devices were designed.	This requirement would retain and combine two current requirements to specify the actions required to control access control devices issued to personnel who no longer possess a need for access. The Commission has determined that the cause for revocation of unescorted access authorization	This requirement does not apply to passwords. Industry accepted IT security practices address the disabling of privilege user access on critical device.

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applicable, prior to or simultaneously with notifying this individual of his or her termination. § 73.55(d)(8). Whenever an individual's unescorted access is revoked due to his or her lack of trustworthiness, reliability, or inadequate work performance, keys, locks, combinations, and related access control devices to which that person had access must be changed or rotated.		does not effect the actions needed to reduce the probability of compromise. Therefore, the same actions are necessary whether access is revoked under favorable or unfavorable conditions. Whenever an individual no longer requires access to an area the access control devices issued to that individual would be retrieved, changed, rotated, deactivated, or otherwise disabled to provide high assurance that the individual would not continue to have access to the item or location.	
	(g)(7) Visitors.	This header would be added for formatting purposes.	
§ 73.55(d)(6) Individuals not authorized by the licensee to enter protected areas without escort shall be escorted by a watchman or other individual designated by the licensee while in a protected area and shall be badged to indicate	(g)(7)(i) The licensee may permit escorted access to the protected area to individuals who do not have unescorted access authorization in accordance with the requirements of § 73.56 and part 26 of this chapter. The licensee shall:	This requirement would retain the current requirement to provide escorted access with minor revisions. This proposed requirement would address visitor access and would specify that anyone who has not satisfied the requirements of § 73.56 and part 26 of this chapter would be considered to be a visitor. The current requirement for escorts	The language should be modified to "the protected area and vital areas" to clarify that escorted access to vital areas is permitted. Recommend revising as follows: (g)(7)(i) The licensee may permit escorted access to the protected area <u>and vital areas</u> to individuals who do not have unescorted access authorization in accordance with the requirements of § 73.56 and part 26 of this chapter. The licensee shall:

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that an escort is required.		would be addressed in proposed § 73.55(g)(8).	
	(g)(7)(i)(A) Implement procedures for processing, escorting, and controlling visitors.	This requirement would be added to require implementing procedures that describe how visitors would be processed, escorted, and controlled.	
	(g)(7)(i)(B) Confirm the identity of each visitor through physical presentation of a recognized identification card issued by a local, state, or Federal Government agency that includes a photo or contains physical characteristics of the individual requesting escorted access.	This requirement would be added to require the verification of the true identity of non-employee individuals through the presentation of photographic government issued identification (i.e., driver's license) which provides physical characteristics that can be compared to the holder. The word "recognized" would be used to provide flexibility for other types of identification that may be issued by local, state or Federal Governments.	This section should also provide the flexibility for positive identification by personal recognition by an individual with unescorted access who has had sufficient previous contact with the individual to perform this function. (g)(7)(i)(B) Confirm the identity of each visitor through physical presentation of a recognized identification card issued by a local, state, or Federal Government agency that includes a photo or contains physical characteristics of the individual requesting escorted access <u>or by an individual with unescorted access who has had sufficient previous contact with the individual to perform this function.</u>
§ 73.55(d)(6) In addition, the licensee shall require that each individual register his or her name, date, time, purpose of visit, employment affiliation, citizenship, and name of	(g)(7)(i)(C) Maintain a visitor control register in which all visitors shall register their name, date, time, purpose of visit, employment affiliation, citizenship, and name of the individual to be visited	This requirement would be retained with minor revision.	

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the individual to be visited.	before being escorted into any protected or vital area.		
§ 73.55(d)(6) Individuals not authorized by the licensee to enter protected areas without escort shall...be badged to indicate that an escort is required.	(g)(7)(i)(D) Issue a visitor badge to all visitors that clearly indicates that an escort is required.	This requirement would be retained with minor revision for formatting purposes. Most significantly, the word "clearly" would be added to focus on display of the badge in a manner that easily identifies the individual as requiring an escort.	
§ 73.55(d)(6) Individuals not authorized by the licensee to enter protected areas without escort shall be escorted by a watchman or other individual designated by the licensee while in a protected area and	(g)(7)(i)(E) Escort all visitors, at all times, while inside the protected area and vital areas.	This requirement would retain the requirement for escort with minor revision for formatting purposes. Most significantly, the requirement for who performs these escort duties is moved to the proposed paragraph (g)(8) of this section.	
§ 73.55(d)(5)(i) An individual not employed by the licensee but who requires frequent and extended access to protected and vital areas may be authorized access to such areas without escort provided that he receives a picture badge upon	(g)(7)(ii) Individuals not employed by the licensee but who require frequent and extended unescorted access to the protected area and vital areas shall satisfy the access authorization requirements of § 73.56 and part 26 of this chapter and shall be issued a non-employee photo	This requirement would be retained with minor revisions. Most significantly, the phrase "shall satisfy the access authorization requirements of § 73.56 and part 26 of this chapter" would be added to clarify the requirement that these individual's satisfy the same background check requirements and Behavior Observation	

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entrance into the protected area which must be returned upon exit from the protected area and which indicates:	identification badge that is easily distinguished from other identification badges before being allowed unescorted access to the protected area. Non-employee photo identification badges must indicate:	Program participation that would be applied to any other licensee employee for unescorted access authorization. In addition, the phrase "which must be returned upon exit from the protected area" would be deleted because removal of badges from the protected area would be addressed in the proposed paragraph (g)(6)(i)(A).	
§ 73.55(d)(5)(i)(A) Non-employee, no escort required;	(g)(7)(ii)(A) Non-employee, no escort required.	This requirement would be retained with minor revision for formatting purposes.	
§ 73.55(d)(5)(i)(B) Areas to which access is authorized; and	(g)(7)(ii)(B) Areas to which access is authorized.	This requirement would be retained with minor revision for formatting purposes.	
§ 73.55(d)(5)(i)(c) The period for which access has been authorized.	(g)(7)(ii)(C) The period for which access is authorized.	This requirement would be retained with minor revision for formatting purposes.	
	(g)(7)(ii)(D) The individual's employer.	This requirement would be added to facilitate identification of this type of non-employee and the type of activities this individual should be performing.	
	(g)(7)(ii)(E) A means to determine the individual's emergency plan assembly area.	This requirement would be added for emergency planning purposes.	Recommend deleting this requirement. A non-employee who has been granted unescorted access will have completed all training necessary to be granted unescorted access which would have

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			included their emergency assembly area or how to determine the appropriate assembly area.
	(g)(8) Escorts. The licensee shall ensure that all escorts are trained in accordance with appendix B to this part, the approved training and qualification plan, and licensee policies and procedures.	This requirement would be added to provided performance based requirements for satisfying the escort requirements of this proposed rule and would provide regulatory stability through the consistent application of visitor controls at all sites. Based on changes to the threat environment, the Commission has determined that emphasis on the identification and control of visitors is a prudent and necessary enhancement to facilitate licensee achievement of the performance basis of the proposed paragraph (b)(1) of this section.	<p>The proposed language (i.e., trained in accordance with Appendix B) implies that all escorts would have to be security personnel which is not required by the current regulations or orders. Escort training is provided in general employee training and tracking this training through Appendix B records is not appropriate. Recommend revising as follows:</p> <p>(g)(8) Escorts. The licensee shall ensure that all escorts are trained in accordance with appendix B to this part, the approved training and qualification plan, and licensee policies and procedures.</p> <p>Alternatively, the SOC's should clarify what portions of Appendix B would be applicable to escorts.</p>
	(g)(8)(i) Escorts shall be authorized unescorted access to all areas in which they will perform escort duties.	This requirement would be added to establish a basic qualification criteria for individuals performing escort duties. Individuals not authorized unescorted access to an area must be escorted and therefore, would not be qualified to perform escort duties in that area.	

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	(g)(8)(ii) Individuals assigned to escort visitors shall be provided a means of timely communication with both alarm stations in a manner that ensures the ability to summon assistance when needed.	This requirement would be added to establish a basic qualification criteria for individuals performing escort duties. The phrase "timely communication" would mean the ability to call for assistance before that ability can be taken away.	This is a new requirement that is not required by the security orders. Escorted visitors are screened through PADS and searched for firearms, incendiary devices, and explosives before they are allowed entrance into the protected area thus minimizing their threat. Current communications capabilities at the facilities are sufficient for escorts to make notifications or requests for assistance. Recommend deleting this proposed requirement.
	(g)(8)(iii) Individuals assigned to vehicle escort duties shall be provided a means of continuous communication with both alarm stations to ensure the ability to summon assistance when needed.	This requirement would be added to establish a basic qualification criteria for individuals performing escort duties. The word "continuous communication" would mean possession of a direct line of communication for immediate notification, such as a radio.	Continuous communication is a new requirement that is not required by the security orders. Recommend revising as follows: (g)(8)(iii) Individuals assigned to vehicle escort duties shall be provided a means of continuous communication with both alarm stations to ensure the ability to summon assistance when needed.
	(g)(8)(iv) Escorts shall be knowledgeable of those activities that are authorized to be performed within the areas for which they are assigned to perform escort duties and must also be knowledgeable of those	This requirement would be added to establish a basic qualification criteria for individuals performing escort duties. The primary responsibility of an escort would be the identification and reporting of unauthorized activities, therefore, to perform escort	This is a new requirement that is not required by the security orders. The term "knowledgeable of those activities that are authorized to be performed within the areas" is broad and impracticable for any one escort to satisfy due to the many different operational, testing, and maintenance activities and various equipment throughout the plant. Escorts

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	activities that are authorized to be performed by any individual for which the escort is assigned responsibility.	duties the individual must possess this knowledge in order to be an effective escort and recognize an event involving an unauthorized activity.	should only be responsible for observation for obvious indications of inappropriate behavior. Recommend revising as follows: (g)(8)(iv) Escorts shall be knowledgeable of those activities that are authorized to be performed within the areas for which they are assigned to perform escort duties and must also be knowledgeable of those activities that are authorized to be performed by any individual for which the escort is assigned responsibility.
	(g)(8)(v) Visitor to escort ratios shall be limited to 10 to 1 in the protected area and 5 to 1 in vital areas, provided that the necessary observation and control requirements of this section can be maintained by the assigned escort over all visitor activities.	This requirement would be added to establish a basic restriction to ensure that individuals performing escort duties are able to maintain control over the personnel being escorted. The phrase "provided that the necessary observation and control requirements of this section can be maintained" would provide flexibility for the licensee to reduce the specified ratios to facilitate achievement of the performance objective of the proposed paragraph (b).	Making reference to other requirements in this section is redundant. Recommend revising as follows: (g)(8)(v) Visitor to escort ratios shall be limited to 10 to 1 in the protected area and 5 to 1 in vital areas, provided that the necessary observation and control requirements of this section can be maintained by the assigned escort over all visitor activities.
	(h) Search programs.	This header would be added for formatting purposes.	
§ 73.55(d)(2) At the	(h)(1) At each designated	This requirement would be	This proposed rule language appears to

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point of personnel and vehicle access into a protected area, all hand-carried packages shall be searched for devices such as firearms, explosives, and incendiary devices, or other items which could be used for radiological sabotage.	access control point into the owner controlled area and protected area, the licensee shall search individuals, vehicles, packages, deliveries, and materials in accordance with the requirements of this section and the approved security plans, before granting access.	retained with minor revisions. Most significantly, the phrase "for devices such as firearms, explosives, and incendiary devices, or other items which could be used for radiological sabotage" would be replaced with the phrase "in accordance with the requirements of this section and the approved security plans" to provide language that would make this proposed requirement generically applicable to all searches.	<p>add new requirements for searches at OCA control points that are not necessary to meet the functions of the barrier at that location. OCA configurations vary from facility to facility and a broad statement that requires additional search requirements above those currently in place to comply with the current security orders is impractical and of no benefit.</p> <p>This and other areas of the proposed rule that attempt to address requirements at different barriers or locations in a single paragraph of text results in difficulty in determining the performance based requirements at the various locations. It is recommended that the performance requirements be separated for each (i.e., vital area, protected area, and owner controlled area).</p>
§ 73.55(d)(2) At the point of personnel and vehicle access into a protected area, all hand-carried packages shall be searched for devices such as firearms, explosives, and incendiary devices, or other items which could be used for	(h)(1)(i) The objective of the search program must be to deter, detect, and prevent the introduction of unauthorized firearms, explosives, incendiary devices, or other unauthorized materials and devices into designated areas in which the unauthorized items could be	This requirement would be retained and revised to focus this proposed requirement on the objective of the search program for all areas and not limit the search function to only protected and vital areas. The Commission has determined that because of changes to the threat environment, the focus of protective measures must be to	<p>The searches should be conducted at each barrier for those items that must be excluded beyond the barrier in order for its design function to be maintained and as necessary to prevent the introduction of items to an area that could impact effective implementation of the protective strategy. Search for items at any barrier that does not meet those criteria is unnecessary.</p> <p>Recommend revising as follows: (h)(1)(i) The objective of the search</p>

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radiological sabotage.	used to disable personnel, equipment, and systems necessary to meet the performance objective and requirements of paragraph (b) of this section.	protect any area from which the licensee capability to meet the performance objective and requirements of the proposed paragraph (b) of this section could be disabled or destroyed.	program must be to deter, detect, and prevent the introduction of unauthorized firearms, explosives, incendiary devices, or other unauthorized materials and devices <u>other items which could be used for radiological sabotage. as required by the protective strategy</u> into designated areas in which the unauthorized items could be used to disable personnel, equipment, and systems necessary to meet the performance objective and requirements of paragraph (b) of this section.
§ 73.55(d)(1) The search function for detection of firearms, explosives, and incendiary devices must be accomplished through the use of both firearms and explosive detection equipment capable of detecting those devices.	(h)(1)(ii) The search requirements for unauthorized firearms, explosives, incendiary devices, or other unauthorized materials and devices must be accomplished through the use of equipment capable of detecting these unauthorized items and through visual and hands-on physical searches, as needed to ensure all items are identified before granting access.	This requirement would be retained with minor revisions. The phrase "or other unauthorized materials and devices" would be added to account for future technological advancements. The phrase "and through visual and hands-on physical searches" would be added to ensure these aspects of the search process are considered and applied when needed.	See the comments for 73.55 (h)(1) and (h)(1)(i). In addition, the text as written appears to require the use of both electronic search equipment and physical searches at every area. Either the electronic search or the physical search is acceptable. The addition of "or other unauthorized materials and devices" is too broad. The searches should be for unauthorized materials, which if allowed beyond that barrier, could be utilized to disable personnel, equipment and systems necessary to prevent an act of radiological sabotage that results in significant core damage. Also, the ability to detect with electronic means any newly developed technology is unrealistic. The words "as needed" do not sufficiently qualify the statement.

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	(h)(1)(iii) Only trained and qualified members of the security organization, and other trained and qualified personnel designated by the licensee, shall perform search activities or be assigned duties and responsibilities required to satisfy observation requirements for the search activities.	This requirement would be added for consistency with the current § 73.55(b)(4)(i), and clarification for "observation" of search activities by personnel. The phrase "other trained and qualified personnel designated by the licensee" would be used to account for non-security personnel who would be assigned search duties relative to supply or warehouse functions or other types of bulk shipments.	
	(h)(2) The licensee shall establish and implement written search procedures for all access control points before granting access to any individual, vehicle, package, delivery, or material.	This requirement would be added for consistency with the current § 73.55(b)(3)(i).	See the comments for 73.55 (h)(1)(i). Procedures should be established that define a search process with the objective of preventing access of unauthorized personnel or materials beyond the barrier that it was designed to prevent.
	(h)(2)(i) Search procedures must ensure that items possessed by an individual, or contained within a vehicle or package, must be clearly identified as not being a prohibited item before granting access beyond the access control point for which the search is	This requirement would be added for consistency with the current § 73.55(d)(1) relative to the use of search equipment and to specify a requirement for the licensee to identify items that may be obscured from observation by equipment such as X-ray equipment. This requirement would ensure that human	

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	conducted.	interaction with search equipment is effective and that assigned personnel are aware of all items observed or are not identified by search equipment.	
	(h)(2)(ii) The licensee shall visually and physically hand search all individuals, vehicles, and packages containing items that cannot be or are not clearly identified by search equipment.	This requirement would be added for consistency with the current § 73.55(d)(1), relative to the purpose of the search function to identify items that may be obscured from observation by equipment such as X-ray equipment. This proposed requirement intends to ensure that the licensee take appropriate actions to ensure all items granted access to the PA would be identified before granting access.	
§ 73.55(d)(1) Whenever firearms or explosives detection equipment at a portal is out of service or not operating satisfactorily, the licensee shall conduct a physical pat-down search of all persons who would otherwise have been subject to equipment	(h)(3) Whenever search equipment is out of service or is not operating satisfactorily, trained and qualified members of the security organization shall conduct a hands-on physical search of all individuals, vehicles, packages, deliveries, and materials that would otherwise have been subject to equipment	This requirement would be retained with minor revisions. The phrase "firearms or explosives detection equipment at a portal" would be replaced with the phrase "search equipment" to generically describe this equipment. The phrase "a physical pat-down search" would be replaced with the phrase "a hands-on physical search" to update the language commonly	

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searches.	searches.	used to describe this activity.	
§ 73.55(d)(1) When the licensee has cause to suspect that an individual is attempting to introduce firearms, explosives, or incendiary devices into protected areas, the licensee shall conduct a physical pat-down search of that individual.	(h)(4) When an attempt to introduce unauthorized items has occurred or is suspected, the licensee shall implement actions to ensure that the suspect individuals, vehicles, packages, deliveries, and materials are denied access and shall perform a visual and hands-on physical search to determine the absence or existence of a threat.	This requirement would be retained with minor revisions to provide additional performance based requirements relative to achieving the desired results.	<p>A definition of unauthorized materials should be entered in 73.2 to clarify that unauthorized materials, as used in this section, are materials that are prohibited from entry for the purposes of protection against radiological sabotage.</p> <p>This is another example of the need to clarify that the search process at different barriers is intended to search for different materials in accordance with the intent of the barrier. Trying to combine the various search processes at various barriers into one section of text is problematic.</p>
	(h)(5) Vehicle search procedures must be performed by at least two (2) properly trained and equipped security personnel, at least one of whom is positioned to observe the search process and provide a timely response to unauthorized activities if necessary.	This requirement would be added to provide a performance based requirement for performing vehicle searches. This proposed requirement would ensure that unauthorized activities would be identified and a timely response would be initiated at a vehicle search area, to include an armed response. Based on changes to the threat environment, the Commission has determined that this requirement would facilitate achievement of the performance objective and requirements of the proposed paragraph (b) of this section.	<p>This appears to be a new requirement if it is intended to be applied to protected area entry searches. If this is only applied to the current order requirements, it needs to be clarified in the text.</p> <p>"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.</p>

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§ 73.55(d)(4) Vehicle areas to be searched shall include the cab, engine compartment, undercarriage, and cargo area.	(h)(6) Vehicle areas to be searched must include, but are not limited to, the cab, engine compartment, undercarriage, and cargo area.	This requirement would be retained with minor revisions.	This text needs to be modified to clarify that this criteria applies to protected area entry searches. Searches at other barriers are conducted in a manner to detect those items that are not permitted beyond the barrier. This would be a new requirement that exceeds the order requirements.
	(h)(7) Vehicle search checkpoints must be equipped with video surveillance equipment that must be monitored by an individual capable of initiating and directing a timely response to unauthorized activity.	This requirement would be added to provide additional performance based requirements relative to achieving the desired results for vehicle searches at any location designated for the performance of vehicle searches. To satisfy this proposed requirement, the individual assigned to monitor search activities need not be located in the CAS or SAS, but rather may be located in any position from which the monitoring and notification requirements of this section could be assured.	This text needs to be modified to clarify that this criteria applies only to the checkpoint established in the OCA. Applying this requirement to other vehicle search processes is a new requirement that exceeds the order requirements. "Unauthorized activity" is ambiguous and is not defined in 10 CFR 73.2.
§ 73.55(d)(1) ...except bona fide Federal, State, and local law enforcement personnel on official duty to these equipment searches upon entry into a protected area. § 73.55(d)(4) ...except	(h)(8) Exceptions to the search requirements of this section must be submitted to the Commission for prior review and approval and must be identified in the approved security plans.	This requirement would retain, combine, and revise two current requirements § 73.55(d)(1) and (4) to generically account for those instances where search requirements would not be met before granting access beyond a physical barrier. This proposed requirement would require that	The current rule language in (d)(1) and (d)(4) should be maintained. To require individual approval of exceptions is unreasonable and unnecessary. The current security plans provide for the controls necessary to ensure that emergency response personnel and vehicles are bonafide members and equipment are identified and appropriately

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under emergency conditions, shall be searched for items which could be used for sabotage purposes prior to entry into the protected area.		the licensee specify in the approved plans the specific circumstances under which search requirements would not be satisfied.	allowed access. As written, this is a new requirement that exceeds the order requirements.
§ 73.55(d)(3) ...except those Commission approved delivery and inspection activities specifically designated by the licensee to be carried out within vital or protected areas for reasons of safety, security or operational necessity.	(h)(8)(i) Vehicles and items that may be excepted from the search requirements of this section must be escorted by an armed individual who is trained and equipped to observe offloading and perform search activities at the final destination within the protected area.	This requirement would be retained and revised. Most significantly, this requirement would be revised to ensure that vehicles and items excepted from search requirements before entry into the protected area are escorted by an armed individual and searched when offloaded to provide assurance that unauthorized personnel and items would be detected and reported.	This should be clarified that it only applies to the protected area.
§ 73.55(d)(4) ...to the extent practicable, shall be off loaded in the protected area at a specific designated materials receiving area that is not adjacent to a vital area.	(h)(8)(ii) To the extent practicable, items excepted from search must be off loaded only at specified receiving areas that are not adjacent to a vital area.	This requirement would be retained with minor revision.	
	(h)(8)(iii) The excepted items must be searched at the receiving area and opened at the final	This requirement would be added to provide a performance based requirement that would ensure that the proposed requirement for	The wording should be modified to "....at the receiving area, to the extent practicable, and opened....."

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	destination by an individual familiar with the items.	search is met at the receiving area.	
	§ 73.55 (i) Detection and assessment systems.	This header would be added for formatting purposes.	This section seems to be unnecessarily complicated by attempting to address new plant construction with currently operating facilities. Requirements for new plants should be separated or each requirement should be identified with exceptions that apply to currently operating facilities. The requirements for dual, redundant equipment and capabilities for alarm stations is a new requirement that exceeds the order requirements and would result in a significant impact on currently operating facilities. The proposed language does not consider the various designs currently in use that provide adequate capabilities to effectively implement the protective strategy. These new requirements should be bifurcated from this proposed rule and addressed in separate rulemaking.
	(i)(1) The licensee shall establish and maintain an intrusion detection and assessment system that must provide, at all times, the capability for early detection and assessment of unauthorized persons and activities.	This requirement would be added for consistency with the current requirement of 10 CFR 73.55(e)(1) and the proposed § 73.55(b)(2) through (4). The phrase "intrusion detection and assessment system" would be intended to describe all components (i.e., personnel, procedures, and equipment) designated by the licensee as	The proposed rule language should be changed from "early detection" to "detection and assessment of unauthorized persons and activities at a location or time that facilitates the effective implementation of the protective strategy." The following statements in the SOC are problematic: "all threats" should be bounded by the

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		<p>performing a function(s) required to detect or assess unauthorized activities in any area to which access must be controlled to meet Commission requirements. The term "system" refers to how these components interact to satisfy Commission requirements. This proposed requirement does not mandate specific intrusion detection equipment for any specific area, but rather requires that the system provide detection and assessment capabilities that meet Commission requirements. The phrase "at all times" is used to describe the Commission's view that the licensee must have in place and operational a mechanism by which all threats will be detected and an appropriate response initiated, at any time.</p> <p>The Commission does not mean to suggest that a failure of any component of a system would constitute an automatic non-compliance with this proposed requirement provided the failure is identified and compensatory measures are implemented within a time frame consistent with the time lines necessary to prevent</p>	<p>DBT.</p> <p>The term "time lines" should be avoided, as it has specific connotations for the industry that does not apply in this case.</p> <p>"beginning at the time of failure" should be changed to "beginning at the time of discovery"</p>

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		exploitation of the failure, beginning at the time of the failure	
§ 73.55(e)(1) All alarms required pursuant to this part must annunciate in a continuously manned central alarm station located within the protected area and in at least one other continuously manned station not necessarily onsite, so that a single act cannot remove the capability of calling for assistance or otherwise responding to an alarm.	(i)(2) Intrusion detection equipment must annunciate, and video assessment equipment images shall display, concurrently in at least two continuously staffed onsite alarm stations, at least one of which must be protected in accordance with the requirements of paragraphs (e)(6)(v), (e)(7)(iii), and (i)(8)(ii) of this section.	<p>This requirement would be retained with three significant revisions. The most significant revision would be the deletion of the current language that describes where the secondary alarm station may be located. Because of changes to the threat environment the Commission has determined that to ensure the functions required to be performed by the central alarm are maintained, both alarm stations must be located onsite. As all current licensees have their secondary alarm station onsite, the Commission has determined that deletion of the "not necessarily onsite" provision, would have no impact.</p> <p>The second significant revision is the addition of the word "concurrently" to provide a performance based requirement that focuses on the need to ensure that both alarm station operators are notified of a potential threat, are capable of</p>	The ability for concurrent detection, assessment and response initiation currently exists and provides the dual knowledge and capability necessary for defense-in-depth as stated in the SOC. The proposed text could be interpreted as requiring identical equipment in both CAS and SAS. This is not required for defense-in-depth and would exceed the requirements of the security orders. This is a significant, high impact change that exceeds the requirements of the security orders. The exact scope and impact of the requirements can not be assessed with the current language. This new requirement should be bifurcated from this proposed rule, assessed for practicality and benefit, and addressed, if appropriate, in separate rulemaking.

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		<p>making a timely and independent assessment, and have equal capabilities to ensure that a timely response is made. This proposed requirement would be necessary for consistency with the current requirement to protect against a single act. The third significant revision would be the addition of the phrase "and video assessment equipment images shall display" to add a performance based requirement that focuses on the relationship between detection and assessment.</p>	
	<p>(i)(3) The licensee's intrusion detection system must be designed to ensure that both alarm station operators:</p> <p>(i)(3)(i) Are concurrently notified of the alarm annunciation.</p> <p>(i)(3)(ii) Are capable of making a timely assessment of the cause of each alarm annunciation.</p> <p>(i)(3)(iii) Possess the capability to initiate a timely response in accordance with the approved security plans, licensee protective strategy,</p>	<p>This requirement would be added to provide performance based requirements consistent with the current § 73.55(e)(1), and the proposed requirements of this proposed section. The proposed requirement for dual knowledge and dual capability within both alarm stations provides a defense-in-depth component consistent with the proposed requirement for protection against a single act.</p> <p>Based on changes to the threat environment the Commission has determined this proposed</p>	

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	and implementing procedures.	requirement is a prudent clarification of current requirements necessary to facilitate the licensee capability to achieve the performance objective of the proposed paragraph (b)(1) of this section.	
	(i)(4) Both alarm stations must be equipped with equivalent capabilities for detection and communication, and must be equipped with functionally equivalent assessment, monitoring, observation, and surveillance capabilities to support the effective implementation of the approved security plans and the licensee protective strategy in the event that either alarm station is disabled.	This requirement would be added for consistency with the current § 73.55(e)(1) and the proposed requirements for defense-in-depth and protection against a single act. The word "equivalent" would require the licensee to provide both alarm stations with detection and communication equipment that ensures each alarm station operator is knowledgeable of an alarm annunciation at each alarm point and zone, and can communicate the initiation of an appropriate response to include the disposition of each alarm. The phrase "functionally equivalent" would require that both alarm stations be equally equipped to perform those assessment, surveillance, observation, and monitoring functions needed to support the effective implementation of the licensee protective strategy.	<p>In section (a)(6)(ii) the rule language uses the term "equivalent capabilities and in this section (i)(4) the term "functionally equivalent capabilities." In the March 9, 2007 public meeting (see Page 20 of the meeting transcript) the NRC staff clarified that the intent is that sites need to be able to carry out the functions as described in their plans from either alarm station and it can use various types of equipment. Further, the NRC staff agreed that functionally equivalent applies just to the items listed in this section (i)(4) and that those capabilities need to be accomplished functionally from either the alarm station.</p> <p>The terms "equivalent" and "functionally equivalent" as described in the SOC appear to conflict with the description provided in (a)(6)(ii). "Functionally equivalent" should not require that the alarm stations be "equally equipped."</p> <p>The ambiguous language appears to require that assessment, monitoring, observation, and surveillance capabilities</p>

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		<p>This proposed requirement would clarify the Commission expectation that those video technologies and capabilities used to support the effective implementation of the approved security plans and the licensee protective strategy are equally available for use by both alarm station operators to ensure that the functions of detection, assessment, and communications can be effectively maintained and utilized in the event that one or the other alarm station is disabled. Based on changes to the threat environment the Commission has determined that this proposed requirement is a prudent and necessary clarification of current requirements and Commission Orders necessary to ensure the performance objective and requirements of the proposed paragraph (b) of this section are met.</p>	<p>currently performed locally must be incorporated into the alarm stations.</p> <p>At a minimum the wording should be revised as follows:</p> <p>(i)(4) Both alarm stations must be equipped with <u>functionally</u> equivalent capabilities for detection and communication, and must be equipped with functionally equivalent...</p>
§ 73.55(e)(1) ...so that a single act cannot remove the capability of	(i)(4)(i) The licensee shall ensure that a single act cannot remove the	This requirement would be retained and revised to provide additional clarification regarding	The terms "significant core damage" and "spent fuel sabotage" should be replaced with the term "radiological sabotage"

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calling for assistance or otherwise responding to an alarm.	capability of both alarm stations to detect and assess unauthorized activities, respond to an alarm, summon offsite assistance, implement the protective strategy, provide command and control, or otherwise prevent significant core damage and spent fuel sabotage.	the critical functions determined essential and which must be maintained to carry out an effective response to threats consistent with the proposed performance objective and requirements of paragraph (b) of this section.	because "radiological sabotage" is a defined term in 10 CFR 73.2 and the other terms are not. "Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.
§ 73.55(e)(1) Onsite secondary power supply systems for alarm annunciator equipment ...	(i)(4)(ii) The alarm station functions in paragraph (i)(4) of this section must remain operable from an uninterruptible backup power supply in the event of the loss of normal power.	This requirement would retain the current requirement for secondary power with two significant revisions. First, the phrase "annunciator equipment" would be replaced with the phrase "alarm station functions" to ensure that the equipment required by each alarm station to fulfill its assigned functions, are available and operational without interruption due to a loss of normal power. Second, the word "uninterruptible" would be added to clarify the Commission's view that the operation of detection and assessment equipment must be maintained without interruption, in the event of a loss of normal power. Backup power supply for non-portable	This is a significant, high impact change that exceeds the requirements of the security orders. The exact scope and impact of the requirements can not be assessed with the current language. This new requirement should be bifurcated from this proposed rule, assessed for practicality and benefit, and addressed, if appropriate, in separate rulemaking.

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		communication equipment is addressed in the proposed paragraph (j)(5) of this section. Based on changes to the threat environment, the Commission has determined that this proposed requirement is prudent and necessary to facilitate achievement of the performance objective and requirements of the proposed paragraph (b) of this section.	
	(i)(5) Detection. Detection capabilities must be provided by security organization personnel and intrusion detection equipment, and shall be defined in implementing procedures. Intrusion detection equipment must be capable of operating as intended under the conditions encountered at the facility.	This requirement would be added for consistency with the current § 73.55(c)(4) and to provide a performance based requirement for detection equipment to be capable of operating under known/normal site conditions such as heat, wind, humidity, fog, cold, snowfall, etc. Equipment failure and abnormal or severe weather cannot always be predicted but compensatory measures would be required in accordance with the proposed requirements of this section to ensure compliance.	The requirement for the equipment to remain operational under all conditions other than "abnormal or severe weather" is not an achievable objective. Conditions that may be considered "normal" for various seasons at a facility may impact on any known technology. Compensatory measures are initiated until the condition is corrected.
	(i)(6) Assessment. Assessment capabilities must be provided by	This requirement would be added for consistency with the current § 73.55(c)(4) and to provide a	The requirement for the equipment to remain operational under all conditions other than "abnormal or severe weather" is not an achievable objective. Conditions

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	security organization personnel and video assessment equipment, and shall be described in implementing procedures. Video assessment equipment must be capable of operating as intended under the conditions encountered at the facility and must provide video images from which accurate and timely assessments can be made in response to an alarm annunciation or other notification of unauthorized activity.	performance based requirement for assessment equipment to be capable of operating under known/normal site conditions such as heat, wind, humidity, fog, cold, snowfall, etc. Equipment failure and abnormal or severe weather cannot always be predicted but compensatory measures would be required in accordance with the proposed requirements of this section to ensure compliance.	that may be considered "normal" for various seasons at a facility may impact on any known technology. Compensatory measures are initiated until the condition is corrected. "Unauthorized activity" is ambiguous and is not defined in 10 CFR 73.2.
	(i)(7) The licensee intrusion detection and assessment system must:	This requirement would be added for formatting purposes.	
	(i)(7)(i) Ensure that the duties and responsibilities assigned to personnel, the use of equipment, and the implementation of procedures provides the detection and assessment capabilities necessary to meet the requirements of paragraph (b) of this section.	This requirement would be added to provide a performance based requirement relative to the design of the licensee detection and assessment system and to clarify that this system would include all three components.	

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§ 73.55(e)(2) The annunciation of an alarm at the alarm stations shall indicate the type of alarm (e.g., intrusion alarms, emergency exit alarm, etc.) and location.	(i)(7)(ii) Ensure that annunciation of an alarm indicates the type and location of the alarm.	This requirement would be retained with minor revision. The phrase "at the alarm stations" and the listed examples would be deleted because they would no longer be needed.	
§ 73.55(e)(2) All alarm devices including transmission lines to annunciators shall be tamper indicating and self-checking .	(i)(7)(iii) Ensure that alarm devices, to include transmission lines to annunciators, are tamper indicating and self-checking.	This requirement would be retained with minor revision for formatting purposes.	
	(i)(7)(iv) Provide visual and audible alarm annunciation and concurrent video assessment capability to both alarm stations in a manner that ensures timely recognition, acknowledgment and response by each alarm station operator in accordance with written response procedures.	This requirement would be added for consistency with the proposed requirement for equivalent capabilities in both alarm stations. The phrase "visual and audible" would provide redundancy to ensure that each alarm would be recognized and acknowledged when received.	See comments for 73.55(i)(2)
§ 73.55(e)(2) ...e.g., an automatic indication is provided when failure of the alarm system or a	(i)(7)(v) Provide an automatic indication when the alarm system or a component of the alarm	This requirement would be retained with minor revision for formatting purposes.	

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component occurs, or when the system is on standby power.	system fails, or when the system is operating on the backup power supply.		
§ 73.70(f) A record at each onsite alarm annunciation location of each alarm, false alarm, alarm check, and tamper indication that identifies the type of alarm, location, circuit, date, and time. In addition, details of response by facility guards and watchmen to each alarm, intrusion, or other incident shall be recorded.	(i)(7)(vi) Maintain a record of all alarm annunciations, the cause of each alarm, and the disposition of each alarm.	This requirement would be added for consistency with § 73.70(f). The Commission expects that this record would be a commonly maintained record in electronic form which is generated as an automatic function of the intrusion detection system.	
	(i)(8) Alarm stations.	This header would be added for formatting purposes.	
§ 73.55(e)(1) All alarms required pursuant to this part must annunciate in a continuously manned central alarm station located within the protected area and in at least one other continuously manned station...	(i)(8)(i) Both alarm stations must be continuously staffed by at least one trained and qualified member of the security organization.	This requirement would retain the current requirement § 73.55(e)(1) for continuously staffed alarm stations and would be revised to describe the necessary qualifications that would be required of the assigned individuals.	

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§ 73.55(e)(1) The onsite central alarm station must be located within a building in such a manner that the interior of the central alarm station is not visible from the perimeter of the protected area.	(i)(8)(ii) The interior of the central alarm station must not be visible from the perimeter of the protected area.	This requirement would be retained with minor revision. Most significantly, the phrase "located within a building" would be deleted because it would be considered unnecessary.	
§ 73.55(e)(1) This station must not contain any operational activities that would interfere with the execution of the alarm response function.	(i)(8)(iii) The licensee may not permit any activities to be performed within either alarm station that would interfere with an alarm station operator's ability to effectively execute assigned detection, assessment, surveillance, and communication duties and responsibilities.	This requirement would be retained with minor revisions to provide a performance based requirement regarding the primary duties required to satisfy the current requirement "execution of the alarm response function."	
	(i)(8)(iv) The licensee shall assess and respond to all alarms and other indications of unauthorized activities in accordance with the approved security plans and implementing procedures.	This requirement would be added for consistency with current requirements. The specific requirements of the current § 73.55(h)(4) are retained in detail in the proposed appendix C to part 73.	"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.
	(i)(8)(v) The licensee implementing procedures	This requirement would be added for consistency with related	Clarify in the Statement of Considerations that CAS and SAS operators will not be responsible for monitoring cyber intrusion

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	must ensure that both alarm station operators are knowledgeable of all alarm annunciations, assessments, and final disposition of all alarms, to include but not limited to a prohibition from changing the status of a detection point or deactivating a locking or access control device at a protected or vital area portal, without the knowledge and concurrence of the other alarm station operator.	requirements of this proposed section and to ensure that the licensee provides a process by which both alarm station operators are concurrently made aware of each alarm and are knowledgeable of how each alarm is resolved and that no one alarm station operator can manipulate alarm station equipment, communications, or procedures without the knowledge and concurrence of the other.	detection systems for computer networks that are not physical protection detection and assessment systems.
	(i)(9) Surveillance, observation, and monitoring.	This header would be added for formatting purposes.	
	(i)(9)(i) The onsite physical protection program must include the capability for surveillance, observation, and monitoring in a manner that provides early detection and assessment of unauthorized activities.	This requirement would be added to provide a performance based requirement for ensuring surveillance, observation, and monitoring capabilities in any area for which these measures are necessary to meet the requirements of this proposed section.	<p>"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.</p> <p>Revise to read:</p> <p>(i)(9)(i) The onsite physical protection program must include the capability for surveillance, observation, and monitoring in a manner that <u>effectively implements the site protective strategy</u>. provides early detection and assessment of unauthorized activities.</p>
			In the approved security plan template

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	(i)(9)(ii) The licensee shall provide continual surveillance, observation, and monitoring of all areas identified in the approved security plans as requiring surveillance, observation, and monitoring to ensure early detection of unauthorized activities and to ensure the integrity of physical barriers or other components of the onsite physical protection program.	This requirement would be added to provide a performance based requirement for ensuring surveillance, observation, and monitoring capabilities in any area for which these measures are necessary to meet the requirements of this proposed section. The word "continual" would mean regularly recurring actions such that designated areas would be checked at intervals sufficient to ensure the detection of unauthorized activities.	<p>(NEI 03-12), the concept of "continual" surveillance does not apply to Vital Areas or the Protected Areas. Presently, surveillance of these areas is on a frequency such as "once per shift." Absent further explanation, it is difficult to understand the basis for this requirement. If it is NRC's intent to have the same surveillance and monitoring for the OCA, PA, and VA then a basis is needed. Otherwise, we recommend the rule delineate the requirements of each of the three areas.</p> <p>Further, the surveillance and monitoring programs are designed to ensure the site protective strategy is effectively implemented; not necessarily detection of unauthorized activities.</p> <p>What is the basis for the requirement to "ensure the integrity of physical barriers or other components?"</p> <p>"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.</p>
	(i)(9)(ii)(A) Continual surveillance, observation, and monitoring responsibilities must be performed by security	This requirement would be added to provide necessary qualifying requirements for performance of observation and monitoring activities. The word "continual"	

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	personnel during routine patrols or by other trained and equipped personnel designated as a component of the protective strategy.	would mean the same as used in the proposed paragraph (i)(9)(ii) of this section.	
	(i)(9)(ii)(B) Surveillance, observation, and monitoring requirements may be accomplished by direct observation or video technology.	This requirement would be added to provide a performance based requirement for ensuring that surveillance, observation, and monitoring capabilities that may be met through the use of video technology or direct human observation.	
	(i)(9)(iii) The licensee shall provide random patrols of all accessible areas containing target set equipment.	This requirement would be added to focus a performance based requirement on the protection of target set equipment. Target set equipment would be addressed in detail in the proposed paragraph (f) of this section. The term "random" provides flexibility to the licensee and requires patrols at unpredictable times within predetermined intervals to deter exploitation of periods between patrols. The phrase "accessible areas" would exclude areas such as locked high radiation areas or other such areas containing a significant safety concern that would preclude the conduct of the	

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		patrol function.	
	(i)(9)(iii)(A) Armed security patrols shall periodically check designated areas and shall inspect vital area entrances, portals, and external barriers.	This requirement would be added to focus on the items that, because of changes to the threat environment, the Commission has determined would require focus by armed security patrols. The term "periodically" provides flexibility to the licensee. The phrase "designated areas" means any area identified by the licensee as requiring an action to meet the proposed requirements of this section.	
	(i)(9)(iii)(B) Physical barriers must be inspected at random intervals to identify tampering and degradation.	This requirement would be added for consistency with the current requirement § 73.55(g)(1) and to focus on verifying the integrity of physical barriers to ensure that the barrier would perform as expected. The word "random" would mean that the required inspection would be performed at unpredictable times to deter exploitation of periods between inspections.	
§ 73.55(b)(4)(i) The licensee may not permit an individual to act as a guard, watchman, armed response person,	(i)(9)(iii)(C) Security personnel shall be trained to recognize indications of tampering as necessary to perform assigned duties and	This requirement would be added for consistency with the current requirement § 73.55(b)(4)(i) to provide necessary focus on the threat of tampering and the need	Add the word "obvious" after the word "recognize" for consistency with the April 2004 DBT order (Physical Protection Measures) and the approved security plans.

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or other member of the security organization unless the individual has been trained, equipped, and qualified to perform each assigned security job duty.	responsibilities as they relate to safety and security systems and equipment.	to ensure that personnel are trained to recognize it.	
	(i)(9)(iv) Unattended openings that are not monitored by intrusion detection equipment must be observed by security personnel at a frequency that would prevent exploitation of that opening.	This requirement would be added to provide a performance based requirement to ensure that unattended openings that cross a security boundary established to meet the proposed requirements of this section would not be exploited by the design basis threat of radiological sabotage to include the use of tools to enlarge the opening.	NRC Orders did not include a requirement to monitor or conduct surveillance of unattended openings. This paragraph is redundant with (e)(6)(i), (e)(10), and (e)(8)(vi) which all discuss surveillance of different barriers. Therefore, this proposed requirement should be eliminated.
§ 73.55(h)(4) Upon detection of abnormal presence or activity of persons or vehicles..., the licensee security organization shall...	(i)(9)(v) Upon detection of unauthorized activities, tampering, or other threats, the licensee shall initiate actions consistent with the approved security plans, the licensee protective strategy, and implementing procedures.	This requirement would be retained with minor revision to provide flexibility for the licensee to determine if all or only part of the protective strategy capabilities would be needed for a specific event. The phrase "abnormal presence or activity of persons or vehicles" would be replaced with the phrase "unauthorized activities, tampering, or other threats" to clarify the types of activities that would be expected	Change "and" to "or" so that it reads "...licensee protective strategy, or implementing procedures." "Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.

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		to warrant a response by the licensee.	
	(i)(10) Video technology.	This header would be added for formatting purposes.	
	(i)(10)(i) The licensee shall maintain in operable condition all video technology used to satisfy the monitoring, observation, surveillance, and assessment requirements of this section.	This requirement would be added for consistency with the current requirement § 73.55(g)(1) and would provide a performance based requirement for ensuring video technology is operating and available when needed.	(i)(10)(i) The licensee shall maintain in operable condition all video technology used to satisfy the monitoring, <u>or</u> observation, <u>or</u> surveillance, <u>or</u> assessment requirements of this section and available when needed.
	(i)(10)(ii) Video technology must be:	This header would be added for formatting purposes.	
	(i)(10)(ii)(A) Displayed concurrently at both alarm stations.	This requirement would be added for consistency with the other proposed requirements for dual alarm stations and would focus on the need for video technology to be provided to both alarm stations at the same time to ensure that an assessment would be made and a timely response would be initiated.	Displaying video technology concurrently at both alarm stations is not consistent with current practice which is based on requirements delineated in the February 2002 ICM order. The Order allows display in several other areas in lieu of the alarm stations.
	(i)(10)(ii)(B) Designed to provide concurrent observation, monitoring, and surveillance of designated areas from	This requirement would be added for consistency with the other proposed requirements for dual alarm stations and would focus on the need for the same capabilities	Displaying video technology concurrently at both alarm stations is not consistent with current practice which is based on requirements delineated in the February 2002 ICM order. The Order allows display in several other areas in lieu of the alarm

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	which an alarm annunciation or a notification of unauthorized activity is received.	to be provided to both to ensure observation, monitoring, and surveillance requirements are met.	stations. "Unauthorized activity" is ambiguous and is not defined in 10 CFR 73.2.
	(i)(10)(ii)(C) Capable of providing a timely visual display from which positive recognition and assessment of the detected activity can be made and a timely response initiated.	This requirement would be added to provide a performance based requirement for video technology which focuses on the need for clear visual images from which accurate and timely assessment can be made in response to alarm annunciations.	Recommend revising (i)(10)(ii)(C) to read: Capable of providing a timely visual display from which positive recognition and assessment of the detected activity <u>protected area alarm annunciation</u> can be made and a timely response initiated.
§ 73.55(h)(6) To facilitate initial response to detection of penetration ...preferably by means of closed circuit television or by other suitable means which limit exposure of responding personnel to possible attack.	(i)(10)(ii)(D) Used to supplement and limit the exposure of security personnel to possible attack.	This requirement would retain the current requirement to use video technology to limit the exposure of security personnel while performing security duties with minor revision to add patrols.	
	(i)(10)(iii) The licensee shall implement controls for personnel assigned to monitor video technology to ensure that assigned personnel maintain the level of alertness required to	This requirement would be added to provide a performance based requirement relative to controlling personnel fatigue related to extended periods of monitoring video technology. The Commission has determined that	Delete this proposed requirement. It is not required by the order. It is a management issue not a regulatory issue. Fatigue requirements are prescribed in the proposed Part 26.

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	effectively perform the assigned duties and responsibilities.	each individual's alertness is critical to the effective use of video technology and the licensee capability to achieve the performance objective of this proposed section. Therefore, licensee work hour controls should ensure that assigned personnel are relieved of these duties and assigned other duties at intervals sufficient to ensure the individual's ability to effectively carry out assigned duties and responsibilities.	
	(i)(11) Illumination.	This header would be added for formatting purposes.	
§ 73.55(c)(5) Isolation zones and all exterior areas within the protected area shall be provided with illumination sufficient for the monitoring and observation requirements of paragraphs (c)(3), (c)(4), and (h)(4) of this section, but...	(i)(11)(i) The licensee shall ensure that all areas of the facility, to include appropriate portions of the owner controlled area, are provided with illumination necessary to satisfy the requirements of this section.	This requirement would be retained and revised. Most significantly, this proposed requirement would expand a performance based lighting requirement to all areas designated by the licensee as having a need for detection, assessment, surveillance, observation, and monitoring, capabilities in support of the protective strategy and not limit it to only the isolation zone and all exterior areas within the protected area. This requirement	<p>This is a new requirement. The order does not include a requirement to illuminate the OCA.</p> <p>We asked for clarification on this section in the March 9 public meeting (see pages 87 and 88 of the meeting transcript). Specifically we questioned whether the intent was to increase the amount of illumination that we currently have in the owner controlled area if we've analyzed what we have as being sufficient? The NRC staff responded that whatever is in the protective strategy is acceptable.</p>

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		would not require deterministic illumination levels but rather would require that illumination levels be sufficient to provide the detection, assessment, surveillance, observation, and monitoring, capabilities described by the licensee in the approved security plans. This description would be required to consider the requirements of the proposed (i)(11)(ii) and (iii).	
§ 73.55(c)(5) Isolation zones and all exterior areas within the protected area shall be provided with illumination ...not less than 0.2 footcandle measured horizontally at ground level.	(i)(11)(ii) The licensee shall provide a minimum illumination level of 0.2 footcandle measured horizontally at ground level, in the isolation zones and all exterior areas within the protected area, or may augment the facility illumination system, to include patrols, responders, and video technology, with low-light technology capable of meeting the detection, assessment, surveillance, observation, monitoring, and response requirements of this section.	This requirement would be retained and revised to provide a performance based requirement for illumination. Most significantly, this proposed requirement would maintain the current 0.2 footcandle lighting requirement but would also provide flexibility to a licensee to provide less than the 0.2 footcandle where low-light technology would be used to maintain the capability to meet the performance level for detection, assessment, surveillance, observation, monitoring, and response. The word "or" would be used specifically to mean that the licensee need satisfy only one of	This retains the old deterministic requirement. The NRC approved NEI 03-012, Section 10.1 and all power reactor licensee security plans with more appropriate performance based requirements.

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		the two options such that the 0.2 footcandle requirement must be met in the isolation zone and all exterior areas within the protected area unless low-light technology is used. However, the word "augment" would be used to represent the Commission's view that sole use of low-light technology is not authorized as this approach would be contrary to defense-in-depth and could be susceptible to single failure where a counter technology is developed or used.	
	(i)(11)(iii) The licensee shall describe in the approved security plans how the lighting requirements of this section are met and, if used, the type(s) and application of low-light technology used.	This requirement would be added to clarify the need for lighting to be described in the approved security plans and how the lighting "system" would be used to achieve the performance objective.	
73.55(f) Communication requirements.	(j) Communication requirements.	This header would be retained. The current requirements under this header are retained and reformatted to individually address each current requirement. Significant revisions would be specifically identified as each current requirement is	

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		addressed.	
§ 73.55(f)(1) Each guard, watchman or armed response individual on duty shall be capable of maintaining continuous communication with an individual in each continuously manned alarm station required by paragraph (e)(1) of this section...	(j)(1) The licensee shall establish and maintain continuous communication capability with onsite and offsite resources to ensure effective command and control during both normal and emergency situations.	This requirement would be retained with minor revision. Most significantly, the specific language of the current requirement would be revised to a more performance based requirement. The word "continuous" would be used to mean that a communication method would be available and operating any time it would be needed to communicate information.	This is a new requirement. The order includes no requirement to maintain continuous communication with offsite resources. The ability to maintain such communication is beyond the ability of licensees. Rewrite as: "The licensee shall establish and maintain, continuous communication capability with onsite resources and LLEA. resources to ensure effective command and control during both normal and emergency situations.
§ 73.55(f)(1) ...who shall be capable of calling for assistance from other guards, watchmen, and armed response personnel and from local law enforcement authorities.	(j)(2) Individuals assigned to each alarm station shall be capable of calling for assistance in accordance with the approved security plans, licensee integrated response plan, and licensee procedures.	This requirement would be retained with minor revision. Most significantly, in order to provide flexibility and to capture the proposed requirements of appendix C to part 73 for an Integrated Response Plan, this proposed requirement replaces the specific list of support entities to be called with a performance based requirement to follow predetermined actions.	
§ 73.55(f)(1) Each guard, watchman or armed response individual on duty shall be capable of	(j)(3) Each on-duty security officer, watchperson, vehicle escort, and armed response force member shall be capable of	This requirement would be retained with minor revisions. Most significantly, this proposed requirement would update the titles used to identify the listed	This is a new requirement for vehicle escorts. Vehicle escort communication requirements should be as described in NEI 03-12 Section 9.5.

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maintaining continuous communication with an individual in each continuously manned alarm station required by paragraph (e)(1) of this section...	maintaining continuous communication with an individual in each alarm station.	positions and would add "vehicle escorts" for consistency with the proposed paragraph (g)(8) of this section.	
§ 73.55(f)(3) To provide the capability of continuous communication... and shall terminate in each continuously manned alarm station required by paragraph (e)(1) of this section.	(j)(4) The following continuous communication capabilities must terminate in both alarm stations required by this section:	This requirement would be retained with minor revision for formatting purposes.	Maintain current language which is clear and performance based.
§ 73.55(f)(2) The alarm stations required by paragraph (e)(1) of this section shall have conventional telephone service for communication with the law enforcement authorities as described in paragraph (f)(1) of this section.	(j)(4)(i) Conventional telephone service.	This requirement would be retained with minor revision. Most significantly, the phrase "with the law enforcement authorities as described in paragraph (f)(1) of this section" would be deleted because site plans and procedures would contain protocols for contacting support personnel and agencies.	Maintain current language which is clear and performance based.
§ 73.55(f)(3) To provide the capability of continuous communication, radio or	(j)(4)(ii) Radio or microwave transmitted two-way voice communication, either	This requirement would be retained with minor revision. Most significantly, the phrase "shall be established, in addition	Maintain current language which is clear and performance based.

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microwave transmitted two-way voice communication, either directly or through an intermediary, shall be established, in addition to conventional telephone service, between local law enforcement authorities and the facility and...	directly or through an intermediary.	to conventional telephone service, between local law enforcement authorities and the facility and" would be deleted because site plans and procedures would contain protocols for contacting support personnel and agencies.	
	(j)(4)(iii) A system for communication with all control rooms, on-duty operations personnel, escorts, local, state, and Federal law enforcement agencies, and all other personnel necessary to coordinate both onsite and offsite responses.	This requirement would be added for consistency with the proposed requirements of this section and to provide a performance based requirement for communications consistent with the proposed Integrated Response Plan addressed in the proposed appendix C to part 73.	Maintain current language which is clear and performance based.
§ 73.55(f)(4) Non-portable communications equipment controlled by the licensee and required by this section shall remain operable from independent power sources in the event of the loss of normal	(j)(5) Non-portable communications equipment must remain operable from independent power sources in the event of the loss of normal power.	This requirement would be retained with minor revision. Most significantly, the phrase "controlled by the licensee and required by this section" would be deleted because there would be no requirement for non-portable communications equipment that is not under licensee control or not required by this section.	Maintain current language which is clear and performance based.

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power.			
	(j)(6) The licensee shall identify site areas where communication could be interrupted or can not be maintained and shall establish alternative communication measures for these areas in implementing procedures.	This requirement would be added to ensure the capability to communicate during both normal and emergency conditions, and to focus attention on the requirement that the licensee must identify site areas in which communications could be lost and account for those areas in their procedures.	This is a new requirement and virtually impossible to implement given reinforced concrete construction of plants and trip sensitive equipment.
73.55(h) Response requirement.	(k) Response requirements.	This header would be retained.	
	(k)(1) Personnel and equipment.	This header would be added for formatting purposes.	
	(k)(1)(i) The licensee shall establish and maintain, at all times, the minimum number of properly trained and equipped personnel required to intercept, challenge, delay, and neutralize threats up to and including the design basis threat of radiological sabotage as defined in § 73.1, to prevent significant core damage and spent fuel sabotage.	This requirement would be added to provide a performance based requirement for determining the minimum number of armed responders needed to protect the facility against the full capability of the design basis threat. The phrase "to intercept, challenge, delay, and neutralize threats up to and including the design basis threat of radiological sabotage as defined in § 73.1, to prevent significant core damage and spent fuel sabotage" would be used for consistency with the proposed	<p>Delete the phrase "at all times", to reflect requirements in NEI 03-12 section 4.2 of the Contingency Plan. See proposed (k)(4) discussion.</p> <p>The terms "significant core damage" and "spent fuel sabotage" should be replaced with the term "radiological sabotage" because "radiological sabotage" is a defined term in 10 CFR 73.2 and the other terms are not.</p>

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		paragraphs (b)(2) through (4) of this section.	
	(k)(1)(ii) The licensee shall provide and maintain firearms, ammunition, and equipment capable of performing functions commensurate to the needs of each armed member of the security organization to carry out their assigned duties and responsibilities in accordance with the approved security plans, the licensee protective strategy, implementing procedures, and the site specific conditions under which the firearms, ammunition, and equipment will be used.	This requirement would be added to provide a performance based requirement to ensure that the licensee provides weapons that are capable of performing the functions required for each armed individual to fulfill their assigned duties per the licensee protective strategy. For example, if an individual is assigned to a position for which the protective strategy requires weapons use at 200 meters, then the assigned weapon must be capable of that performance as well as the individual.	Delete and combine proposed (k)(1)(ii) and (k)(1)(iii) into following paragraph. (k)(1)(iii) The licensee shall provide, maintain, and describe in the approved security plans, all firearms and equipment to be possessed by or readily available to, armed personnel to implement the protective strategy and carry out all assigned duties and responsibilities. This description must include the general distribution and assignment of firearms, ammunition, body armor, and other equipment used.
	(k)(1)(iii) The licensee shall describe in the approved security plans, all firearms and equipment to be possessed by and readily available to, armed personnel to implement the protective strategy and carry out all assigned duties and responsibilities. This description must include the	This requirement would be added to ensure that the licensee provides, in the approved security plans, a description of the weapons to be used and those equipment designated as readily available.	Delete and combine proposed (k)(1)(ii) and (k)(1)(iii) into following paragraph. (k)(1)(iii) The licensee shall provide, maintain, and describe in the approved security plans, all firearms and equipment to be possessed by or readily available to, armed personnel to implement the protective strategy and carry out all assigned duties and responsibilities. This description must

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	general distribution and assignment of firearms, ammunition, body armor, and other equipment used.		include the general distribution and assignment of firearms, ammunition, body armor, and other equipment used.
	(k)(1)(iv) The licensee shall ensure that all firearms, ammunition, and equipment required by the protective strategy are in sufficient supply, are in working condition, and are readily available for use in accordance with the licensee protective strategy and predetermined time lines.	This requirement would be added to provide a performance based requirement to ensure the availability and operability of equipment needed to accomplish response goals and objectives during postulated events. The term "readily available" would mean that required firearms and equipment are either in the individuals possession or at pre-staged locations such that required response time lines are met.	
	(k)(1)(v) The licensee shall ensure that all armed members of the security organization are trained in the proper use and maintenance of assigned weapons and equipment in accordance with appendix B to part 73.	This requirement would be added to provide a performance based requirement to ensure that all armed personnel meet standard training program requirements and specific training requirements applicable to the specific weapons they are assigned, to include the maintenance required for each to ensure operability. The ability for armed personnel to trouble-shoot a problem, such as a jammed round during an actual event,	

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		would be considered a critical function necessary to achieve the performance objective.	
§ 73.55(h)(5) The licensee shall instruct every guard and all armed response personnel to prevent or impede attempted acts of theft or radiological sabotage by using force sufficient to counter the force directed at him including the use of deadly force when the guard or other armed response person has a reasonable belief it is necessary in self-defense or in the defense of others.	(k)(2) The licensee shall instruct each armed response person to prevent or impede attempted acts of theft or radiological sabotage by using force sufficient to counter the force directed at that person including the use of deadly force when the armed response person has a reasonable belief that the use of deadly force is necessary in self-defense or in the defense of others, or any other circumstances as authorized by applicable state law.	This requirement would be retained with some revision. The term "guard" was removed as the term is no longer used. The phrase "or any other circumstances as authorized by applicable state law" would be added to clarify that applicable state law specifies the conditions under which deadly force may be applied. It is important to note that the use of deadly force should be a last resort when all other lesser measures to neutralize the threat have failed. The conditions under which deadly force would be authorized are governed by State laws and nothing in this proposed rule should be interpreted to mean or require anything that would contradict such state law. The term "it" is replaced with the phrase "deadly force" to more clearly describe the action.	
	(k)(3) The licensee shall provide an armed response team consisting of both	This requirement would be added to provide a performance based requirement that would retain the	For cases where a plant does not have armed security officers rewrite as: The licensee shall provide an armed

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	armed responders and armed security officers to carry out response duties, within predetermined time lines.	current requirement for armed responders and add a category of armed security officer to clarify the division of types of armed response personnel and their roles.	response team consisting of armed responders and armed security officers, to carry out response duties as described in approved security plans.
	(k)(3)(i) Armed responders.	This header would be added for formatting purposes.	
§ 73.55(h)(3) The total number of guards, and armed, trained personnel immediately available at the facility to fulfill these response requirements shall nominally be ten (10), unless specifically required otherwise on a case by case basis by the Commission; however, this number may not be reduced to less than five (5) guards.	(k)(3)(i)(A) The licensee shall determine the minimum number of armed responders necessary to protect against the design basis threat described in § 73.1(a), subject to Commission approval, and shall document this number in the approved security plans.	This requirement would be retained and revised to remove the specific minimum numbers of 10, but no less than 5, to provide a performance based requirement that meets the proposed requirement of paragraph (k)(1)(i) of this section. This proposed requirement would ensure that the licensee would provide the requisite number of armed responders needed to carry-out the protective strategy, the effectiveness of which would be evaluated through annual exercises and triennial exercises observed by the Commission.	
§ 73.55(h)(3) The total number of guards, and armed, trained personnel immediately available at the facility to fulfill these response	(k)(3)(i)(B) Armed responders shall be available at all times inside the protected area and may not be assigned any other duties or responsibilities	This requirement would be retained and revised. Most significantly, this proposed requirement would specify the conditions that must be met to satisfy the meaning of the word	Modify to include PA access point: "Armed responders shall be available at all times inside the protected area or at a PA access point and may not be assigned any other duties or responsibilities that could interfere with assigned response duties."

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requirements...	that could interfere with assigned response duties.	"available" as used.	
	(k)(3)(ii) Armed security officers.	This header would be added for formatting purposes.	
	(k)(3)(ii)(A) Armed security officers designated to strengthen response capabilities shall be onsite and available at all times to carry out assigned response duties.	This requirement would be added to provide a performance based requirement for the licensee to identify a new category of armed personnel to be used to supplement and support the armed responders identified in the proposed paragraph (k)(3)(ii)(A) of this section.	
§ 73.55(h)(3) The total number of guards, and armed, trained personnel immediately available at the facility to fulfill these response requirements shall nominally be ...	(k)(3)(ii)(B) The minimum number of armed security officers must be documented in the approved security plans.	This requirement would be added to require licensees to document the number of armed security officers to be used.	
	(k)(3)((iii) The licensee shall ensure that training and qualification requirements accurately reflect the duties and responsibilities to be performed.	This requirement would be added for consistency with the current requirement § 73.55(b)(4)(ii) for an approved T&Q plan and the current requirement for licensees to document how these personnel are to be trained and qualified.	
	(k)(3)(iv) The licensee shall	This requirement would be added	This is redundant with the proposed (k)(1)(ii) and should be deleted.

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	ensure that all firearms, ammunition, and equipment needed for completing the actions described in the approved security plans and licensee protective strategy are readily available and in working condition.	for consistency with the current § 73.55(g)(1) to ensure that all firearms and equipment required by each member of the armed response team would be operable and in the possession of or available at pre-staged locations, to ensure that each individual is able to meet the time lines specified by the protective strategy. This includes those equipment designated as readily available.	
	(k)(4) The licensee shall describe in the approved security plans, procedures for responding to an unplanned incident that reduces the number of available armed response team members below the minimum number documented by the licensee in the approved security plans.	This requirement would be added to provide regulatory consistency for the period of time a licensee may not meet the minimum numbers stated in the approved plans because of illness or injury to an assigned individual or individuals while on-duty.	
	(k)(5) Protective Strategy. Licensees shall develop, maintain, and implement a written protective strategy in accordance with the requirements of this section	This requirement would be added to provide a performance based requirement for the development of a protective strategy that specifies how the licensee will utilize onsite and offsite, the	

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	and appendix C to this part.	resources to ensure the performance objective of how the proposed paragraph (b) of this section is met.	
	(k)(6) The licensee shall ensure that all personnel authorized unescorted access to the protected area are trained and understand their roles and responsibilities during security incidents, to include hostage and duress situations.	This proposed requirement would be added to ensure that both security and non-security organization personnel are trained to recognize and respond to hostage and duress situations. This proposed training would also include the specific actions to be performed during these postulated security events.	This is a new requirement not required by the order. Only appropriate facility personnel should be required to receive periodic training as to their responsibilities in responding to hostage and duress situations.
§ 73.55(h)(4) Upon detection of abnormal presence or activity of persons or vehicles within an isolation zone, a protected area, material access area, or a vital area; or upon evidence or indication of intrusion into a protected area, a material access area, or a vital area, the licensee security organization shall:	(k)(7) Upon receipt of an alarm or other indication of threat, the licensee shall:	This requirement would be retained and revised for consistency with the proposed requirements of this section. Reference to the specific site areas would be deleted because the performance based requirements of this proposed section would be applicable to all facility areas, and therefore such reference would not be needed.	
§ 73.55(h)(4)(i) Determine whether or	(k)(7)(i) Determine the existence of a threat in	This requirement would be	Merge (i) and (ii) to state: "Determine the

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not a threat exists,	accordance with assessment procedures.	retained with minor revision.	existence and level of the threat through the use of assessment methodologies or procedures."
§ 73.55(h)(4)(ii) Assess the extent of the threat, if any,	(k)(7)(ii) Identify the level of threat present through the use of assessment methodologies and procedures.	This requirement would be retained with minor revision.	Delete based on above comment.
§ 73.55(h)(4)(iii)(A) Requiring responding guards or other armed response personnel to interpose themselves...	(k)(7)(iii) Determine the response necessary to intercept, challenge, delay, and neutralize the threat in accordance with the requirements of appendix C to part 73, the Commission-approved safeguards contingency plan, and the licensee response strategy.	This requirement would be retained with revision for consistency with the proposed paragraph (b) of this section.	Delete "intercept." All response strategies do not require interception.
§ 73.55(h)(4)(iii)(B) Informing local law enforcement agencies of the threat and requesting assistance.	(k)(7)(iv) Notify offsite support agencies such as local law enforcement, in accordance with site procedures.	This requirement would be retained with revision for consistency with the Integrated Response Plan.	This is a new requirement. The order does not require notification of offsite agencies other than local law enforcement. Rewrite as "Notify local law enforcement, in accordance with site procedures."
§ 73.55(h)(2) The licensee shall establish and document liaison with local law enforcement authorities.	(k)(8) Law enforcement liaison. The licensee shall document and maintain current agreements with local, state, and Federal law enforcement agencies, to include estimated response	This requirement would be retained with minor revision. Most significantly, this proposed requirement addresses the need to identify the resources and response times to be expected in order to facilitate planning	This is a new requirement. The order does not require agreements with agencies other than local law enforcement. Maintain current language in 73.55(h)(2).

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	times and capabilities.	development.	
	(I) Facilities using mixed-oxide (MOX) fuel assemblies. In addition to the requirements described in this section for protection against radiological sabotage, operating commercial nuclear power reactors licensed under 10 CFR parts 50 or 52 and using special nuclear material in the form of MOX fuel assemblies shall protect unirradiated MOX fuel assemblies against theft or diversion.	This paragraph would be added to provide general provisions for the onsite physical protection of unirradiated mixed oxide (MOX) fuel assemblies in recognition of the fact that some nuclear power reactor facilities currently have chosen or may choose to possess and utilize this type of special nuclear material at their sites. Because weapons grade plutonium is utilized in the fabrication of MOX fuel assemblies, the Commission has determined that a threat of theft applies and that it is prudent and necessary to apply certain security measures for MOX fuel that are in addition to those that are currently required at other nuclear power reactor facilities. Therefore, the requirements proposed in this paragraph are provided to ensure that these additional requirements are identified and met by those licensees who have chosen or may choose to utilize MOX fuel.	
	(I)(1) Licensees shall protect the unirradiated	This requirement would be added to identify applicability of this	

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	MOX fuel assemblies against theft or diversion in accordance with the requirements of this section and the approved security plans.	paragraph.	
	(I)(2) Commercial nuclear power reactors using MOX fuel assemblies are exempt from the requirements of §§ 73.20, 73.45, and 73.46 for the onsite physical protection of unirradiated MOX fuel assemblies.	This requirement would be added because the Commission has determined that due to the low plutonium concentration, composition of the MOX fuel, and configuration (size and weight) of the assemblies, the physical security protection measures identified in the listed regulations are superceded by those requirements addressed in this proposed section for unirradiated MOX fuel assemblies at nuclear power reactor facilities.	
	(I)(3) Administrative controls.	This header would be added for formatting purposes.	
	(I)(3)(i) The licensee shall describe in the approved security plans, the operational and administrative controls to be implemented for the receipt, inspection, movement, storage, and protection of unirradiated	This requirement would be added to ensure that the licensee describes the onsite physical protection measures in the approved security plans.	

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	MOX fuel assemblies.		
	(I)(3)(ii) The licensee shall implement the use of tamper-indicating devices for unirradiated MOX fuel assembly transport and shall verify their use and integrity before receipt.	This requirement would be added to provide assurance that the unirradiated fuel assemblies were not accessed during transport.	
	(I)(3)(iii) Upon delivery of unirradiated MOX fuel assemblies, the licensee shall:	This requirement would be added for formatting purposes.	
	(I)(3)(iii)(A) Inspect unirradiated MOX fuel assemblies for damage.	This requirement would be added to ensure that unirradiated MOX fuel assemblies are in an acceptable condition before use or storage.	
	(I)(3)(iii)(B) Search unirradiated MOX fuel assemblies for unauthorized materials.	This requirement would be added to ensure that no unauthorized materials were introduced within the unirradiated MOX fuel assembly during transport.	The proposed rule requires a search of unirradiated MOX assemblies for unauthorized materials. It is not clear what a "search" involves. For the lead assemblies a search, other than the standard visual inspection was not done. The reason MOX assemblies would require a "search" for security reasons when regular fuel does not, is not clear. For MOX, the licensee is protecting against theft as well as diversion; it is hard to imagine how a search of a transported MOX assembly protects against theft.

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			Further, the requirement for the tamper indicating device in (I)(3)(ii) obviates the need for the search. An intact tamper indicating device at fuel receipt provides high assurance that the fuel is in the same state as when it was shipped. The requirement should be deleted.
	(I)(3)(iv) The licensee may conduct the required inspection and search functions simultaneously.	This requirement would be added to provide a performance based requirement that provides flexibility for accomplishment of the proposed requirements.	
	(I)(3)(v) The licensee shall ensure the proper placement and control of unirradiated MOX fuel assemblies as follows:	This requirement would be added for formatting purposes.	
	(I)(3)(v)(A) At least one armed security officer, in addition to the armed response team required by paragraphs (h)(4) and (h)(5) of appendix C to part 73, shall be present during the receipt and inspection of unirradiated MOX fuel assemblies.	This requirement would be added to provide deterrence and immediate armed response to attempts of theft or tampering. This proposed armed responder's duty would be solely to observe and protect the unirradiated MOX fuel assemblies upon receipt and before storage.	
	(I)(3)(v)(B) The licensee shall store unirradiated MOX fuel assemblies only within	This requirement would be added to reduce the risk of theft by providing three delay barriers	

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	a spent fuel pool, located within a vital area, so that access to the unirradiated MOX fuel assemblies requires passage through at least three physical barriers.	before gaining unauthorized access to the MOX fuel assemblies while in storage.	
	(I)(3)(vi) The licensee shall implement a material control and accountability program for the unirradiated MOX fuel assemblies that includes a predetermined and documented storage location for each unirradiated MOX fuel assembly.	This requirement would be added to ensure that a material control and accountability program would be established and implemented and would focus on record keeping which describes the inventory and location of the SSNM within the assemblies.	The licensee already has an MC&A program for the spent fuel pool in which the MOX assemblies are stored. A unique program for only the MOX assemblies is unnecessary and would result in an error prone situation. The MOX assemblies should be controlled and accounted for under the licensee's existing MC&A program. The proposed requirement is above and beyond the lead assembly activities, and the purpose is unclear. It should be deleted.
	(I)(3)(vii) Records that identify the storage locations of unirradiated MOX fuel assemblies are considered safeguards information and must be protected and stored in accordance with § 73.21.	This requirement would be added to ensure restricted access to records which describe or identify the location of unirradiated MOX fuel assemblies within the spent fuel pool.	The proposed requirement is also above and beyond the lead assembly program and it is most troublesome. It is hard to see how this would be implemented without controlling the entire MC&A database as safeguards information, which is impractical. Handling fuel prior to and during an outage would be especially difficult if all records of MOX assembly locations are controlled as safeguards information. For lead assemblies, NRC did not require the locations be controlled as safeguards information. Access to the MC&A records is already limited to those involved in the program. The proposed

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			requirement is unneeded and should be deleted.
	(I)(4) Physical controls.	This header would be added for formatting purposes.	
	(I)(4)(i) The licensee shall lock or disable all equipment and power supplies to equipment required for the movement and handling of unirradiated MOX fuel assemblies.	This requirement would be added to provide a performance based requirement for administrative controls over equipment and power supplies to equipment required to physically move the unirradiated MOX fuel assemblies to ensure that at least two security measures must be disabled before this equipment could be used.	
	(I)(4)(ii) The licensee shall implement a two-person line-of-sight rule whenever control systems or equipment required for the movement or handling of unirradiated MOX fuel assemblies must be accessed.	This requirement would be added to provide an administrative control to reduce the risk of the insider threat and theft.	
	(I)(4)(iii) The licensee shall conduct random patrols of areas containing unirradiated MOX fuel assemblies to ensure the integrity of barriers and	This requirement would be added to provide surveillance activities for the detection of unauthorized activities that would pose a threat to MOX fuel assemblies in addition to any similar	"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.

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	locks, deter unauthorized activities, and to identify indications of tampering.	requirements of this proposed section.	
	(I)(4)(iv) Locks, keys, and any other access control device used to secure equipment and power sources required for the movement of unirradiated MOX fuel assemblies or openings to areas containing unirradiated MOX fuel assemblies must be controlled by the security organization.	This requirement would be added to ensure that the security organization would be responsible for the administrative controls over access control devices.	
	(I)(4)(v) Removal of locks used to secure equipment and power sources required for the movement of unirradiated MOX fuel assemblies or openings to areas containing unirradiated MOX fuel assemblies must require approval by both the on-duty security shift supervisor and the operations shift manager.	This requirement would be added to ensure that both the licensee security and operations management level personnel would be responsible for the removal of locks securing MOX fuel assemblies.	
	(I)(4)(v)(A) At least one armed security officer shall be present to observe	This requirement would be added to ensure that immediate armed response capability is provided	

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	activities involving the movement of unirradiated MOX fuel assemblies before the removal of the locks and providing power to equipment required for the movement or handling of unirradiated MOX fuel assemblies.	before accessing equipment used to move unirradiated MOX fuel assemblies.	
	(I)(4)(v)(B) At least one armed security officer shall be present at all times until power is removed from equipment and locks are secured.	This requirement would be added to ensure that immediate armed response capability is provided during any activity involving the use of equipment used to move unirradiated MOX fuel assemblies.	
	(I)(4)(v)(C) Security officers shall be trained and knowledgeable of authorized and unauthorized activities involving unirradiated MOX fuel assemblies.	This requirement would be added to ensure that assigned security officers possess the capability to immediately recognize, report, and respond to unauthorized activities involving unirradiated MOX fuel assemblies.	"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.
	(I)(5) At least one armed security officer shall be present and shall maintain constant surveillance of unirradiated MOX fuel assemblies when the assemblies are not located in the spent fuel pool or	This requirement would be added to ensure physical protection of unirradiated MOX fuel assemblies when not located within an area that meets the three barrier requirement of this proposed rule.	

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	reactor.		
	(l)(6) The licensee shall maintain at all times the capability to detect, assess, intercept, challenge, delay, and neutralize threats to unirradiated MOX fuel assemblies in accordance with the requirements of this section.	This requirement would be added for consistency with the proposed paragraph (b) of this section.	
	(m) Digital computer and communication networks.	This header would be added for formatting purposes.	
	(m)(1) The licensee shall implement a cyber-security program that provides high assurance that computer systems, which if compromised would likely adversely impact safety, security, and emergency preparedness, are protected from cyber attacks.	This requirement would be to ensure that nuclear power plants are protected from cyber attacks via minimizing the potential attack pathway and the consequences arising from a successful cyber attack.	<p>The wording of this requirement does not allow for other compensating controls to satisfy the need for continued functionality. Backup systems, incidence response plans, contingency plans etc. can be used to mitigate a system compromise. The phrase "high assurance that computer systems" should be modified to "high assurance that the functionality provided by computer systems."</p> <p>The term "emergency preparedness" should be "emergency response". NEI 04-04 " Cyber Security Program for Power Reactors " Revision 1, which is endorsed by the NRC covers emergency response systems, but not emergency preparedness systems.</p>

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	(m)(1)(i) The licensee shall describe the cyber-security program requirements in the approved security plans.	This requirement would be added to ensure licensees have a comprehensive security plan by integrating cyber-security into the overall onsite physical protection program. As licensees take advantage of computer technology to maximize plant productivity, the role of computer systems at nuclear power plants is increasing. Therefore, the Commission has determined that incorporation of a cyber-security program into the Commission-approved security plans would be a prudent and necessary security enhancement.	<p>The industry understands that the summary of the cyber security program now contained in Chapter 18 of NEI 03-12, Revision 4 "Template for Security Plan and Training and Qualification Plan" (endorsed by the NRC) is sufficient to meet this requirement. This clarification should be provided in the Statements of Consideration.</p> <p>NRC should clarify that "Continuity of Power Systems" as defined in NEI 04-04 when it refers to "maximize plant productivity" are outside the scope of this rule. This clarification should be provided in the Statements of Consideration.</p>
	(m)(1)(ii) The licensee shall incorporate the cyber-security program into the onsite physical protection program.	This requirement would be added to ensure that the computer systems used in onsite physical protection systems are protected from cyber attacks. With advancements in computer technology, many systems in nuclear power plants rely on computers to perform their functions, including some security functions. Therefore, the Commission has determined that the integration of security measures covering these systems would be a prudent and	

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		necessary action.	
	(m)(1)(iii) The cyber-security program must be designed to detect and prevent cyber attacks on protected computer systems.	This requirement would be added to ensure licensees actively and pro-actively secure their plants from cyber attacks. The Commission has determined that because specific cyber threats and the people who seek unauthorized access to, or use of computers are constantly changing, protected computer systems must be protected against these attacks and mitigation measures implemented.	
	(m)(2) Cyber-security assessment. The licensee shall implement a cyber-security assessment program to systematically assess and manage cyber risks.	This requirement would be added to require licensees to systematically determine the status of their plant's cyber risks and identify vulnerabilities that need to be mitigated to reduce risks to acceptable levels.	<p>The industry believes that the assessment process defined in NEI 04-04 listed below meets this requirement.</p> <p>"The cyber security program shall be included in each site's assessment program. Periodic self-assessments shall evaluate the following:</p> <ul style="list-style-type: none"> • Effectiveness of implementation and compliance with policies and procedures. • Effectiveness of implementation of contingency plan and incident response plan. • Application of cyber security

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			<p>program on new and modified CDAs.</p> <ul style="list-style-type: none"> • Awareness and effectiveness of addressing emerging cyber security issues. • Process improvements in the cyber security model. • Timely application of vendor patches and response to new vulnerabilities. • Incorporation of lessons learned, operating experience, benchmarking and other self-assessment and incident response assessment results. • Effectiveness of the cyber security training program.” <p>And, the following:</p> <p>“In addition to self-assessments, an independent assessment of program implementation and effectiveness shall be conducted to maintain and enhance the cyber defensive model.”</p> <p>This clarification should be added to the Statements of Consideration.</p>
	(m)(3) Policies, requirements, and procedures.	This header would be added for formatting purposes.	
	(m)(3)(i) The licensee shall	This requirement would be added	The “considerations” column refers to

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	apply cyber-security requirements and policies that identify management expectations and requirements for the protection of computer systems.	to create a computer security program that establishes specific goals and assigns responsibilities to employees to meet those goals.	"computer security program" as opposed to a "cyber security program." All references to "computer" security should be changed to "cyber" security.
	(m)(3)(ii) The licensee shall develop and maintain implementing procedures to ensure cyber-security requirements and policies are implemented effectively.	This requirement would be added to ensure the licensee develops, implements, and enforces, detailed guidance documents that licensee employees would be required to follow to meet the stated security goals.	
	(m)(4) Incident response and recovery.	This header would be added for formatting purposes.	
	(m)(4)(i) The licensee shall implement a cyber-security incident response and recovery plan to minimize the adverse impact of a cyber-security incident on safety, security, or emergency preparedness systems.	This requirement would be added to ensure that each licensee would be prepared to respond to computer security incidents in a manner that ensures that plants are safe and secure. A computer security incident could result from a computer virus, other malicious code, or a system intruder, either an insider or as a result of an external attack and could adversely impact the licensee's ability to effectively maintain safety, security, or emergency preparedness. Without an	The term "emergency preparedness" should be "emergency response". NEI 04-04 "Cyber Security Program for Power Reactors " Revision 1, which is endorsed by the NRC covers emergency response systems, but not emergency preparedness systems.

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		<p>incident response and recovery plan, licensees would respond to a computer security incident in an ad hoc manner. However with an incident response and recovery plan, licensees would respond to an incident in a quick and organized manner. This would minimize the adverse impact caused by a computer security incident.</p>	
	<p>(m)(4)(ii) The cyber-security incident response and recovery plan must be described in the integrated response plan required by appendix C to this part.</p>	<p>This requirement would be added to ensure licensees have a comprehensive incident response plan by integrating cyber-security into the overall security of their plants. As licensees take advantage of computer technology to maximize plant productivity, the role of computer systems at nuclear power plants is increasing as well as the possibility for adverse impact from a computer mishap. Therefore, the Commission has determined that it would be a prudent and necessary action for licensees to develop and implement a comprehensive response plan that includes a cyber incident response and recovery plan.</p>	<p>Incident response teams and plans need to be tightly integrated with corporate plans. It is recommended that these plans remain outside Appendix C and be referenced in the onsite physical protection plan.</p> <p>The industry recommends the following revision: "The cyber-security incident response and recovery plan must be summarized in the integrated response plan required by appendix C to this part."</p>

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	(m)(4)(iii) The cyber-security incident response and recovery plan must ensure the capability to respond to cyber-security incidents, minimize loss and destruction, mitigate and correct the weaknesses that were exploited, and restore systems and/or equipment affected by a cyber-security incident.	This requirement would be added to ensure that licensees acquire the capability to respond to cyber incidents in a manner that contains and repairs damage from incidents, and prevents future damage. An incident handling capability provides a way for plant personnel to report incidents and the appropriate response and assistance to be provided to aid in recovery.	
	(m)(5) Protective strategies. The licensee shall implement defense-in-depth protective strategies to protect computer systems from cyber attacks, detecting, isolating, and neutralizing unauthorized activities in a timely manner.	This requirement would be added to incorporate the approach of delay, detect, and respond. The use of multiple and diverse layers of defense would delay the threat from reaching those systems that, if compromised, can adversely impact safety, security, or emergency preparedness of the nuclear power plants. This delay in attack would allow more time to detect the attack and would allow time to respond.	<p>"Unauthorized activities" is ambiguous and is not defined in 10 CFR 73.2.</p> <p>The term "emergency preparedness" should be "emergency response". NEI 04-04 "Cyber Security Program for Power Reactors " Revision 1, which is endorsed by the NRC covers emergency response systems, but not emergency preparedness systems.</p>
	(m)(6) Configuration and control management program. The licensee shall implement a configuration and control management program, to include cyber	This requirement would be added to implement configuration management to ensure that the system in operation is the correct version (configuration) of the system and that any changes to	The term "emergency preparedness" should be "emergency response". NEI 04-04 " Cyber Security Program for Power Reactors " Revision 1, which is endorsed by the NRC covers emergency response systems, but not emergency preparedness systems.

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	risk analysis, to ensure that modifications to computer system designs, access control measures, configuration, operational integrity, and management process do not adversely impact facility safety, security, and emergency preparedness systems before implementation of those modifications.	be made are reviewed for security implications. Configuration management can be used to help ensure that changes take place in an identifiable and controlled environment and that they do not unintentionally harm any of the system's properties, including its security.	
	(m)(7) Cyber-security awareness and training.	This header would be added for formatting purposes.	
	(m)(7)(i) The licensee shall implement a cyber-security awareness and training program.	This requirement would be added to ensure licensees implement cyber-security awareness and training programs to ensure that appropriate personnel are aware of cyber-security requirements and have the cyber-security skills and competencies necessary to secure affected plant systems and equipment.	
	(m)(7)(ii) The cyber-security awareness and training program must ensure that appropriate plant personnel, including contractors, are aware of cyber-security requirements	This requirement would be added to implement a cyber-security awareness and training program to: 1. Improve employee awareness of the need to protect computer systems;	

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	and that they receive the training required to effectively perform their assigned duties and responsibilities.	2. Develop employee skills and knowledge so computer users can perform their jobs more securely; and 3. Build in-depth knowledge, as needed, to design, implement, or operate security programs for organizations and systems.	
	(n) Security program reviews and audits.	This header would be added for formatting purposes.	
§ 73.55(g)(4)(i)(A) At intervals not to exceed 12 months or...	(n)(1) The licensee shall review the onsite physical protection program at intervals not to exceed 12 months, or	This requirement would be retained with minor revision for formatting purposes.	Rewrite as "The security program is reviewed 12 months following initial implementation and then at least every 24 months, or " as currently approved in the security plan.
§ 73.55(g)(4)(i)(B) As necessary, based on an assessment by the licensee against performance indicators ...	(n)(1)(i) As necessary based upon assessments or other performance indicators.	This requirement would be retained with minor revision.	
§ 73.55(g)(4)(i)(B) ...as soon as reasonably practicable after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect security but no longer than 12	(n)(1)(ii) Within 12 months after a change occurs in personnel, procedures, equipment, or facilities that potentially could adversely affect security.	This requirement would be retained and revised. Most significantly, the phrase "as soon as reasonably practicable" would be deleted and the current requirement "12 months" would be moved to the beginning of the sentence to eliminate potential for misunderstanding and improve	

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months after the change.		consistency.	
§ 73.55(g)(4)(i)(B) In any case, each element of the security program must be reviewed at least every 24 months.	(n)(2) As a minimum, each element of the onsite physical protection program must be reviewed at least every twenty-four (24) months.	This requirement would be retained with minor revision.	
§ 73.55(g)(4)(i) The licensee shall review implementation of the security program by individuals who have no direct responsibility for the security program either: § 73.55(g)(4)(ii) The results and recommendations of the security program review... must be documented...	(n)(2)(i) The onsite physical protection program review must be documented and performed by individuals independent of those personnel responsible for program management and any individual who has direct responsibility for implementing the onsite physical protection program.	This requirement would be retained and revised to combine two current requirements. Most significantly, the word "documented" would be added for consistency with the current § 73.55(g)(4)(ii). The phrase "security program" would be replaced with the phrase "program" for consistency with use of the phrase "onsite physical protection program".	
§ 73.55(g)(4)(ii) The security program review must include an audit of security procedures and practices, an evaluation of the effectiveness of the physical protection system, an audit of the physical protection	(n)(2)(ii) Onsite physical protection program reviews and audits must include, but not be limited to, an evaluation of the effectiveness of the approved security plans, implementing procedures, response commitments by	This requirement would be retained and revised to provide additional examples. Most significantly, the phrase "but not be limited to" would be added to clarify that the proposed examples are not all inclusive.	Rewrite to local law enforcement agency only as now required by order and in security plan. The industry believes that the assessment process defined in NEI 04-04 listed below meets this requirement. "The cyber security program shall be

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system testing and maintenance program, and an audit of commitments established for response by local law enforcement authorities.	local, state, and Federal law enforcement authorities, cyber-security programs, safety/security interface, and the testing, maintenance, and calibration program.		<p>included in each site's assessment program. Periodic self-assessments shall evaluate the following:</p> <ul style="list-style-type: none"> • Effectiveness of implementation and compliance with policies and procedures. • Effectiveness of implementation of contingency plan and incident response plan. • Application of cyber security program on new and modified CDAs. • Awareness and effectiveness of addressing emerging cyber security issues. • Process improvements in the cyber security model. • Timely application of vendor patches and response to new vulnerabilities. • Incorporation of lessons learned, operating experience, benchmarking and other self-assessment and incident response assessment results. • Effectiveness of the cyber security training program." <p>And, the following:</p> <p>"In addition to self-assessments, an</p>

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			<p>independent assessment of program implementation and effectiveness shall be conducted to maintain and enhance the cyber defensive model.”</p> <p>This clarification should be added to the Statements of Consideration.</p> <p>We understand that a single audit of a fleet level program will be sufficient to meet the requirement of each individual plant in that fleet.</p> <p>This clarification should be added to the Statements of Consideration.</p>
§ 73.55(d)(7)(ii)(B) Periodically review physical security plans and contingency plans and procedures to evaluate their potential impact on plant and personnel safety.	(n)(3) The licensee shall periodically review the approved security plans, the integrated response plan, the licensee protective strategy, and licensee implementing procedures to evaluate their effectiveness and potential impact on plant and personnel safety.	This requirement would be retained with minor revision. The phrase “Integrated Response Plan” would be added to emphasize the importance of this proposed plan and to emphasize its relationship to other site plans. The term “implementing” procedures would be added for consistency with this proposed section.	
	(n)(4) The licensee shall periodically evaluate the cyber-security program for effectiveness and shall update the cyber-security	This requirement would be added to account for the use of computers and the need to ensure that required protective measures are being met and to	<p>The industry believes that the assessment process defined in NEI 04-04 listed below meets this requirement.</p> <p>“The cyber security program shall be</p>

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	program as needed to ensure protection against changes to internal and external threats.	evaluate the effects that changes or other technological advancements would have on systems used at nuclear power plants.	<p>included in each site's assessment program. Periodic self-assessments shall evaluate the following:</p> <ul style="list-style-type: none"> • Effectiveness of implementation and compliance with policies and procedures. • Effectiveness of implementation of contingency plan and incident response plan. • Application of cyber security program on new and modified CDAs. • Awareness and effectiveness of addressing emerging cyber security issues. • Process improvements in the cyber security model. • Timely application of vendor patches and response to new vulnerabilities. • Incorporation of lessons learned, operating experience, benchmarking and other self-assessment and incident response assessment results. • Effectiveness of the cyber security training program." <p>And, the following:</p> <p>"In addition to self-assessments, an</p>

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			<p>independent assessment of program implementation and effectiveness shall be conducted to maintain and enhance the cyber defensive model."</p> <p>We also understand that the internal and external threats will be defined in the "adversary characteristics" document (ACD).</p> <p>These clarifications should be added to the Statements of Consideration.</p>
	(n)(5) The licensee shall conduct quarterly drills and annual force-on-force exercises in accordance with appendix C to part 73 and the licensee performance evaluation program.	This requirement would be added to provide a performance based requirement for the conduct force-on-force drills and exercises.	This should be deleted as it is not an audit or review requirement.
§ 73.55(g)(4)(ii) The results and recommendations of the security program review, management's findings on whether the security program is currently effective, and any actions taken as a result of recommendations from prior program reviews	(n)(6) The results and recommendations of the onsite physical protection program reviews and audits, management's findings regarding program effectiveness, and any actions taken as a result of recommendations from prior program reviews, must be documented in a report to the licensee's plant	This requirement would be retained with minor revision. The phrase "security program review" would be replaced with the phrase "onsite physical protection program reviews and audits" for consistency with the format of the proposed rule. The phrase "on whether the security program is currently effective" would be replaced with the phrase "regarding program effectiveness"	Delete this as the requirement is not needed given the proposed requirement immediately below. Corrective action programs adequately address review and audit findings.

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must be documented in a report to the licensee's plant manager and to corporate management at least one level higher than that having responsibility for the day-to-day plant operation.	manager and to corporate management at least one level higher than that having responsibility for day-to-day plant operation.	for plain language purposes.	
	(n)(7) Findings from onsite physical protection program reviews, audits, and assessments must be entered into the site corrective action program and protected as safeguards information, if applicable.	This requirement would be added to ensure that security deficiencies and findings would be tracked through the site corrective action program until corrected, and information regarding specific findings would be protected in accordance with the sensitivity and potential for exploitation of the information.	
	(n)(8) The licensee shall make changes to the approved security plans and implementing procedures as a result of findings from security program reviews, audits, and assessments, where necessary to ensure the effective implementation of Commission regulations and the licensee protective	This requirement would be added to provide a performance based requirement for the revision of approved security plans where plan changes are necessary to account for implementation problems, changes to site conditions, or other problems that adversely affect the licensee capability to effectively implement Commission requirements.	This is not required. Issues placed into the corrective action program are resolved within that program.

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	strategy.		
	(n)(9) Unless otherwise specified by the Commission, onsite physical protection program reviews, audits, and assessments may be conducted up to thirty days prior to, but no later than thirty days after the scheduled date without adverse impact upon the next scheduled annual audit date.	This requirement would be added to provide necessary flexibility to allow licensees to conduct audits/reviews within a specified time period without changing future scheduled audit/review dates. This requirement provides regulatory stability and flexibility to account for unforeseen circumstances that may interfere with regularly scheduled dates, such as forced outages.	Audits are not annual. They are biennial. Audits may be conducted up to six months before or up to six months after the scheduled date. The next scheduled date is 24 months from the originally scheduled date. This is consistent with the definition of "annual" in NEI 03-12 and Generic Letter XX,
§ 73.55(g) Testing and maintenance.	(o) Maintenance, testing, and calibration.	This header would be retained and revised to include "calibration" of equipment to ensure the accuracy of readings provided from such equipment.	
	(o)(1) The licensee shall:	This header would be added for formatting purposes.	
	(o)(1)(i) Implement a maintenance, testing and calibration program to ensure that security systems and equipment are tested for operability and performance at predetermined intervals, are maintained in operable condition, and are capable	This requirement would be added to comprehensively address all security equipment in consistent terms. This proposed requirement would clarify the current requirement for ensuring that security equipment operates and performs as stated in the approved security plans.	

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	of performing their intended function when needed.		
	(o)(1)(ii) Describe the maintenance, testing and calibration program in the approved physical security plan. Implementing procedures must specify operational and technical details required to perform maintenance, testing, and calibration activities to include, but not limited to, purpose of activity, actions to be taken, acceptance criteria, the intervals or frequency at which the activity will be performed, and compensatory actions required.	This requirement would be added to address the maintenance, testing and calibration of security equipment in non-specific terms and describe the types of documentation and level of detail needed.	
	(o)(1)(iii) Document problems, failures, deficiencies, and other findings, to include the cause of each, and enter each into the site corrective action program. The licensee shall protect this information as safeguards information, if applicable.	This requirement would be added for consistency with the proposed requirement for addressing findings from security program reviews and audits and how specific information concerning security deficiencies and findings must be protected so that noted deficiencies could not be exploited.	
§ 73.55(g)(1) The	(o)(1)(iv) Implement	This requirement would be	Move to section (p).

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licensee shall develop and employ compensatory measures including equipment, additional security personnel and specific procedures to assure that the effectiveness of the security system is not reduced by failure or other contingencies affecting the operation of the security related equipment or structures.	compensatory measures in a timely manner to ensure that the effectiveness of the onsite physical protection program is not reduced by failure or degraded operation of security-related components or equipment.	retained with minor revision.	
§ 73.55(g)(2) Each intrusion alarm shall be tested for performance at the beginning and end of any period that it is used for security. If the period of continuous use is longer than seven days, the intrusion alarm shall also be tested at least once every seven (7) days.	(o)(2) Each intrusion alarm must be tested for operability at the beginning and end of any period that it is used for security, or if the period of continuous use exceeds seven (7) days, the intrusion alarm must be tested at least once every seven (7) days.	This requirement would be retained and revised to correct the use of the phrase "tested for performance", as stated in the current § 73.55(g)(2). The testing performed at the beginning and end of any period is intended to be a "go, no-go" test or operational test that is used to simply indicate that the equipment functions in response to predetermined stimuli. A performance test is a more elaborate test that would test a system through the entire range of its intended function or stimuli.	
§ 73.55(g)(2) Each	(o)(3) Intrusion detection	This requirement would be	We understand that intrusion detection and access control equipment referenced

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intrusion alarm shall be tested for performance at the beginning and end of any period that it is used for security.	and access control equipment must be performance tested in accordance with the approved security plans.	retained and revised to correct the periodicity of performance testing stated in the current § 73.55(g)(2) and to add "access control equipment" due to the widespread use of access control technologies and to focus on the need to ensure that this equipment is functioning as intended in response to the predetermined stimuli (e.g., biometrics). The phrase "each intrusion alarm" would be replaced with the phrase "Intrusion detection and access control equipment" to more accurately describe the equipment to be performance tested.	<p>in this requirement are physical protection intrusion detection and access control equipment.</p> <p>We understand that passwords are not considered a part of "access control equipment." We need clarification to better define when we are talking about physical access controls as opposed to electronic access to digital assets.</p> <p>These clarifications should be added to the Statements of Consideration.</p>
§ 73.55(g)(3) Communications equipment required for communications onsite shall be tested for performance not less frequently than once at the beginning of each security personnel work shift.	(o)(4) Equipment required for communications onsite must be tested for operability not less frequently than once at the beginning of each security personnel work shift.	This proposed requirement would be retained and revised to correct the use of the phrase "tested for performance", as stated in the current § 73.55 (g)(3). The testing performed at the beginning and end of any period is intended to be a "go, no-go" test or operational test that is used to simply indicate that the equipment functions in response to predetermined stimuli.	
§ 73.55(g)(3)	(o)(5) Communication	This requirement would be	This is a new requirement not in the order. Rewrite as:

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Communications equipment required for communications offsite shall be tested for performance not less than once a day.	systems between the alarm stations and each control room, and between the alarm stations and offsite support agencies, to include back-up communication equipment, must be tested for operability at least once each day.	retained and revised to include both "onsite" and offsite communication equipment associated with integrated response and to correct the use of the term "performance test," as stated in the current § 73.55 (g)(3). The testing performed at least once each day is intended to be a "go, no-go" test or operational test that is used to simply indicate that the equipment functions.	"Communication systems between the alarm stations and each control room, and between the alarm stations and offsite support agencies local law enforcement agency, to include back-up communication equipment, must be tested for operability at least once each day."
	(o)(6) Search equipment must be tested for operability at least once each day and tested for performance at least once during each seven (7) day period and before being placed back in service after each repair or inoperative state.	This requirement would be added to ensure that search equipment is tested for operability and performance at intervals that provide assurance that unauthorized items would be detected as required. This proposed requirement is added to address the widespread use of search equipment technologies, such as explosives and metal detectors, and x-ray equipment and to provide a performance based requirement that focuses on the importance for accurate performance of this equipment.	
§ 73.55(g)(1) All alarms, communication	(o)(7) All intrusion detection equipment,	This requirement would be retained with minor revision.	

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equipment, physical barriers, and other security related devices or equipment shall be maintained in operable condition.	communication equipment, physical barriers, and other security-related devices or equipment, to include back-up power supplies must be maintained in operable condition.	Most significantly, back-up power supplies are added to ensure this critical element is maintained in operable condition.	
	(o)(8) A program for testing or verifying the operability of devices or equipment located in hazardous areas must be specified in the approved security plans and must define alternate measures to be taken to ensure the timely completion of testing or maintenance when the hazardous condition or radiation restrictions are no longer applicable.	This requirement would be added to account for those circumstances when a licensee can not satisfy testing requirements due to safety hazards or radiation restrictions. Vital component area portals located within facility radiological controlled areas that are inaccessible due to safety hazards or established radiation restrictions may be excluded from the testing requirements of this section.	
	(p) Compensatory measures.	This header would be added for formatting purposes.	
§ 73.55(g)(1) The licensee shall develop and employ compensatory measures...	(p)(1) The licensee shall identify measures and criteria needed to compensate for the loss or reduced performance of personnel, equipment, systems, and components, that are required to meet	This requirement would be retained with minor revision. The word "compensate" is used to provide a performance based requirement that requires the identified compensatory measure to be "developed and employed".	

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	the requirements of this section.		
§ 73.55(g)(1) The licensee shall develop and employ compensatory measures including equipment, additional security personnel and specific procedures to assure that the effectiveness of the security system is not reduced by failure or other contingencies affecting the operation of the security related equipment or structures.	(p)(2) Compensatory measures must be designed and implemented to provide a level of protection that is equivalent to the protection that was provided by the degraded or inoperable personnel, equipment, system, or components.	This requirement would be retained and revised to focus on the Commission's view that compensatory measures must provide a level of protection that satisfies the Commission requirement which was otherwise satisfied through use or implementation of the failed component of the onsite physical protection program.	
	(p)(3) Compensatory measures must be implemented within specific time lines necessary to meet the requirements stated in paragraph (b) of this section and described in the approved security plans.	This requirement would be added to provide a performance based requirement for timely implementation of compensatory measures. The phrase "within specific time lines necessary to meet the requirements stated in paragraph (b)" would provide qualifying details against which specific time lines would be developed.	Replace "time lines" with "time frames" so it reads: (p)(3) Compensatory measures must be implemented within specific time <u>lines frames</u> necessary to meet the requirements stated in paragraph (b) of this section and described in the approved security plans.
	(q) Suspension of safeguards measures.	This header would be added for formatting purposes.	(q) Suspension of <u>safeguards security</u> measures.

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	(q)(1) The licensee may suspend implementation of affected requirements of this section under the following conditions:	This requirement would be added for formatting purposes. The phrase "implementation of affected requirements" would be used to ensure the licensee only suspends those measures that cannot be met as a direct result of the condition.	
§ 73.55(a) In accordance with §§ 50.54(x) and 50.54(y) of this chapter, the licensee may suspend any safeguards measures pursuant to § 73.55 in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specification that can provide adequate or equivalent protection is immediately apparent.	(q)(1)(i) In accordance with §§ 50.54(x) and 50.54(y) of this chapter, the licensee may suspend any safeguards measures pursuant to this section in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent.	This requirement would be retained with minor revision.	(q)(1)(i) In accordance with §§ 50.54(x) and 50.54(y) of this chapter, the licensee may suspend any safeguards <u>security</u> measures pursuant to this section in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent.
§ 73.55(a) This suspension must be approved as a minimum by a licensed senior operator prior to taking	This suspension of safeguards measures must be approved as a minimum by a licensed senior operator prior to taking this	This requirement would be retained with minor revision to report this information to the control room. This proposed requirement is intended to ensure	This suspension of safeguards <u>security</u> measures must be approved as a minimum by a licensed senior operator prior to taking this action.

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the action.	action.	that at least one onsite, licensee management level person who is knowledgeable and aware of reactor operations and reactor status at the time, is the individual who would approve the suspension and has the knowledge to determine and the authority to direct appropriate compensatory measures to include, but not limited to, modifications to the licensee protective strategy during the suspension period.	
	<p>(q)(1)(ii) During severe weather when the suspension is immediately needed to protect personnel whose assigned duties and responsibilities in meeting the requirements of this section would otherwise constitute a life threatening situation and no action consistent with the requirements of this section that can provide equivalent protection is immediately apparent.</p> <p>Suspension of safeguards due to severe weather must</p>	<p>This requirement would be added to provide a performance based requirement that accounts for the suspension of safeguards measures during severe weather conditions that could result in life threatening situations such as tornadoes, floods, hurricanes, etc., for those individuals assigned to carry out certain duties and responsibilities required by Commission regulations, and the approved security plans and procedures.</p> <p>This requirement would be added to provide a requirement for who is authorized to approve</p>	<p>Revise second part as follows:</p> <p>Suspension of safeguards <u>security measures</u> due to severe weather must be initiated by the security supervisor <u>supervision</u> and approved by a licensed senior operator prior to taking this action.</p>

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	be initiated by the security supervisor and approved by a licensed senior operator prior to taking this action.	suspensions under severe weather conditions.	
	(q)(2) Suspended security measures must be reimplemented as soon as conditions permit.	This requirement would be added to provide a performance based requirement for reimplementing suspended security measures.	(q)(2) Suspended security measures must be reimplemented <u>restored</u> as soon as conditions permit.
§ 73.55(a) The suspension of safeguards measures must be reported in accordance with the provisions of § 73.71.	(q)(3) The suspension of safeguards measures must be reported and documented in accordance with the provisions of § 73.71.	This requirement would be retained with minor revision for documenting suspended security measures.	(q)(3) The suspension of safeguards <u>security</u> measures must be reported and documented in accordance with the provisions of § 73.71.
§ 73.55(a) Reports made under Section § 50.72 need not be duplicated under § 73.71.	(q)(4) Reports made under § 50.72 of this chapter need not be duplicated under § 73.71.	This requirement would be retained.	(q)(4) should be moved to the end of (q)(3)
	(r) Records.	This header would be added for formatting purposes.	
§ 73.55(b)(1)(ii) The NRC may inspect, copy, and take away copies of all reports and documents required to be kept by Commission regulations, orders, or applicable license	(r)(1) The Commission may inspect, copy, retain, and remove copies of all records required to be kept by Commission regulations, orders, or license conditions whether the records are kept by the licensee or a	This requirement would be retained with minor revision. The phrase "reports and documents" would be replaced with the word "records" to account for all information collection requirements regardless of media, to include electronic record	

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conditions whether the reports and documents are kept by the licensee or the contractor,	contractor.	keeping systems.	
§ 73.55(g)(4) These reports must be maintained in an auditable form, available for inspection, for a period of 3 years.	(r)(2) The licensee shall maintain all records required to be kept by Commission regulations, orders, or license conditions, as a record until the Commission terminates the license for which the records were developed and shall maintain superseded portions of these records for at least three (3) years after the record is superseded, unless otherwise specified by the Commission.	This requirement would be retained and revised to consolidate multiple current records retention requirements rather than state the same requirement multiple times for each record throughout this rule. The phrase "unless otherwise specified by the Commission" would be used to address any conflict that may arise between other records retention requirements such that the more restrictive requirement would take precedence.	
	(s) Safety/security interface. In accordance with the requirements of § 73.58, the licensee shall develop and implement a process to inform and coordinate safety and security activities to ensure that these activities do not adversely affect the capabilities of the security organization to satisfy the	This requirement would be added to provide specific reference to the proposed § 73.58 for Safety and Security Interface requirements	Delete, duplicated in 73.58.

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	requirements of this section, or overall plant safety.		
	(t) Alternative measures.	This header would be added for formatting purposes.	
§ 73.55(a) The Commission may authorize an applicant or licensee to provide measures for protection against radiological sabotage other than those required by this section if the applicant or licensee demonstrates that the measures have the same high assurance objective as specified in this paragraph and that the overall level of system performance provides protection against radiological sabotage equivalent to that which would be provided by Paragraphs (b) through (h) of this section and meets the general performance requirements of this	(t)(1) The Commission may authorize an applicant or licensee to provide a measure for protection against radiological sabotage other than one required by this section if the applicant or licensee demonstrates that: (i) The measure meets the same performance objective and requirements as specified in paragraph (b) of this section, and (ii) The proposed alternative measure provides protection against radiological sabotage or theft of unirradiated MOX fuel assemblies, equivalent to that which would be provided by the specific requirement for which it would substitute.	This requirement would be retained and revised to provide a performance based requirement for alternative measures that focus attention on the Commission's view that an alternative measure is an unanalyzed substitute for a specific Commission requirement of this proposed section and therefore, must be individually and knowingly reviewed and approved by the Commission before implementation to ensure consistency with these proposed Commission regulations. The Commission has determined that the requirements described in this proposed section have been carefully analyzed by the Commission and therefore, an alternative measure to a proposed requirement of this section must also be carefully analyzed through the process addressed in 10 CFR 50.90 before	

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section.		implementation. Specifically, the language used by this proposed requirement addresses alternative measures "individually" rather than collectively to clarify that each proposed alternative measure is unique by itself and must be analyzed as such. In addition, the phrase "have the same high assurance objective" is replaced with the phrase "meets the same performance objective and requirements as specified in paragraph (b) of this section".	
		The proposed paragraph (b) of this section retains the same "high assurance objective" referred to by the current requirement and incorporates by reference the performance based requirements of this proposed section that facilitate licensee achievement of the intended high assurance objective.	
§ 73.55(c)(9)(i) For licensees who choose to propose alternative measures as provided for in 10 CFR 73.55 (c)(8), the proposal must be submitted in	(t)(2) The licensee shall submit each proposed alternative measure to the Commission for review and approval in accordance with §§ 50.4 and 50.90 of this chapter before	This requirement would be retained and revised to expand the application of the current provision for alternative measures to all proposed requirements of this section and would provide the process by which alternative	

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accordance with 10 CFR 50.90 and include the analysis and justification for the proposed alternatives.	implementation.	measures would be submitted for Commission review and approval.	
§ 73.55(c)(8)(ii) Propose alternative measures, in addition to the measures established in accordance with 10 CFR 73.55 (c)(7), describe the level of protection that these measures would provide against a land vehicle bomb, and compare the costs of the alternative measures with the costs of measures necessary to fully meet the design goals and criteria.	(t)(3) The licensee shall submit a technical basis for each proposed alternative measure, to include any analysis or assessment conducted in support of a determination that the proposed alternative measure provides a level of protection that is at least equal to that which would otherwise be provided by the specific requirement of this section.	This requirement would be retained and revised to expand the application of the current provision for alternative measures to all proposed requirements of this section and to provide a description of the detailed information needed to support the technical basis for a request for Commission approval of an alternative measure.	
§ 73.55(c)(8)(ii) The Commission will approve the proposed alternative measures if they provide substantial protection against a land vehicle bomb, and it is determined by an analysis, using the	(t)(4) Alternative vehicle barrier systems. In the case of alternative vehicle barrier systems required by § 73.55(e)(8), the licensee shall demonstrate that: (i) The alternative measure provides substantial protection against a vehicle	This requirement would be retained with minor revision. The phrase "The Commission will approve the proposed alternative measures" would be deleted because approval would be based on NRC review. The proposed language clearly stipulates that alternative measures will be	Reword to clarify as: "Alternative vehicle barrier systems. In the case of vehicle barrier systems alternative to those required by § 73.55(e)(8), the licensee shall demonstrate that: (i) The alternative measure provides substantial protection against a vehicle bomb, and

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essential elements of 10 CFR 50.109, that the costs of fully meeting the design goals and criteria are not justified by the added protection that would be provided.	bomb, and (ii) Based on comparison of the costs of the alternative measures to the costs of meeting the Commission's requirements using the essential elements of 10 CFR 50.109, the costs of fully meeting the Commission's requirements are not justified by the protection that would be provided.	reviewed by the staff and approval would be contingent upon the justification provided by the licensee to include an analysis that examines the costs and benefits of the alternative measure consistent with 10 CFR 50.109.	(ii) Based on comparison of the costs of the alternative measures to the costs of meeting the Commission's requirements using the essential elements of 10 CFR 50.109, the costs of fully meeting the Commission's requirements is not justified by the protection that would be provided."
	73.55 Definitions.	This requirement would be added to clarify the use of the listed terms used in this proposed rule.	
	<i>Security Officer</i> means a uniformed individual, either armed with a covered weapon or unarmed, whose primary duty is the protection of a facility, of radioactive material, or of other property against theft or diversion or against radiological sabotage.	This definition would be added to clarify what is meant by the term "Security Officer" as used in this document.	Delete "or of other property" as it is not required.

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	<p><i>Target Set</i> means the combination of equipment or operator actions which, if all are prevented from performing their intended safety function or prevented from being accomplished, would likely result in significant core damage (e.g., non-incipient, non-localized fuel melting, and/or core disruption) barring extraordinary action by plant operators. A target set with respect to spent fuel sabotage is draining the spent fuel pool leaving the spent fuel uncovered for a period of time, allowing spent fuel heat-up and the associated potential for release of fission products.</p>	<p>This definition would be added to clarify what is meant by the term "Target Set" as used in this document.</p>	

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<p>Appendix B to Part 73</p> <p>General Criteria for Security Personnel</p>	<p>Appendix B to Part 73</p> <p>VI. Nuclear Power Reactor Training and Qualification Plan</p>	<p>This proposed Paragraph VI and header would be added to the current Appendix B to replicate current requirements, ensure continuity between training and qualification programs and requirements for security personnel, and provide for the separation, modification, addition, and clarification of training and qualification requirements as they apply specifically to operating nuclear power reactors.</p>	<p>Title should be clear that the training is for security personnel. Recommend revising the title to "Nuclear Power Reactor Security Personnel Training and Qualification Plan"</p>
<p>Introduction</p>	<p>A. General Requirements and Introduction</p>	<p>The phrase "General Requirements and" would be added to this header for formatting purposes.</p>	
<p>Appendix B, Introduction, Paragraph 1: Security personnel who are responsible for the protection of special nuclear material on site or in transit and for the protection of the facility or shipment vehicle against radiological sabotage should, like other elements</p>	<p>A.1. The licensee shall ensure that all individuals who are assigned duties and responsibilities required to prevent significant core damage and spent fuel sabotage, implement the Commission approved security plans, licensee response strategy, and implementing procedures,</p>	<p>This requirement would retain the requirement for security personnel to meet minimum criteria to ensure that they will effectively perform their assigned security-related job duties. The phrase "security personnel" would be replaced with the phrase "all individuals" to describe the Commission determination that any individual who is assigned to perform a</p>	

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<p>of the physical security system, be required to meet minimum criteria to ensure that they will effectively perform their assigned security-related job duties.</p>	<p>meet minimum training and qualification requirements to ensure each individual possess the knowledge, skills, and abilities required to effectively perform the assigned duties and responsibilities.</p>	<p>security function must be trained and qualified to effectively perform that security function. The phrase "on site or in transit and for the protection of the facility or shipment vehicle" would be deleted to remove language not applicable to power reactors. The phrase "against radiological sabotage" would be replaced with the phrase "required to prevent core damage and spent fuel sabotage,." The phrase implementation of the Commission approved security plans, licensee response strategy, and implementing procedures" would provide a detailed list of programmatic areas for which the licensee must provide effective training and qualification to satisfy the performance objective for protection against radiological sabotage. The word "should" would be deleted because training and qualification would be required not suggested. The phrase "like other elements of the physical security system, be required to meet minimum criteria to ensure that they will effectively perform</p>	

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		<p>their assigned security-related job duties” would be replaced with the phrase “meet minimum training and qualification requirements to ensure each individual possess the knowledge, skills, and abilities required to effectively perform the assigned duties and responsibilities” to describe the Commission determination that minimum training and qualification requirements are met to provide assurance that assigned individuals possess the knowledge, skills, and abilities that are required to effectively perform the assigned function.</p>	
<p>Appendix B, Introduction: In order to ensure that those individuals responsible for security are properly equipped and qualified to execute the job duties prescribed for them, the NRC has developed general criteria that specify security personnel qualification requirements.</p>	<p>A.2. To ensure that those individuals who are assigned to perform duties and responsibilities required for the implementation of the Commission approved security plans, licensee response strategy, and implementing procedures are properly suited, trained, equipped, and qualified to perform their assigned duties</p>	<p>This requirement would retain the requirement for the licensee to ensure that all personnel assigned security duties and responsibilities are properly trained and qualified. The word, “suited” would be added to reflect the suitability requirements of the current Appendix B. The word, “trained” would be added to reflect the training requirements of the current Appendix B. The phrase</p>	

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	<p>and responsibilities, the Commission has developed minimum training and qualification requirements that must be implemented through a Commission approved training and qualification plan.</p>	<p>"responsible for security" would be replaced with the phrase "who are assigned to perform duties and responsibilities required for the implementation of the Commission approved security plans, licensee response strategy, and implementing procedures" to identify the major programmatic areas from which security duties are derived. The phrase "execute the job duties prescribed for them" would be replaced with the phrase "perform their assigned duties and responsibilities" to for consistency with the updated language used in the proposed rule. The acronym "NRC" would be replaced with the word "Commission" to remove the use of this acronym. The phrase "general criteria that specify security personnel qualification requirements" would be replaced with the phrase "minimum training and qualification requirements" for consistency with the use of the word "minimum" and the phrase "general criteria that specify". The phrase "that shall be implemented through a Commission approved</p>	

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		training and qualification plan” would be added for consistency with the proposed 10 CFR 73.55.	
<p>Appendix B, Introduction: These general criteria establish requirements for the selection, training, equipping, testing, and qualification of individuals who will be responsible for protecting special nuclear materials, nuclear facilities, and nuclear shipments.</p> <p>Appendix B, Introduction: When required to have security personnel that have been trained, equipped, and qualified to perform assigned security job duties in accordance with the criteria in this appendix, the licensee must establish, maintain, and follow a plan that shows how the criteria will be met.</p>	<p>A.3. The licensee shall establish, maintain, and follow a Commission approved training and qualification plan, describing how the minimum training and qualification requirements set forth in this Appendix will be met, to include the processes by which all members of the security organization, will be selected, trained, equipped, tested, and qualified.</p>	<p>This requirement for selection, training, equipping, testing, and qualification would be retained and reformatted to combine two current requirements. An expansion of the plan requirements would describe the content of an approved training and qualification plan that would demonstrate how the requirements in the appendix are met.</p>	
Appendix B, II.D: Each	A.4. Each individual	This requirement to demonstrate	

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individual assigned to perform the security related task identified in the licensee physical security or contingency plan shall demonstrate the required knowledge, skill, and ability in accordance with the specified standards for each task as stated in the NRC approved licensee training and qualifications plan.	assigned to perform security program duties and responsibilities required to effectively implement the Commission approved security plans, licensee protective strategy, and the licensee implementing procedures, shall demonstrate the knowledge, skills, and abilities required to effectively perform the assigned duties and responsibilities before the individual is assigned the duty or responsibility.	knowledge, skills would be retained. The requirement to demonstrate knowledge, skills, and abilities prior to assignment would be added to ensure that each individual demonstrates the ability to apply formal classroom training to assigned duties and responsibilities.	
Appendix B, Paragraph I.C. ...shall consider job-related functions such as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations.	A.5. The licensee shall ensure that the training and qualification program simulates, as closely as practicable, the specific conditions under which the individual shall be required to perform assigned duties and responsibilities.	This requirement would be based upon the current requirement of Appendix B, Paragraph I.C., and require that due to changes in the threat environment that personnel must be trained in a manner which simulates the site specific conditions under which the assigned duties and responsibilities are required to be performed.	This is a new requirement. The requirement to "simulate" was not in I.C before. It carries a different meaning than "consider".
Appendix B, Introduction:	A.6. The licensee may not	This requirement would be based	

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<p>Security personnel who are responsible for the protection of special nuclear material on site or in transit and for the protection of the facility or shipment vehicle against radiological sabotage should, like other elements of the physical security system, be required to meet minimum criteria to ensure that they will effectively perform their assigned security-related job duties.</p>	<p>allow any individual to perform any security function, assume any security duties or responsibilities, or return to security duty, until that individual satisfies the training and qualification requirements of this appendix and the Commission approved training and qualification plan, unless specifically authorized by the Commission.</p>	<p>upon the current Appendix B, Introduction. Due to changes to the threat environment, this requirement would identify the applicability of Appendix B training and qualification standards to all security-related duties, whether they be performed by traditional security organization personnel or other plant staff. Licensees would be required by the proposed rule to describe how non-security personnel would be trained to perform the specific functions to which they are assigned in accordance with the Commission approved training and qualification plan, and that non-security personnel would be required to meet the requirements of this proposed appendix that are specifically articulated and necessary to perform the required, specific duty or responsibility assigned.</p>	
<p>Appendix B, Paragraph I.E. At least every 12 months, central alarm station operators shall be required</p>	<p>A.7. Annual requirements must be scheduled at a nominal twelve (12) month periodicity. Annual</p>	<p>This annual training requirement would be retained and revised for consistency with the proposed § 73.55. The intent would be to</p>	

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<p>to meet the physical requirements of B.1.b of this section, and guards, armed response personnel, and armed escorts shall be required to meet the physical requirements of Paragraphs B.1.b (1) and (2), and C of this section.</p>	<p>requirements may be completed up to three (3) months before or three (3) months after the scheduled date. However, the next annual training must be scheduled twelve (12) months from the previously scheduled date rather than the date the training was actually completed.</p>	<p>provide regulatory stability and consistency by requiring annual training at a nominal 12 month intervals, while providing for those instances when a licensee may not be able to conduct annual training on the scheduled date due to site specific conditions or unforeseen circumstances. This would provide needed flexibility in accomplishing required training. This requirement would provide for annual training to be conducted up to three (3) months prior to, or three (3) months after the scheduled initial date. However, to insure that the required training period would be not repeatedly extended beyond the required 12 months, this requirement would require that the next subsequent training date be 12 months from the originally scheduled date. The intent would be to provide licensees with the necessary flexibility to resolve scheduling issues due to unexpected circumstances such as forced outages, unforeseen weather conditions, and ensure that training would be completed within the</p>	

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		minimum required frequency.	
I. Employment suitability and qualification.	B. Employment suitability and qualification.	This header would be retained without change.	
Appendix B, Paragraph I.A. Suitability:	B.1. Suitability.	This header would be retained without change.	
Appendix B, Paragraph I.A.1. Prior to employment, or assignment to the security organization, an individual shall meet the following suitability criteria:	B.1.a. Before employment, or assignment to the security organization, an individual shall:	This requirement would be retained with only minor grammatical changes.	
Appendix B, Paragraph I.A.1.a. Educational development--Possess a high school diploma or pass an equivalent performance examination designed to measure basic job-related mathematical, language, and reasoning skills, ability, and knowledge, required to perform security job duties.	B.1.a.(1) Possess a high school diploma or pass an equivalent performance examination designed to measure basic mathematical, language, and reasoning skills, abilities, and knowledge, required to perform security duties and responsibilities;	This requirement to possess a high school diploma or pass an equivalent performance examination would be retained. The title "Educational development" would be deleted because it would not be needed. The phrase "job-related" would be deleted because it would be addressed by the phrase "required to perform". The word "job" would be replaced with the word "responsibilities" to more accurately reflect the skills required. The word "ability" would be	

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		replaced with the word "abilities" to correct grammar.	
Appendix B, Paragraph I.A.2. Prior to employment or assignment to the security organization in an armed capacity, the individual, in addition to (a) and (b) above, must be 21 years of age or older.	B.1.a.(2) Have attained the age of 21 for an armed capacity or the age of 18 for an unarmed capacity; and	This age requirement for armed personnel would be retained. The phrase "or the age of 18 for an unarmed capacity" would be added to specify a minimum age since the current NRC approved training and qualification plans for all licensees requires unarmed members to have attained the age of 18 prior to assignment.	
Appendix B, Paragraph I.A.1.b. Felony convictions-Have no felony convictions involving the use of a weapon and no felony convictions that reflect on the individual's reliability.	B.1.a.(3) An unarmed individual assigned to the security organization may not have any felony convictions that reflect on the individual's reliability.	The phrase "Have no felony convictions involving the use of a weapon" would be deleted because the proposed rule would address this requirement in 10 CFR 73.18 for an armed member of the security organization. The phrase "An unarmed individual assigned to the security organization may not have any felony convictions" would be added to retain the current requirement for unarmed individuals.	
Appendix B, Paragraph II.C. The qualifications of each	B.1.b. The qualification of each individual to perform	The "attested to by a security supervisor" requirement would be	This is a new requirement.

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individual must be documented and attested by a licensee security supervisor.	assigned duties and responsibilities must be documented by a qualified training instructor and attested to by a security supervisor.	retained. The phrase "to perform assigned duties and responsibilities" would be added to clarify the performance standard for documentation. The phrase "by a qualified training instructor" would be added to require that the security supervisor must attest to the fact that the required training for each individual was administered by a qualified instructor and documentation was obtained and properly completed. The word "licensee" would be deleted because a contract security supervisor may attest to an individual's qualification. These changes would better describe the requirement for verification and documentation of training by a supervisor.	<p>Since on the job training can be signed off by personnel qualified for that task we recommend changing "qualified training instructor" to "qualified personnel."</p> <p>Recommend revising the rule language to read :</p> <p>"The qualification of each individual to perform assigned duties and responsibilities must be documented <u>and the security supervisor must attest to the fact that the required training was administered by qualified personnel.</u>"</p>
Appendix B, Paragraph I.B. Physical and mental qualifications.	B.2. Physical qualifications.	This header would be retained and the two topics separately addressed. The word "mental" is deleted because psychological qualifications are set forth separately.	
Appendix B, Paragraph	B.2.a. General Physical	This header would be retained.	

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Current Language	Proposed Language	Considerations	NEI Comments
I.B.1. Physical qualifications:	Qualifications	The word "General" would be added to indicate that site specific physical qualifications would be applicable if not addressed herein.	
Appendix B, Paragraph I.B.1.a. Individuals whose security tasks and job duties are directly associated with the effective implementation of the licensee physical security and contingency plans shall have no physical weaknesses or abnormalities that would adversely affect their performance of assigned security job duties.	B.2.a.(1) Individuals whose duties and responsibilities are directly associated with the effective implementation of the Commission approved security plans, licensee protective strategy, and implementing procedures, may not have any physical conditions that would adversely affect their performance.	The requirement would be retained. The phrase "tasks and job duties" would be replaced with the phrase "duties and responsibilities" to reflect current language usage. The phrase "licensee physical security and contingency plans" would be replaced with the phrase "Commission approved security plans, licensee protective strategy, and implementing procedures" to specify the source of the duties and responsibilities. The phrase "of assigned security job duties" would be deleted because it would be addressed by the phrase "whose duties and responsibilities" at the beginning of this proposed requirement. The phrase "weaknesses or abnormalities" would be replaced with "conditions" to specify that all physical attributes affecting performance should be considered.	This is a new requirement. Recommend revising the rule language as follows to allow for use in limited duty positions: "Individuals whose duties and responsibilities are directly associated with the effective implementation of the Commission approved security plans, licensee protective strategy, and implementing procedures, may not have any physical conditions that would adversely affect their performance <u>of assigned security job duties and responsibilities.</u> "

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Current Language	Proposed Language	Considerations	NEI Comments
<p>Appendix B, Paragraph I.B.1.b. In addition to a. above, guards, armed response personnel, armed escorts, and central alarm station operators shall successfully pass a physical examination administered by a licensed physician. The examination shall be designed to measure the individual's physical ability to perform assigned security job duties as identified in the licensee physical security and contingency plans.</p>	<p>B.2.a.(2) Armed and unarmed members of the security organization shall be subject to a physical examination designed to measure the individual's physical ability to perform assigned duties and responsibilities as identified in the Commission approved security plans, licensee protective strategy, and implementing procedures.</p>	<p>This physical examination requirement would be retained. Proposed revisions would combine two current requirements, reflect current language usage, and describe the requirement for measuring the individual's physical ability to assure they can perform assigned duties.</p>	<p>This is a new requirement.</p> <p>The requirements in B.2.a.1 adequately address the physical requirements for unarmed security personnel.</p> <p>Recommend revising the proposed rule language as follows:</p> <p>"B.2.a.(2) Armed and unarmed members of the security organization and alarm station operators shall be subject to a physical examination designed to measure the individual's physical ability to perform assigned duties and responsibilities as identified in the Commission approved security plans, licensee protective strategy, and implementing procedures."</p>
<p>Appendix B, Paragraph I.B.1.b. In addition to a. above, guards, armed</p>	<p>B.2.a.(3) This physical examination must be administered by a licensed</p>	<p>This physical examination requirement would be retained. Proposed revisions would describe</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
response personnel, armed escorts, and central alarm station operators shall successfully pass a physical examination administered by a licensed physician.	health professional with final determination being made by a licensed physician to verify the individual's physical capability to perform assigned duties and responsibilities.	the minimum qualifications of the individual administering the physical examination and separate the professional qualifications that must be met by the individual(s) administering the physical examination and the person making the determination of the individual's physical capability to perform assigned duties.	
Appendix B, Paragraph I.B.1.b. Armed personnel shall meet the following additional physical requirements:	B.2.a.(4) The licensee shall ensure that both armed and unarmed members of the security organization who are assigned security duties and responsibilities identified in the Commission approved security plans, the licensee protective strategy, and implementing procedures, meet the following minimum physical requirements, as required to effectively perform their assigned duties.	The physical requirements requirement would be retained. Proposed revisions due to changes to the threat environment would describe the minimum physical requirements for both armed and unarmed security personnel. Inclusion of unarmed personnel would be necessary to account for those instances where the two types of security personnel share similar duties and responsibilities required to implement the approved plans and procedures. The requirement would not apply to administrative security staff, such as clerks or secretaries, for the performance of their assigned administrative duties and	<p>This is a new requirement.</p> <p>The requirements in B.2.a.1 adequately address the physical requirements for unarmed security personnel.</p> <p>Also, there appears to be a error in the numbering sequence that follows B.2.a.(4).</p> <p>Recommend rewording as follows: "...the licensee protective strategy, and implementing procedures, meets the minimum physical requirements <u>delineated in B.2.b, B.2.c, and B.2.d</u> as</p>

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Current Language	Proposed Language	Considerations	NEI Comments
		responsibilities. However, should such personnel, or other non-security personnel be assigned to perform security functions required to implement the Commission approved security plans and implementing procedures, these personnel must be trained and qualified to perform these duties and possess appropriate vision, hearing, and physical capabilities that are required to effectively perform the assigned duties or responsibilities	required to effectively perform their assigned duties.”
Appendix B, Paragraph I.B.1.b.(1) Vision:	B.2.b. Vision:	This header would be retained.	
Appendix B, Paragraph I.B.1.b.(1)(a) For each individual, distant visual acuity in each eye shall be correctable to 20/30 (Snellen or equivalent) in the better eye and 20/40 in the other eye with eyeglasses or contact lenses.	B.2.b.(1) For each individual, distant visual acuity in each eye shall be correctable to 20/30 (Snellen or equivalent) in the better eye and 20/40 in the other eye with eyeglasses or contact lenses.	This requirement would be retained.	
Appendix B, Paragraph	B.2.b.(2) Near visual acuity,	This requirement would be	

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Current Language	Proposed Language	Considerations	NEI Comments
I.B.1.b.(1)(a) Near visual acuity, corrected or uncorrected, shall be at least 20/40 in the better eye.	corrected or uncorrected, shall be at least 20/40 in the better eye.	retained.	
Appendix B, Paragraph I.B.1.b.(1)(a) Field of vision must be at least 70 degrees horizontal meridian in each eye.	B.2.b.(3) Field of vision must be at least 70 degrees horizontal meridian in each eye.	This requirement would be retained.	
Appendix B, Paragraph I.B.1.b.(1)(a) The ability to distinguish red, green, and yellow colors is required.	B.2.b.(4) The ability to distinguish red, green, and yellow colors is required.	This requirement would be retained.	
Appendix B, Paragraph I.B.1.b.(1)(a) Loss of vision in one eye is disqualifying.	B.2.b.(5) Loss of vision in one eye is disqualifying.	This requirement would be retained.	
Appendix B, Paragraph I.B.1.b.(1)(a) Glaucoma shall be disqualifying, unless controlled by acceptable medical or surgical means, provided such medications as may	B.2.b.(6) Glaucoma is disqualifying, unless controlled by acceptable medical or surgical means, provided that medications used for controlling glaucoma do not cause	This requirement would be retained.	

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Current Language	Proposed Language	Considerations	NEI Comments
be used for controlling glaucoma do not cause undesirable side effects which adversely affect the individual's ability to perform assigned security job duties, and provided the visual acuity and field of vision requirements stated above are met.	undesirable side effects which adversely affect the individual's ability to perform assigned security job duties, and provided the visual acuity and field of vision requirements stated previously are met.		
Appendix B, Paragraph I.B.1.b.(1)(a) On-the-job evaluation shall be used for individuals who exhibit a mild color vision defect.	B.2.b.(7) On-the-job evaluation must be used for individuals who exhibit a mild color vision defect.	This requirement would be retained.	
Appendix B, Paragraph I.B.1.b.(1)(a) If uncorrected distance vision is not at least 20/40 in the better eye, the individual shall carry an extra pair of corrective lenses. Appendix B, Paragraph I.B.1.b.(1)(b) Where	B.2.b.(8) If uncorrected distance vision is not at least 20/40 in the better eye, the individual shall carry an extra pair of corrective lenses in the event that the primaries are damaged. Corrective eyeglasses must be of the safety glass type.	The vision requirements in Paragraphs I.B.1.b.(1)(a) and I.B.1.b.(1)(b) would be retained and combined. The phrase "in the event that the primaries are damaged" would be added to ensure that the individual would continue to meet minimum vision requirements should one pair be damaged and not usable. The phrase "carry an extra pair of corrective lenses" would include any future technological	This change seems unnecessary. The existing requirements ensure the officer has an extra pair of corrective lenses. Rule language does not need to be so prescriptive to tell the officer when to wear the extra pair of lenses.

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Current Language	Proposed Language	Considerations	NEI Comments
corrective eyeglasses are required, they shall be of the safety glass type.		advancements in vision correction and would include glasses and/or contact lenses, or other materials by any name whose purpose would be to correct an individual's vision.	
Appendix B, Paragraph I.B.1.b.(1)(c) The use of corrective eyeglasses or contact lenses shall not interfere with an individual's ability to effectively perform assigned security job duties during normal or emergency operations.	B.2.b.(9) The use of corrective eyeglasses or contact lenses may not interfere with an individual's ability to effectively perform assigned duties and responsibilities during normal or emergency conditions.	This requirement would be retained.	
Appendix B, Paragraph I.B.1.b.(2) Hearing:	B.2.c. Hearing:	This header would be retained.	
Appendix B, Paragraph I.B.1.b.(2)(a) Individuals shall have no hearing loss in the better ear greater than 30 decibels average at 500 Hz, 1,000 Hz, and 2,000 Hz with no level greater than 40 decibels at any one frequency (by ISO 389 ``Standard Reference	B.2.c.(1) Individuals may not have hearing loss in the better ear greater than 30 decibels average at 500 Hz, 1,000 Hz, and 2,000 Hz with no level greater than 40 decibels at any one frequency.	The requirement concerning hearing loss would be retained. Referenced standards would be deleted. The NRC staff has determined that reference to specific calibration standards would no longer be necessary and that it would not be appropriate to require these standards by this proposed rule because such standards may	

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Current Language	Proposed Language	Considerations	NEI Comments
Zero for the Calibration of Puritone Audiometer" (1975) or ANSI S3.6-1969 (1973) "Specifications for Audiometers"). ISO 389 and ANSI S3.6-1969 have been approved for incorporation by reference by the Director of the Federal Register.		become outdated and obsolete, and equipment may change due to technological advancements, which would require future rule changes to update the referenced documents. The expectation would be that a licensed professional will perform this examination using professionally accepted standards to include calibration standards for equipment used.	
Appendix B, Paragraph I.B.1.b.(2)(b) A hearing aid is acceptable provided suitable testing procedures demonstrate auditory acuity equivalent to the above stated requirement.	B.2.c.(2) A hearing aid is acceptable provided suitable testing procedures demonstrate auditory acuity equivalent to the hearing requirement.	This requirement would be retained.	
Appendix B, Paragraph I.B.1.b.(2)(c) The use of a hearing aid shall not decrease the effective performance of the individual's assigned security job duties during normal or emergency operations.	B.2.c.(3) The use of a hearing aid may not decrease the effective performance of the individual's assigned security job duties during normal or emergency operations.	This requirement would be retained.	

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Current Language	Proposed Language	Considerations	NEI Comments
Appendix B, Paragraph I.B.1.b.(3) Diseases -	B.2.d. Existing medical conditions.	This requirement would be revised to require that the licensee consider all existing medical conditions that would adversely effect performance and not limit consideration to only pre-existing conditions or "diseases."	
Appendix B, Paragraph I.B.1.b.(3) ...Individuals shall have no established medical history or medical diagnosis of epilepsy or diabetes, or, where such a condition exists...	B.2.d.(1) Individuals may not have an established medical history or medical diagnosis of existing medical conditions which could interfere with or prevent the individual from effectively performing assigned duties and responsibilities.	The requirement concerning medical history would be retained. Proposed revisions would require that the licensee consider any existing medical conditions and not limit this consideration to only specified conditions. The phrase "epilepsy or diabetes, or, where such a condition exists" would be replaced with the phrase "existing medical conditions which could interfere with or prevent the individual from effectively performing assigned duties and responsibilities" to state the requirement that the licensee must consider all medical conditions that could adversely affect performance.	
Appendix B, Paragraph I.B.1.b.(3) ...the individual shall provide medical	B.2.d.(2) If a medical condition exists, the individual shall provide	This requirement to provide medical evidence that a condition can be controlled would be retained. The	

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Current Language	Proposed Language	Considerations	NEI Comments
evidence that the condition can be controlled with proper medication so that the individual will not lapse into a coma or unconscious state while performing assigned security job duties.	medical evidence that the condition can be controlled with medical treatment in a manner which does not adversely affect the individual's fitness-for-duty, mental alertness, physical condition, or capability to otherwise effectively perform assigned duties and responsibilities.	phrase "proper medication" is replaced with the phrase "medical treatment" to account for conditions that may be treated without medication and future changes in medicine. The phrase "so that the individual will not lapse into a coma or unconscious state while" would be replaced with the phrase "in a manner which does not adversely affect the individual's fitness-for-duty, mental alertness, physical condition, or capability to otherwise effectively" to describe the requirement that the ability to perform duties would be the criteria and not be limited to the current specific conditions of coma or unconscious state. The phrase "job duties" would be replaced with the phrase "duties and responsibilities" to reflect plain language requirements.	
Appendix B, Paragraph I.B.1.b.(4) Addiction-Individuals shall have no established medical history or medical diagnosis of habitual	B.2.e. Addiction. Individuals may not have any established medical history or medical diagnosis of habitual alcoholism or drug addiction, or, where this type	This requirement regarding addiction would be retained. The word "effectively" would be added to describe the requirement that the individual must be able to carry out tasks in a manner that would	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>alcoholism or drug addiction, or, where such a condition has existed, the individual shall provide certified documentation of having completed a rehabilitation program which would give a reasonable degree of confidence that the individual would be capable of performing assigned security job duties.</p>	<p>of condition has existed, the individual shall provide certified documentation of having completed a rehabilitation program which would give a reasonable degree of confidence that the individual would be capable of effectively performing assigned duties and responsibilities.</p>	<p>provide the necessary results. The phrase "job duties" would be replaced with the phrase "duties and responsibilities" to satisfy plain language requirements.</p>	
<p>Appendix B, Paragraph I.B.1.b.(5) Other physical requirements--An individual who has been incapacitated due to a serious illness, injury, disease, or operation, which could interfere with the effective performance of assigned security job duties shall, prior to resumption of such duties, provide medical evidence of recovery and ability to perform such security job duties.</p>	<p>B.2.f. Other physical requirements. An individual who has been incapacitated due to a serious illness, injury, disease, or operation, which could interfere with the effective performance of assigned duties and responsibilities shall, before resumption of assigned duties and responsibilities, provide medical evidence of recovery and ability to perform these duties and responsibilities.</p>	<p>This requirement to provide medical evidence of recovery from an incapacitation would be retained. The phrase "job duties" would be replaced with the phrase "duties and responsibilities" for consistency with other proposed rule and plain language requirements.</p>	<p>This applies to all security personnel.</p>

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Current Language	Proposed Language	Considerations	NEI Comments
Appendix B, Paragraph I.B.2. Mental qualifications:	B.3. Psychological qualifications:	This mental qualifications requirement would be retained. The word "mental" would be replaced by the word "psychological" to be consistent with other proposed changes and plain language requirements.	
Appendix B, Paragraph I.B.2.a. Individuals whose security tasks and job duties are directly associated with the effective implementation of the licensee physical security and contingency plans shall demonstrate mental alertness and the capability to exercise good judgment, implement instructions, assimilate assigned security tasks, and possess the acuity of senses and ability of expression sufficient to permit accurate communication by written, spoken, audible, visible, or other signals required by assigned job duties.	B.3.a. Armed and unarmed members of the security organization shall demonstrate the ability to apply good judgment, mental alertness, the capability to implement instructions and assigned tasks, and possess the acuity of senses and ability of expression sufficient to permit accurate communication by written, spoken, audible, visible, or other signals required by assigned duties and responsibilities.	This requirement to demonstrate good judgement, ability to implement instructions/tasks, and to communicate would be retained. The phrase "Individuals whose security tasks and job duties are directly associated with the effective implementation of the licensee physical security and contingency plans" would be replaced with the phrase "Armed and unarmed members of the security organization" to describe the requirement that these mental requirements are minimum standards that must apply to both armed and unarmed security personnel because they share similar duties and responsibilities for the physical protection of the site.	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>Appendix B, Paragraph I.B.2.b. Armed individuals, and central alarm station operators, in addition to meeting the requirement stated in Paragraph a. above, shall have no emotional instability that would interfere with the effective performance of assigned security job duties. The determination shall be made by a licensed psychologist or psychiatrist, or physician, or other person professionally trained to identify emotional instability.</p>	<p>B.3.b. A licensed clinical psychologist, psychiatrist, or physician trained in part to identify emotional instability shall determine whether armed members of the security organization in addition to meeting the requirement stated in Paragraph a. of this section, have no emotional instability that would interfere with the effective performance of assigned duties and responsibilities.</p>	<p>The requirement regarding emotional instability would be retained. The phrase "Armed individuals, and central alarm station operators" would be replaced with the phrase "armed members of the security organization" for consistency with the terminology used in the proposed rule.</p>	<p>This is a new requirement.</p> <p>Modify rule language to</p> <p>"...psychiatrist, physician trained in part to identify emotional instability <u>or other person professionally trained</u> to identify emotion instability shall determine whether armed or unarmed members of the security organization in addition to meeting the requirement stated in Paragraph a. of this section, have no emotional instability that would interfere with the effective performance of assigned duties and responsibilities.</p>
<p>Appendix B, Paragraph I.B.2.b. Armed individuals, and central alarm station operators, in addition to meeting the requirement</p>	<p>B.3.c. A person professionally trained to identify emotional instability shall determine whether unarmed members of the</p>	<p>Section B.3.c. would be added to describe that these emotional instability requirements are minimum standards that must apply to armed and unarmed security</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
stated in Paragraph a. above, shall have no emotional instability that would interfere with the effective performance of assigned security job duties. The determination shall be made by a licensed psychologist or psychiatrist, or physician, or other person professionally trained to identify emotional instability.	security organization in addition to meeting the requirement stated in Paragraph a. of this section, have no emotional instability that would interfere with the effective performance of assigned duties and responsibilities.	personnel because they share similar duties and responsibilities for the physical protection of the site.	
Appendix B, Paragraph I.C. Medical examinations and physical fitness qualifications.	B.4. Medical examinations and physical fitness qualifications.	This header would be retained.	
Appendix B, Paragraph I.C. Guards, armed response personnel, armed escorts and other armed security force members shall be given a medical examination including a determination and written certification by a licensed physician that there are no medical contraindications	B.4.a. Armed members of the security organization shall be subject to a medical examination by a licensed physician, to determine the individual's fitness to participate in physical fitness tests.	This medical examination requirement would be retained. Current requirements for an examination and certification would be reformatted to separate the two requirements in order to specify the requirements for medical examinations and certifications.	This requirement is redundant to B.2.a (3) which already requires a physical exam by a licensed physician. Recommend deleting B.4.a (the first B.4.a)

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Current Language	Proposed Language	Considerations	NEI Comments
as disclosed by the medical examination to participation by the individual in physical fitness tests.			
Appendix B, Paragraph I.C. Guards, armed response personnel, armed escorts and other armed security force members shall be given a medical examination including a determination and written certification by a licensed physician that there are no medical contraindications as disclosed by the medical examination to participation by the individual in physical fitness tests.	B.4.a. The licensee shall obtain and retain a written certification from the licensed physician that no medical conditions were disclosed by the medical examination that would preclude the individual's ability to participate in the physical fitness tests or meet the physical fitness attributes or objectives associated with assigned duties.	This requirement for written certification would be retained. Current requirements for an examination and certification would be reformatted to separate the two requirements in order to specify the requirements for medical examinations and certifications. The licensee must obtain and retain a written certification from the licensed physician who performed the examination, which clearly states that the individual has no medical condition that would cause the licensee to doubt the individual's ability to perform the physical requirements of the fitness test and therefore, could not effectively perform assigned duties.	Numbering needs to be corrected. "B.4.a. The licensee shall obtain and retain a written certification <u>from the exam required by B.2.a(3)</u> that no medical conditions were disclosed by the medical examination that would preclude the individual's ability to participate in the physical fitness tests or meet the physical fitness attributes or objectives associated with assigned duties."
		The phrase "associated with assigned duties" would be added to require that the test simulates the conditions under which the assigned duties and responsibilities	

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Current Language	Proposed Language	Considerations	NEI Comments
		are required to be performed.	
Appendix B, Paragraph I.C. Subsequent to this medical examination, guards, armed response personnel, armed escorts and other armed security force members shall demonstrate physical fitness for assigned security job duties by performing a practical physical exercise program within a specific time period.	B.4.b. Before assignment, armed members of the security organization shall demonstrate physical fitness for assigned duties and responsibilities by performing a practical physical fitness test.	<p>This medical examination and physical fitness requirement would be retained. The phrase "guards, armed response personnel, armed escorts and other armed security force members" would be replaced with the phrase "armed members of the security organization" for consistency with terminology used in the proposed rule. The phrase "security job duties would be replaced with the phrase "assigned duties and responsibilities" for consistency with terminology used in the proposed rule.</p> <p>The phrase "exercise program" would be replaced with the phrase "practical physical fitness test" for consistency with terminology used in the proposed rule. The term "practical" would mean that the test must be representative of the physical requirements of duties and responsibilities assigned to armed members of the security organization. The phrase "specific time period" would be deleted because specific time periods are</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
		delineated in Commission approved security plans.	
<p>Appendix B, Paragraph I.C. The exercise program performance objectives shall be described in the license training and qualifications plan and shall consider job-related functions such as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations.</p>	<p>B.4.b.(1) The physical fitness test must consider physical conditions such as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations and must simulate site specific conditions under which the individual will be required to perform assigned duties and responsibilities.</p>	<p>This requirement related to physical conditions would be retained. The phrase "and shall consider job-related functions such as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations" is replaced with the phrase "The physical fitness test must consider physical conditions such as strenuous activity, physical exertion, levels of stress, and exposure to the</p>	
		<p>elements as they pertain to each individual's assigned security job duties for both normal and emergency operations" for consistency with the terminology used by the proposed rule. The phrase "and shall simulate site specific conditions under which the individual will be required to perform assigned duties and</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
		responsibilities" would be added to specify that site specific conditions such as facility construction and layout, weather, terrain, elements, should be simulated to the extent reasonably practical.	
Appendix B, Paragraph I.C. The exercise program performance objectives shall be described in the license training and qualifications plan...	B.4.b.(2) The licensee shall describe the physical fitness test in the Commission approved training and qualification plan.	This approved plan requirement would be retained and separated to address this requirement individually. The phrase "The exercise program performance objectives shall be described in the license training and qualifications plan " would be replaced with the phrase "The licensee shall describe the physical fitness test in the Commission approved training and qualification plan" to reflect plain language requirements.	
Appendix B, Paragraph I.C. ...shall consider job-related functions such as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both	B.4.d.(3) The physical fitness test must include physical attributes and performance objectives which demonstrate the strength, endurance, and agility, consistent with assigned duties in the Commission approved	This requirement would be based on the current Appendix B, Paragraph I.C. and would require that the licensee include, as part of the physical fitness test, performance objectives that are designed to demonstrate the ability of each individual to meet the physical attributes required of	B.4.d.(3) should be renumbered to B.4.b.(3)

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normal and emergency operations.	security plans, licensee protective strategy, and implementing procedures during normal and emergency conditions.	assigned duties and responsibilities.	
Appendix B, Paragraph I.C. The physical fitness qualification of each guard, armed response person, armed escort, and other security force member shall be documented and attested to by a licensee security supervisor.	B.4.b(4) The physical fitness qualification of each armed member of the security organization must be documented by a qualified training instructor and attested to by a security supervisor.	This documentation and attesting requirement would be retained. This requirement would be intended to include adequate oversight and verification of qualification while providing flexibility to the licensee to determine how to best use management resources. The phrase "by a qualified training instructor" would be added to specify the training instructor observes and documents that the qualification criteria are met while the security supervisor attests to the fact that the required training for each individual was administered by a qualified instructor and documentation was obtained and properly completed. The word "licensee" would be deleted because the proposed rule would permit a contract security supervisor to attest to an individual's qualification. The	Similar to B.1.b, this section should be revised as follows: "B.4.b(4) The physical fitness qualification of each armed member of the security organization must be documented by a qualified training instructor and attested to by a security supervisor <u>and the security supervisor must attest to the fact that physical fitness qualification was administered by qualified personnel.</u> "

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Current Language	Proposed Language	Considerations	NEI Comments
		phrase "guard, armed response person, armed escort, and other security force member" would be replaced with the phrase "each armed member of the security organization" for consistency with the terminology used in the proposed rule.	
Appendix B, Paragraph I.E. Physical requalification --	B.5. Physical requalification.	This header would be retained.	
Appendix B, Paragraph I.E. At least every 12 months, central alarm station operators shall be required to meet the physical requirements of B.1.b of this section, and guards, armed response personnel, and armed escorts shall be required to meet the physical requirements of Paragraphs B.1.b (1) and (2), and C of this section.	B.5.a. At least annually, armed and unarmed members of the security organization shall be required to demonstrate the capability to meet the physical requirements of this appendix and the licensee training and qualification plan.	This requirement to demonstrate the capability to meet the physical requirements would be retained. The phrase "every 12 months" would be replaced with the word "annually" to specify that annual requirements must be scheduled at a nominal 12 month periodicity but may be conducted up to three (3) months prior to three (3) months after the scheduled date with the next scheduled date 12 months from the originally scheduled date. This requirement would be intended to provide flexibility to the licensee to account for those instances when	This is a new requirement. Recommend this section be revised as follows: "B.5.a. At least annually, armed members of the security organization <u>and alarm station operators</u> shall be required to demonstrate the capability to meet the physical requirements of this appendix and the licensee training and qualification plan."

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		site specific conditions, such as outages, preclude conducting requalification at the scheduled dates, while ensuring that the intent of the requirement would be still met without requiring the next scheduled date to be changed to correspond with the month in which the requalification is performed	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>Appendix B, Paragraph I.E. The physical fitness qualification of each guard, armed response person, armed escort, and other security force member shall be documented and attested to by a licensee security supervisor.</p>	<p>B.5.b. The physical requalification of each armed and unarmed member of the security organization must be documented by a qualified training instructor and attested to by a security supervisor.</p>	<p>This documentation and attesting requirement would be retained. This requirement would be intended to include adequate oversight and verification of qualification while providing flexibility to the licensee to determine how to best use management resources. The phrase "by a qualified training instructor" would be added to specify the training instructor observes and documents that the qualification criteria is met while the security supervisor attests to the fact that the required documentation is retained and properly completed. The phrase "guard, armed response person, armed escort, and other security force member" would be replaced with the phrase "each armed and unarmed member of the security organization" for consistency with the terminology used in the proposed rule. The word "licensee" would be deleted because the proposed rule would permit a contract security supervisor attest to an individual's qualification.</p>	<p>This is a new requirement.</p> <p>Recommend this section be revised as follows:</p> <p>"B.5.b. The physical requalification of each armed and unarmed member of the security organization <u>and alarm station operators</u> must be documented by a qualified training instructor and attested to by a security supervisor <u>and the security supervisor must attest to the fact that physical requalification was administered by qualified personnel.</u>"</p>

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Current Language	Proposed Language	Considerations	NEI Comments
II. Training and qualifications.	C. Duty training	This new header would be added to provide a section under which the current and proposed non-weapons-related training requirements may be grouped.	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>Appendix B, Paragraph II.A. Training requirements. Each individual who requires training to perform assigned security-related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or the licensee's agent's documented training and qualifications plan.</p> <p>Appendix B, Paragraph II.B. Qualification</p> <p>Qualification requirement. Each person who performs security-related job tasks or job duties required to implement the licensee physical security or contingency plan shall, prior to being assigned to these tasks or duties, be qualified in accordance with the licensee's NRC-approved training and qualifications plan.</p>	<p>C.1. Duty training and qualification requirements. All personnel who are assigned to perform any security-related duty or responsibility, shall be trained and qualified to perform assigned duties and responsibilities to ensure that each individual possesses the minimum knowledge, skills, and abilities required to effectively carry out those assigned duties and responsibilities.</p>	<p>This training requirement would be retained and revised to combine the two current requirements of Appendix B, Paragraph II.A. and II.B. This requirement would account for those instances where the licensee may use, in addition to members of the security organization, site personnel from outside of the security organization to perform security related duties, such as, but not limited to, escorts, tampering, detection, and compensatory measures. The Commission views are that security personnel must obtain the requisite knowledge, skills, and abilities of all security-related duties prior to unsupervised assignment.</p>	<p>This is a new requirement.</p> <p>The language "assigned to perform <u>any</u> security-related duty or responsibility," is too broad and should be specific to security-related duties or responsibilities, as identified in the security plans.</p> <p>Recommend revision as follows:</p> <p>"C.1. Duty training and qualification requirements. All personnel who are assigned to perform any security-related duty or responsibility <u>as identified in the Commission approved security plans, licensee protective strategy, or implementing procedures</u> shall be trained and qualified to perform assigned duties and responsibilities to ensure that each individual possesses the minimum knowledge, skills, and abilities required to effectively carry out those assigned duties and responsibilities."</p>

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Current Language	Proposed Language	Considerations	NEI Comments
<p>Appendix B, Paragraph II.D. The areas of knowledge, skills, and abilities that shall be considered in the licensee's training and qualifications plan are as follows:</p> <p>[NOTE: The list of one hundred specific training subjects is omitted here for conservation of space.]</p>	<p>C.1.a. The areas of knowledge, skills, and abilities that are required to perform assigned duties and responsibilities must be identified in the licensee's Commission approved training and qualification plan.</p>	<p>This requirement would be retained and revised to replace the current list of 100 topic areas with a requirement for the licensee to provide a site specific list in the approved security plans and specify assigned duties in the training and qualification plan. The Commission has determined that the current list would no longer be necessary to ensure that the listed topic areas are addressed by each licensee. In accordance with this proposed Appendix, all licensees are required to ensure that all personnel are trained and qualified to perform their assigned duties and responsibilities. Those requirements would encompass topics that are currently listed, making it unnecessary to specifically list the 100 areas of knowledge, skills, and abilities.</p>	
<p>Appendix B, Paragraph II.A. Each individual who requires training to perform assigned security-related job tasks or job duties as</p>	<p>C.1.b. Each individual who is assigned duties and responsibilities identified in the Commission approved security plans, licensee</p>	<p>This training requirement would be retained. The requirement would specify training of all individuals assigned to perform security functions required to implement the</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or the licensee's agent's documented training and qualifications plan.</p>	<p>protective strategy, and implementing procedures shall, before assignment, (1) be trained to perform assigned duties and responsibilities in accordance with the requirements of this appendix and the Commission approved training and qualification plan.</p>	<p>Commission approved security plans, licensee response strategy, and implementing procedures. The phrase "requires training to perform assigned security-related job tasks or job duties as" would be replaced with the phrase "is assigned duties and responsibilities" to reflect changes to terminology used. The phrase "in the licensee physical security or contingency" would be replaced with the phrase "Commission approved security plans, licensee protective strategy, and implementing procedures" to reflect changes to terminology used. The phrase "these tasks and duties" would be replaced with the phrase "assigned duties and responsibilities" to reflect changes to terminology used. The phrase "licensee or the licensee's agent's documented training and qualifications plan" would be replaced with the phrase "requirements of this Appendix and the Commission approved training and qualification plan" to reflect changes to terminology used.</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>Appendix B, Paragraph II.B. Each person who performs security-related job tasks or job duties required to implement the licensee physical security or contingency plan shall, prior to being assigned to these tasks or duties, be qualified in accordance with the licensee's NRC-approved training and qualifications plan.</p>	<p>C.1.b. (2) meet the minimum qualification requirements of this Appendix and the Commission approved training and qualification plan.</p>	<p>This qualification requirement would be retained. The requirement would specify the qualification standard for all individuals assigned to perform security functions required to implement the Commission approved security plans, licensee response strategy, and implementing procedures. The phrase "be qualified in accordance with" would be replaced with the phrase "meet the minimum qualification requirements of this Appendix and" to specify that the approved T&Q plan implements the requirements of this proposed rule. The phrase "licensee's NRC-approved" would be replaced with the phrase "Commission approved" to reflect changes to terminology used.</p>	
<p>Appendix B, Paragraph II. A. Training Requirements - Each individual who requires training to perform assigned security - related job tasks or job duties as identified in the licensee</p>	<p>C.1.b. (3) be trained and qualified in the use of all equipment or devices required to effectively perform all assigned duties and responsibilities.</p>	<p>This requirement would be based on the current Appendix B, Paragraph II.A. and specify the requirement for training in the use of equipment required to effectively perform all assigned duties and responsibilities. The Commission</p>	<p>Recommend requirement be deleted because this requirement appears to be redundant to C.1.b (1) since that training should encompass use of equipment and devises. If not deleted,</p>

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Current Language	Proposed Language	Considerations	NEI Comments
physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or licensee's agent's documented training and qualification plan.		views this as facilitating the performance objective of the proposed § 73.55 B.1.	recommend revision as follows: "C.1.b. (3) be trained and qualified in the use of all <u>required</u> equipment or devices. required to effectively perform all assigned duties and responsibilities. "
	C.2. On-the-job training	This new header would be added for consistency with the format of this proposed paragraph. This new topic area would be intended to specify the requirement that the licensee training and qualification program must include an on-the-job training program to ensure that assigned personnel have demonstrated an acceptable level of performance and proficiency within the actual work environment, prior to assignment to an unsupervised position.	This is a new requirement that should be evaluated in the Regulatory Analysis.
Appendix B, Paragraph II. A. Training Requirements - Each individual who requires training to perform	C.2.a. The licensee training and qualification program must include on-the-job training performance	This new requirement would be based on the current Appendix B, Paragraph II.A. and would specify the requirement that the licensee	The rule language is too prescriptive. C.2.b and C.2.c are not

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Current Language	Proposed Language	Considerations	NEI Comments
<p>assigned security - related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or licensee's agent's documented training and qualification plan.</p> <p>Appendix B, Paragraph I.B.1.b.(1)(a) On-the-job evaluation shall be used for individuals who exhibit a mild color vision defect.</p>	<p>standards and criteria to ensure that each individual demonstrates the requisite knowledge, skills, and abilities needed to effectively carry-out assigned duties and responsibilities in accordance with the Commission approved security plans, licensee protective strategy, and implementing procedures, before the individual is assigned the duty or responsibility.</p>	<p>include on-the-job training as part of the training and qualification program to ensure each individual demonstrates, in an on-the-job setting, an acceptable level of performance and proficiency to carry-out assigned duties and responsibilities prior to an assignment. The expectation would be that on-the-job training would be conducted by qualified security personnel who will observe the trainee's performance and provide input for improvement and final qualification of the trainee and allow each individual to develop and apply, in a controlled but realistic training environment, the knowledge, skills, and abilities presented in formal and informal classroom settings. This requirement would be in addition to licensee specific classroom training that may include instruction on security practices and theory and other training activities for security-related duties</p>	<p>necessary because C.1.a and C.2.a cover these requirements.</p> <p>There is a requirement for documentation for OJT in C.2.b that must be moved to C.2.a; therefore add the following sentence to C.2.a:</p> <p>"On-the-job training must be documented and the security supervisor must attest to the fact that the OJT was administered by qualified personnel."</p>
<p>Appendix B, Paragraph II.</p>	<p>C.2.b. In addition to meeting the requirement</p>	<p>This new requirement would be based on the current Appendix B,</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>A.</p> <p>Training Requirements - Each individual who requires training to perform assigned security - related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or licensee's agent's documented training and qualification plan.</p>	<p>stated in paragraph C.2.a., before assignment, individuals assigned duties and responsibilities to implement the Safeguards Contingency Plan shall complete a minimum of 40 hours of on-the-job training to demonstrate their ability to effectively apply the knowledge, skills, and abilities required to effectively perform assigned duties and responsibilities in accordance with the approved security plans, licensee protective strategy, and implementing procedures.</p> <p>On-the-job training must be documented by a qualified training instructor and attested to by a security supervisor.</p>	<p>Paragraph II.A. and would specify the requirement for on-the-job training. This requirement would specify that 40 hours is the minimum time for practical skill development and performance demonstration necessary to fully assess an individual's knowledge, skills, and abilities to effectively carry-out assigned duties and responsibilities prior to assignment to an unsupervised position. This requirement would be in addition to formal and informal classroom instruction. The phrase "by a qualified training instructor" would be added to require that the security supervisor must attest to the fact that the required training for each individual was administered by a qualified instructor and documentation was obtained and properly completed.</p>	
<p>Appendix B, Paragraph I.B.1.b.(1)(a) On-the-job evaluation shall be used for individuals who exhibit a</p>	<p>C.2.c. On-the-job training for contingency activities and drills must include, but is not</p>	<p>This new requirement would be based on the current requirements Appendix B, Paragraph II.A. and Appendix B, Paragraph II.D. This</p>	<p>The elements listed here should be moved to implementing/regulatory guidance. The language is</p>

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Current Language	Proposed Language	Considerations	NEI Comments
<p>mild color vision defect.</p> <p>Appendix B, Paragraph I.C. The exercise program performance objectives shall be described in the license training and qualifications plan and shall consider job-related functions such as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations.</p> <p>Appendix B, Paragraph II. A.</p> <p>Training Requirements - Each individual who requires training to perform assigned security - related job tasks or job duties as identified in the licensee physical security or</p>	<p>limited to, hands-on application of knowledge, skills, and abilities related to:</p> <p>(1) Response team duties.</p> <p>(2) Use of force.</p> <p>(3) Tactical movement.</p> <p>(4) Cover and concealment.</p> <p>(5) Defensive-positions.</p> <p>(6) Fields-of-fire.</p> <p>(7) Re-deployment.</p> <p>(8) Communications (primary and alternate).</p> <p>(9) Use of assigned equipment.</p> <p>(10) Target sets.</p> <p>(11) Table top drills.</p> <p>(12) Command and control duties.</p>	<p>requirement would provide a list of minimum generic topics which are applicable to all sites and must be addressed, but are not intended to limit the licensee such that site specific topics are not also included. This requirement would also specify that the licensee identify and document in the training and qualification plan, the specific knowledge, skills, and abilities required by each individual to perform their assigned duties and responsibilities and would generically include any specific items that are currently listed in the current Appendix B, Paragraph II.D., and therefore, would require that any applicable topics from the deleted list are addressed.</p>	<p>too prescriptive for inclusion in a performance based rule.</p>

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Current Language	Proposed Language	Considerations	NEI Comments
<p>contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or licensee's agent's documented training and qualification plan.</p> <p>Appendix B, Paragraph II.D. The areas of knowledge, skills, and abilities that shall be considered in the licensee's training and qualifications plan are as follows:</p> <p>[NOTE: The list of one hundred specific training subjects is omitted here for conservation of space.]</p>			
	C.3. Tactical response team drills and exercises.	This new header would be added for formatting.	
Appendix B, Paragraph II. A. Training Requirements - Each individual who	C.3.a. Licensees shall demonstrate response capabilities through a	This requirement would be based on the current Appendix B, Paragraph II.A. Due to changes in	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>requires training to perform assigned security - related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or licensee's agent's documented training and qualification plan.</p>	<p>performance evaluation program as described in Appendix C to this part.</p>	<p>the threat environment, the requirement would specify that the licensee develop and follow a performance evaluation program designed to demonstrate the effectiveness of the onsite response capabilities.</p>	
<p>Appendix B, Paragraph II. A.</p> <p>Training Requirements - Each individual who requires training to perform assigned security - related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the</p>	<p>C.3.b. The licensee shall conduct drills and exercises in accordance with Commission approved security plans, licensee protective strategy, and implementing procedures.</p>	<p>This requirement would be based on the current Appendix B, Paragraph II.A. Due to changes in the threat environment, the requirement would specify that the licensee conduct drills and exercises to demonstrate the effectiveness of security plans, licensee protective strategy, and implementing procedures.</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
licensee or licensee's agent's documented training and qualification plan.			
<p>Appendix B, Paragraph II. A.</p> <p>Training Requirements - Each individual who requires training to perform assigned security - related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or licensee's agent's documented training and qualification plan.</p>	<p>C.3.b.(1) Drills and exercises must be designed to challenge participants in a manner which requires each participant to demonstrate requisite knowledge, skills, and abilities.</p>	<p>This requirement would be based on the current Appendix B, Paragraph II.A. Due to changes in the threat environment, the requirement would specify that the licensee conduct drills and exercises that are designed to demonstrate each participants requisite knowledge, skills, and abilities to perform security responsibilities.</p>	<p>In the context established by C.3.b, the rule language should focus on the scope of drills and exercises not the individual participants. Therefore the rule language should me modified as follows:</p> <p>"Drills and exercises must be designed to challenge participants in a manner which requires each participant to the site <u>protective strategy against elements of the design basis threat and ensure participants</u> demonstrate requisite knowledge, skills, and abilities."</p>
<p>Appendix B, Paragraph II. A.</p>	<p>C.3.b.(2) Tabletop exercises may be used to supplement drills and exercises to accomplish desired training</p>	<p>This requirement would be based on the current Appendix B, Paragraph II.A. Due to changes in the threat environment, the</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
Training Requirements - Each individual who requires training to perform assigned security - related job tasks or job duties as identified in the licensee physical security or contingency plans shall, prior to assignment, be trained to perform these tasks and duties in accordance with the licensee or licensee's agent's documented training and qualification plan.	goals and objectives.	requirement would convey the Commission view that licensees may use tabletop exercises to supplement drills and exercises as a means of achieving training goals and objectives.	
	D. Duty qualification and requalification	This new header would be added for formatting purposes. The word "duty" would be used to clarify that the following sections relate to non-weapons training topics.	
	D.1. Qualification demonstration	This new header would be added for formatting purposes.	
73.55(b)(4)(i) Upon the request of an authorized representative of the Commission, the licensee	D.1.a. Armed and unarmed members of the security organization shall demonstrate the required	This requirement would be based on the current requirement of 10 CFR 73.55(b)(4)(i). Due to changes in the threat environment, it is the	

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Current Language	Proposed Language	Considerations	NEI Comments
shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities.	knowledge, skills, and abilities to carry out assigned duties and responsibilities as stated in the Commission approved security plans, licensee protective strategy, and implementing procedures.	Commission's view that licensees must be able to demonstration the ability of security personnel to carry out their assigned duties and responsibilities.	
73.55(b)(4)(i) Upon the request of an authorized representative of the Commission, the licensee shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities.	D.1.b. This demonstration must include an annual written exam and hands-on performance demonstration.	This requirement would be based on the current requirement of 10 CFR 73.55(b)(4)(i) and would specify a licensee requirement to perform written examinations and hands-on performance tests to demonstrate knowledge of the skill or ability being tested. The Commission's view is that written examinations and hands-on performance tests are two components that are necessary to demonstrate the overall qualification and proficiency of an individual performing security duties.	
73.55(b)(4)(i) Upon the request of an authorized representative of the Commission, the licensee	(1) Written Exam. The written exams must include those elements listed in the Commission approved	This requirement would be based on the current requirement of 10 CFR 73.55(b)(4)(i). Due to changes in the threat environment, the rule	Relocate requirement for written exam to new section F.7 since it applies to armed security officers.

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<p>shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities.</p>	<p>training and qualification plan and shall require a minimum score of 80 percent to demonstrate an acceptable understanding of assigned duties and responsibilities, to include the recognition of potential tampering involving both safety and security equipment and systems.</p> <p>(2) Hands-on Performance Demonstration. Armed and unarmed members of the security organization shall demonstrate hands-on performance for assigned duties and responsibilities by performing a practical hands-on demonstration for required tasks. The hands-on demonstration must ensure that theory and associated learning objectives for each required task are considered and each individual demonstrates the knowledge, skills, and abilities required to</p>	<p>would require a minimum exam score of 80 percent using accepted training and evaluation techniques. The Commission has determined that a score of 80 percent demonstrates the minimum level of understanding and familiarity of the material acceptable and would be consistent with minimum scores commonly accepted throughout the Nuclear Industry.</p>	

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	effectively perform the task.		
73.55(b)(4)(i) Upon the request of an authorized representative of the Commission, the licensee shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities.	D.1.c. Upon request by an authorized representative of the Commission, any individual assigned to perform any security-related duty or responsibility shall demonstrate the required knowledge, skills, and abilities for each assigned duty and responsibility, as stated in the Commission approved security plans, licensee protective strategy, or implementing procedures.	This requirement would be based upon the current requirement of 10 CFR 73.55(b)(4)(i) and would include, upon request, that an individual assigned security duties or responsibilities demonstrate knowledge, skills and abilities required for such assignments or responsibilities. This requirement would be distinct from the required annual written demonstration above and would be necessary for regulatory consistency. This rule would require that any individual who is assigned to perform any security-related duty or responsibility must demonstrate their capability to effectively perform those assigned duties or responsibilities when requested, regardless of the individual's specific organizational affiliation. These demonstrations would provide the Commission with independent verification and validation that individuals can actually perform their assigned security duties.	

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Current Language	Proposed Language	Considerations	NEI Comments
Appendix B, Paragraph II.E. Requalification -	D.2. Requalification.	This header would be retained.	
<p>Appendix B, Paragraph II.E. Security personnel shall be requalified at least every 12 months to perform assigned security-related job tasks and duties for both normal and contingency operations.</p> <p>Appendix B, Paragraph II.E. Requalification shall be in accordance with the NRC-approved licensee training and qualifications plan.</p>	D.2.a. Armed and unarmed members of the security organization shall be requalified at least annually in accordance with the requirements of this appendix and the Commission approved training and qualification plan.	This requalification requirement would be retained and revised to combine two requirements of the current Appendix B, Paragraph II.E. The rule would require that armed and unarmed members of the security organization must be requalified annually to demonstrate that each individual continues to be capable of effectively performing assigned duties and responsibilities. The phrase "Security personnel" would be replaced with the phrase "Armed and unarmed members of the security organization" for consistency with the proposed rule. The phrase "every 12 months" would be replaced with the word "annual" for consistency with the proposed rule.	
Appendix B, Paragraph II.E. The results of requalification must be documented and attested by a licensee security	D.2.b. The results of requalification must be documented by a qualified training instructor and attested by a security	The requalification requirement would be retained. The proposed rule would require that the licensee provide adequate oversight and verification of qualification process.	

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supervisor.	supervisor.	The phrase "by a qualified training instructor" would be added to specify that the training instructor observes and documents that qualification criteria is met while the security supervisor attests to the fact that the required documentation is retained and properly completed. The word "licensee" would be deleted to provide flexibility to the licensee to determine the best use of management resources and to specify that contract security supervisors may be used to satisfy this requirement.	
III. Weapons training and Qualification.	E. Weapons training.	This header would be retained and revised. The word "Qualification" would be deleted because "qualification" is addressed individually in this proposed rule.	
	E.1. General firearms training.	This new header is added for formatting purposes.	
Appendix B, Paragraph III.A. Guards, armed response personnel and armed escorts requiring	E.1.a. Armed members of the security organization shall be trained and qualified in accordance with the	This training requirement would be retained and revised to specify that the training be conducted in accordance with the appendix and	

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Current Language	Proposed Language	Considerations	NEI Comments
weapons training to perform assigned security related job tasks or job duties shall be trained in accordance with the licensees' documented weapons training programs.	requirements of this appendix and the Commission approved training and qualification plan.	training and qualification plans. The phrase "Guards, armed response personnel and armed escorts" would be replaced with the phrase "Armed members of the security organization" for consistency with language used in the proposed rule. The phrase "requiring weapons training to perform assigned security related job tasks or job duties" would be deleted because that requirement is implied in the proposed rule language. The phrase "licensees' documented weapons training programs" would be replaced with the phrase "Commission approved training and qualification plan" for consistency with language used in the proposed rule.	
	E.1.b. Firearms instructors.	This new header would be added for formatting purposes.	
Appendix B, Paragraph III.A. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following	E.1.b.(1) Each armed member of the security organization shall be trained and qualified by a certified firearms instructor for the use and maintenance of each	This requirement would be based on the current Appendix B, Paragraph III.A. and would be revised to incorporate current requirements in approved training and qualification plans.	Delete E.1.b (1) since this section is dealing just with the qualifications of fire arms instructors. Those qualifications are articulated in (2), (3), and (4) below.

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areas:	assigned weapon to include but not limited to, qualification scores, assembly, disassembly, cleaning, storage, handling, clearing, loading, unloading, and reloading, for each assigned weapon.		
Appendix B, Paragraph III.A. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following areas:	E.1.b.(2) Firearms instructors shall be certified from a national or state recognized entity.	This requirement would be based on the current Appendix B, Paragraph III.A. and revised to require that licensees only use certified instructors. It is the Commission view that certification would be required from a national or state recognized entity such as Federal, State military or nationally recognized entities such as National Rifle Association (NRA), International Association of Law Enforcement Firearms Instructors (IALEFI).	
Appendix B, Paragraph III.A. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following	E.1.b.(3) Certification must specify the weapon or weapon type(s) for which the instructor is qualified to teach.	This requirement would be based on the current Appendix B, Paragraph III.A. and revised to establish minimum standards for those conducting firearms instruction. This requirement would	

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Current Language	Proposed Language	Considerations	NEI Comments
areas:		not intend that each firearm instructor be certified on the different manufacturers or brands, but rather that certification be obtained by weapon type such as handgun, shotgun, rifle, machine gun, or other enhanced weapons since each type requires different skills and abilities.	
Appendix B, Paragraph III.A. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following areas:	E.1.b.(4) Firearms instructors shall be recertified in accordance with the standards recognized by the certifying national or state entity, but in no case shall re-certification exceed three (3) years.	This requirement would be based upon the current Appendix B, Paragraph III.A. and revised to establish minimum standards for those conducting firearms instruction. Firearms instructor skills are perishable and therefore the proposed rule would require periodic re-qualification to demonstrate proficiency. The Commission has determined that three (3) years is a commonly accepted interval for re-certification throughout the firearms community.	
Appendix B, Paragraph IV. Qualification firing for the handgun and the rifle must be for daylight firing, and	E.1.c. Annual firearms familiarization. The licensee shall conduct annual firearms familiarization training in	This requirement would be based upon the current Appendix B, Paragraph IV. Due to changes in the threat environment, the	

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Current Language	Proposed Language	Considerations	NEI Comments
<p>each individual shall perform night firing for familiarization with assigned weapon(s).</p> <p>Appendix B, Paragraph IV. Each individual shall be requalified at least every 12 months.</p>	<p>accordance with the Commission approved training and qualification plan.</p>	<p>Commission seeks to establish minimum standards for weapons familiarization. This requirement would require individuals receive basic firearms familiarization and skills training with each weapon type such as nomenclature, stance, grip, sight alignment, sight stance, grip, sight alignment, sight picture, trigger squeeze, safe handling, range rules, prior to participating in a qualifying course of fire. The specifics of the familiarization must be included in the Commission approved plan.</p>	
<p>Appendix B, Paragraph III.A. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following areas:</p> <p>1. Mechanical assembly, disassembly, range penetration capability of</p>	<p>E.1.d. The Commission approved training and qualification plan shall include, but is not limited to, the following areas:</p> <p>(1) Mechanical assembly, disassembly, range penetration capability of weapon, and bull's-eye firing.</p> <p>(2) Weapons cleaning and</p>	<p>This proposed rule would retain the current standards listed in Appendix B, Paragraph III.A as weapons training areas to be addressed in the Commission approved T&Q plan. Due to changes in the threat environment, it is the Commission view that additional areas of demonstrated weapon proficiency should be added to the current regulations. The proposed rule would require an individual demonstrate proficiency in the following areas target engagement,</p>	<p>This is a new requirement and is not consistent with NRC orders which have been proven adequate for licensee security officers to defend against the Design Basis Threat. This has been demonstrated in over 40 NRC evaluated force-on-force exercises. In order to remain consistent with existing NRC approved training programs developed to implement the training order the list should</p>

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Current Language	Proposed Language	Considerations	NEI Comments
<p>weapon, and bull's-eye firing.</p> <p>2. Weapons cleaning and storage.</p> <p>3. Combat firing, day and night.</p> <p>4. Safe weapons handling.</p>	<p>storage.</p> <p>(3) Combat firing, day and night.</p> <p>(4) Safe weapons handling.</p> <p>(5) Clearing, loading, unloading, and reloading.</p> <p>(6) When to draw and point a weapon.</p>	<p>weapon malfunctions, cover and concealment weapon transition between strong (primary) and weak (support) hands, and weapon familiarization (areas 11 through 15.)</p>	<p>be consistent with the order list. The list of familiarization elements should be moved up under E.1.c. Then E.1.d goes away.</p>
<p>reloading.</p> <p>5. Clearing, loading, unloading, and</p> <p>6. When to draw and point a weapon.</p> <p>7. Rapid fire techniques.</p> <p>8. Close quarter firing.</p>	<p>(7) Rapid fire techniques.</p> <p>(8) Closed quarter firing.</p> <p>(9) Stress firing.</p> <p>(10) Zeroing assigned weapon(s) (sight and sight/scope adjustments).</p> <p>(11) Target engagement.</p>		

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Current Language	Proposed Language	Considerations	NEI Comments
9. Stress firing.	(12) Weapon malfunctions.		
10. Zeroing assigned weapon(s).	(13) Cover and concealment.		
	(14) Weapon transition between strong (primary) and weak (support) hands.		
	(15) Weapon familiarization.		
Appendix B, Paragraph II.D. Security knowledge, skills, and abilities--Each individual assigned to perform the security related task identified in the licensee physical security or contingency plan shall demonstrate the required knowledge, skill, and ability in accordance with the specified standards for each task as stated in the NRC approved licensee training and qualifications plan. The areas of knowledge, skills, and abilities that shall be considered in the	E.1.e. The licensee shall ensure that each armed member of the security organization is instructed on the use of deadly force as authorized by applicable state law.	The requirements of Appendix B, Paragraph II.D. would be modified to clarify training requirements regarding the use of deadly force. The proposed rule would specify that the substance of training in the use of deadly force should be focused on applicable state laws.	This is not a weapons familiarization training element. This requirement should be placed into the duty training section at Appendix B, C.1.b(4) since it is more appropriate as duty training.

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licensee's training and qualifications plan are as follows: The use of deadly force.			
Appendix B, Paragraph IV.D. Individuals shall be weapons requalified at least every 12 months in accordance with the NRC approved licensee training and qualifications plan, and in accordance with the requirements stated in A, B, and C of this section.	E.1.f. Armed members of the security organization shall participate in weapons range activities on a nominal four (4) month periodicity. Performance may be conducted up to five (5) weeks before to five (5) weeks after the scheduled date. The next scheduled date must be four (4) months from the originally scheduled date.	This requirement would be based upon the current requalification requirements stated in Appendix B, Paragraph IV.D., It is the Commission view that the proposed rule, requiring weapons range activities, would ensure individuals maintain proficiency in the use of assigned weapons and associated perishable skills.	This requirement should be moved to Section F <i>Weapons Qualification and Requalification</i> in place of the proposed F.1.b. If an officer misses quarterly range activities the qualification is revoked.
IV. Weapons qualification and requalification program.	F. Weapons qualification and requalification program.	This header would be retained.	
	F.1. General weapons qualification requirements.	This header would be added for formatting purposes.	
Appendix B, Paragraph IV. Qualification firing for the handgun and the rifle must	F.1.a. Qualification firing must be accomplished in accordance with Commission	The requirement would retain the qualification requirements stated in Appendix B, Paragraph IV. The	Modify this section as follows: "Qualification firing must be accomplished in accordance

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be for daylight firing, and each individual shall perform night firing for familiarization with assigned weapon(s).	requirements and the Commission approved training and qualification plan for assigned weapons.	proposed rule would specify that such qualifications have to be accomplished in accordance with Commission approved training and qualification plans.	with Commission requirements and the Commission approved training and qualification plan for assigned weapons and the results documented and retained as a record."
The results of weapons qualification and requalification must be documented by the licensee or the licensee's agent.	F.1.b. The results of weapons qualification and requalification must be documented and retained as a record.	This weapons qualification and requalification requirement would be retained. The word "must" would be replaced with the word "shall" for consistency with this proposed rule. The phrase "by the licensee or the licensee's agent" would be replaced with the phrase "and retained as a record" for consistency with the terminology used in the proposed rule.	
Each individual shall be requalified at least every 12 months.	F.1.c. Each individual shall be re-qualified at least annually.	This requalification requirement would be retained. The phrase "every 12 months" would be replaced with the word "annually" for consistency with this proposed rule.	Delete this section as it is duplicative of F.6.
Energy Policy Act of 2005	F.2. Alternate weapons qualification. Upon written request by the licensee, the	This new requirement would be added for consistency with the proposed § 73.19. The	Change "alternate" to "enhanced" for consistency with the proposed §73.19.

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	Commission may authorize an applicant or licensee to provide firearms qualification programs other than those listed in this appendix if the applicant or licensee demonstrates that the alternative firearm qualification program satisfies Commission requirements. Written requests must provide details regarding the proposed firearms qualification programs and describe how the proposed alternative satisfies Commission requirements.	proposed rule would require the licensee to request NRC authorization to implement alternative firearms qualification programs pursuant to the licensee's request for authorization to use "enhanced weapons" as defined in the proposed § 73.19.	
Appendix B, Paragraph IV. Qualification firing for the handgun and the rifle must be for daylight firing, and each individual shall perform night firing for familiarization with assigned weapon(s).	F.3. Tactical weapons qualification. The licensee Training and Qualification Plan must describe the firearms used, the firearms qualification program, and other tactical training required to implement the Commission approved security plans, licensee protective strategy, and	This requirement would be based upon the current qualification requirement in Appendix B, Paragraph IV. Due to changes to the threat environment, the proposed rule would require that the licensee develop and implement a site specific firearms qualification program and other tactical training to simulate site conditions under which the protective strategy will be	Change title to "Firearms Qualification Program" to be consistent with the program described in F.3.

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	implementing procedures. Licensee developed qualification and re-qualification courses for each firearm must describe the performance criteria needed, to include the site specific conditions (such as lighting, elevation, fields-of-fire) under which	implemented. The examples given (lighting, elevation and fields-of fire) are intended to be neither all inclusive nor limiting.	
	assigned personnel shall be required to carry-out their assigned duties.		
Appendix B, Paragraph IV. Qualification firing for the handgun and the rifle must be for daylight firing, and each individual shall perform night firing for familiarization with assigned weapon(s).	F.4. Firearms qualification courses. The licensee shall conduct the following qualification courses for weapons used.	This requirement would be based upon the current qualification requirements in Appendix B, Paragraph IV. The proposed rule would specify performance expectations for weapons courses.	
Appendix B, Paragraph IV. Qualification firing for the handgun and the rifle must be for daylight firing, and each individual shall perform night firing for	F.4.a. Annual daylight qualification course. Qualifying score must be an accumulated total of 70 percent with handgun and shotgun, and 80 percent	This requirement would combine the current Appendix B, Paragraph IV.A., B., and C. Because of changes to the threat environment, it is the Commission view that a higher qualification percentage is	The requirement for shotgun proficiency has increased by 20% above the current requirement with no rationale provided. It should remain at 50 percent.

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<p>familiarization with assigned weapon(s).</p> <p>Appendix B, Paragraph IV.A. Handgun -Guards, armed escorts and armed response personnel shall qualify with a revolver or semiautomatic pistol firing the national police course, or an equivalent nationally recognized course.</p>	<p>with semi-automatic rifle and/or enhanced weapons, of the maximum obtainable target score.</p>	<p>required. The Commission has determined that among law enforcement authorities, 70 percent is a commonly accepted fire qualification value requirement for handguns and shotguns and that 80 percent is the commonly accepted value for semi-automatic and enhanced weapons. The proposed rule would increase the acceptable level of</p>	
<p>Appendix B, Paragraph IV.B. Semiautomatic Rifle-Guards, armed escorts and armed response personnel, assigned to use the semiautomatic rifle by the licensee training and qualifications plan, shall qualify with a semiautomatic rifle by firing the 100-yard course of fire</p>		<p>proficiency to 70 percent for handgun and shotgun, and 80 percent for the semi-automatic rifle and enhanced weapons.</p>	

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specified in section 17.5(1) of the National Rifle Association, High Power Rifle Rules book (effective March 15, 1976), (1) or a nationally recognized equivalent course of fire.			
Appendix B, Paragraph IV.C. Shotgun-Guards, armed escorts, and armed response personnel assigned to use the 12 gauge shotgun by the licensee training and qualifications plan shall qualify with a full choke or improved modified choke 12 gauge shotgun firing the following course:			
Appendix B, Paragraph IV. Qualification firing for the handgun and the rifle must be for daylight firing, and each individual shall perform night firing for familiarization with assigned weapon(s).	F.4.b. Annual night fire qualification course. Qualifying score must be an accumulated total of 70 percent with handgun and shotgun, and 80 percent with semi-automatic rifle and/or enhanced weapons, of the maximum obtainable	This requirement would combine the qualification standards stated in the current Appendix B, Paragraph IV.A., B., and C. Because of changes to the threat environment, it is the Commission view that a higher qualification percentage is required. The Commission has determined that among law	The requirement for shotgun proficiency has increased by 20% above the current requirement with no rationale provided. It should remain at 50 percent.

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	target score.	enforcement authorities, 70 percent is a commonly accepted night fire qualification value requirement for handguns and shotguns and that, under the same conditions, 80 percent is the commonly accepted	
		value for semi-automatic and enhanced weapons. The proposed rule would increase the Night Fire qualification score from familiarization in the current rule, to an acceptable level of proficiency of 70 percent for handgun and shotgun, and 80 percent for the semi-automatic rifle and enhanced weapons.	
Appendix B, Paragraph IV. Qualification firing for the handgun and the rifle must be for daylight firing, and each individual shall perform night firing for	F.4.c. Annual tactical qualification course. Qualifying score must be an accumulated total of 80 percent of the maximum obtainable score.	This requirement would combine the current qualification requirements in Appendix B, Paragraph IV.A., B., and C. In the proposed rule, the annual tactical course of fire would be developed	The current NRC approved industry standard is 70 percent. The rule should be consistent with SFAQ 05-10 approved on December 12, 2005.

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familiarization with assigned weapon(s).		and implemented to simulate the licensee protective strategy in accordance with the Commission approved training and qualification plan. Licensees would not be not required to include every aspect of its site protective strategy into one tactical course of fire. Instead, licensees should consider periodically	
		evaluate and change their tactical course of fire to incorporate different or changed elements of the site protective strategy so that armed security personnel are exposed to multiple and different site contingency scenarios. In the current threat environment, LLEA tactical teams typically require a minimum qualification score of 80 percent to ensure that a higher percentage of rounds hit the intended target to neutralize the threat. This correlates to licensee protective strategies in which a higher percentage	
		of rounds that hit the intended target increase the ability of the	

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		security force to neutralize the adversarial threat to prevent radiological sabotage. As a result, the proposed rule would specify 80 percent as the minimum acceptable qualification score for the Tactical Qualification Course.	
	F.5. Courses of fire	This heading would be added to clarify the subsequent information and to be consistent with the remainder of this appendix.	Change to "Weapons Qualifications Courses." The courses of fire are described in F.4.
Appendix B, Paragraph IV.A. Handgun--	F.5.a. Handgun.	This heading would be brought forward from current rule and would be renumbered accordingly.	
Appendix B, Paragraph IV.A Guards, armed escorts and armed response personnel shall qualify with a revolver or semiautomatic pistol firing the national police course, or an equivalent nationally recognized course.	F.5.a.(1) Armed members of the security organization, assigned duties and responsibilities involving the use of a revolver or semiautomatic pistol shall qualify in accordance with standards and scores established by a law enforcement course, or an equivalent nationally recognized course.	The qualification requirement would be retained. The phrase "national police course" would be replaced with "law enforcement course" for consistency with the terminology used nationally in reference to firearms standards and courses.	Remove "and scores" which are addressed in F.4.

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Appendix B, Paragraph IV.A Qualifying score shall be an accumulated total of 70 percent of the maximum obtainable score.	F.5.a.(2) Qualifying scores must be an accumulated total of 70 percent of the maximum obtainable target score.	This requirement would be brought forward from current rule and would be renumbered accordingly.	Delete as this is duplicative of F.4.a, b and c.
Appendix B, Paragraph IV.B. Semiautomatic Rifle --	F.5.b. Semiautomatic rifle.	This header would be retained.	
Appendix B, Paragraph IV.B. Guards, armed escorts and armed response personnel, assigned to use the semiautomatic rifle by the licensee training and qualifications plan, shall qualify with a semiautomatic rifle by firing the 100-yard course of fire specified in Section 17.5(1) of the National Rifle Association, High Power Rifle Rules book (effective March 15, 1976), (1) or a nationally recognized equivalent course of fire.	F.5.b.(1) Armed members of the security organization, assigned duties and responsibilities involving the use of a semiautomatic rifle shall qualify in accordance with the standards and scores established by a law enforcement course, or an equivalent nationally recognized course.	The qualification requirement would be retained. The phrase "national police course" would be replaced with "law enforcement course" for consistency with the terminology used nationally in reference to firearms standards and courses.	Remove "and scores" which are addressed in F.4.
Qualifying score shall be an	F.5.b.(2) Qualifying scores	This requirement would be	Delete as this is duplicative of

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Current Language	Proposed Language	Considerations	NEI Comments
accumulated total of 80 percent of the maximum obtainable score.	must be an accumulated total of 80 percent of the maximum obtainable score.	retained.	F.4.a, b and c.
Appendix B, Paragraph IV.C. Shotgun --	F.5.c. Shotgun.	This header would be retained.	
Appendix B, Paragraph IV.C. Guards, armed escorts, and armed response personnel assigned to use the 12 gauge shotgun by the licensee training and qualifications plan shall qualify with a full choke or improved modified choke 12 gauge shotgun firing the following course:	F.5.c.(1) Armed members of the security organization, assigned duties and responsibilities involving the use of a shotgun shall qualify in accordance with standards and scores established by a law enforcement course, or an equivalent nationally recognized course.	The qualification requirement would be retained. The phrase "national police course" would be replaced with "law enforcement course" for consistency with the terminology used nationally in reference to firearms standards and courses. The phrase "12 gauge" would be deleted to account for future changes and because this specific requirement would be no longer needed in this proposed appendix.	Remove "and scores" which are addressed in F.4.
Appendix B, Paragraph IV.C. To qualify the individual shall be required to place 50 percent of all pellets (36 pellets) within	F.5.c.(2) Qualifying scores must be an accumulated total of 70 percent of the maximum obtainable target	The qualification requirement would be retained. Due to changes in the threat environment, the qualification score would be increased from 50 percent in the	Delete as this is duplicative of F.4.a, b and c.

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the black silhouette.	score.	current rule, to an acceptable level of proficiency. The proposed 70 percent requirement is a commonly accepted minimum qualification score, for shotguns in the law enforcement community.	
	F.5.d. Enhanced weapons.	This header would be added for formatting purposes.	
Appendix B, Paragraph III.A. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following areas:	F.5.d.(1) Armed members of the security organization, assigned duties and responsibilities involving the use of any weapon or weapons not described above, shall qualify in accordance with applicable standards and scores established by a law enforcement course or an equivalent nationally recognized course for these weapons.	This new requirement would be added to account for future technological advancements in weaponry available to licensees. The phrase "national police course" would be replaced with "law enforcement course" for consistency with the terminology used nationally in reference to firearms standards and courses. Examples of "Law enforcement course or an equivalent nationally recognized course for such weapons" includes those by the Departments of Justice, Energy, or Defense.	Remove "and scores" which are addressed in F.4.
Appendix B, Paragraph III.A. Each individual shall be proficient in the use of	F.5.d.(2) Qualifying scores must be an accumulated total of 80 percent of the	This new 80 percent qualification score requirement would be consistent and comparable with the	Delete as this is duplicative of F.4.a, b and c.

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his assigned weapon(s) and shall meet prescribed standards in the following areas:	maximum obtainable score.	requirements for semi-automatic rifles.	
Appendix B, Paragraph IV.D. Requalification -	F.6. Requalification.	This header would be retained.	Change to "Firearms Requalification" for consistency.
Appendix B, Paragraph IV.D. Individuals shall be weapons requalified at least every 12 months in accordance with the NRC approved licensee training and qualifications plan, and in accordance with the requirements stated in A, B, and C of this section.	F.6.a. Armed members of the security organization shall be re-qualified for each assigned weapon at least annually in accordance with Commission requirements and the Commission approved training and qualification plan.	This requalification requirement would be retained. The phrase "every 12 months" would be replaced with the word "annually" for consistency with this proposed rule. The phrase "Individuals shall be weapons requalified" would be replaced with the phrase "Armed members of the security organization shall be re-qualified for each assigned weapon" to reflect changes in the terminology used to describe this topic. The phrase "the NRC approved	Modify this section as follows: "Armed members of the security organization shall be re-qualified for each assigned weapon at least annually in accordance with Commission requirements and the Commission approved training and qualification plan and the results documented and retained as a record."
		licensee training and qualifications plan, and in accordance with the requirements stated in A, B, and C of this section" would be replaced with the phrase "Commission requirements and the Commission	

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		approved training and qualification plan" to reflect changes in the terminology used to describe this topic.	
Appendix B, Paragraph IV.D. Individuals shall be weapons requalified at least every 12 months in accordance with the NRC approved licensee training and qualifications plan, and in accordance with the requirements stated in A, B, and C of this section.	F.6.b. Firearms requalification must be conducted using the courses of fire outlined in Paragraph 5 of this section.	This requalification requirement would be retained. Due to changes in the threat environment, the proposed rule would specify the criteria for weapons requalification.	This should refer to F.4 rather than F.5.
			Relocate the requirement for written exams from D.1.b to a new Section F.7. Per Commission order this written exam applies to duties and responsibilities of armed security officers. Insert F.7 Written Exam "F.7.1 An Annual written exam for armed officers. The written exams must include those elements listed in the Commission approved training

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			and qualification plan and shall require a minimum score of 70 percent to demonstrate an acceptable understanding of assigned duties and responsibilities."
V. Guard, armed response personnel, and armed escort equipment.	G. Weapons, personal equipment and maintenance.	This heading would be retained and modified by adding the word "maintenance" for clarity.	
	G.1. Weapons.	This header was added for formatting purposes.	
<p>Appendix B, Paragraph III.A. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following areas:</p> <p>10 CFR 73.55 b.(4)(i) The licensee may not permit an individual to act as a guard,</p>	G.1.a. The licensee shall provide armed personnel with weapons that are capable of performing the function stated in the Commission approved security plans, licensee protective strategy, and implementing procedures.	This new requirement would be based upon the current 10 CFR 73.55 b.(4)(i) and Appendix B, Paragraph III.A. It also reflects new requirements that would implement the Energy Policy Act of 2005. This requirement would be intended to account for technological advancements in this area. Under the proposed rule, licensees could request Commission authorization to possess and use enhanced weapons that may otherwise be prohibited by	

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watchman armed response person, or other member of the security organization unless the individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with appendix B,		individual state laws. This authority has been granted to	
in accordance with Appendix B, "General Criteria for Security Personnel," to this part. Section 653 of the Energy Policy Act of 2005.		the NRC through Section 653 of the Energy Policy Act of 2005.	
	G.2. Personal equipment.	This header would be added for formatting purposes.	
Appendix B, Paragraph V.A. Fixed Site--Fixed site guards and armed response personnel shall either be equipped with or have available the following security equipment appropriate to the	G.2.a. The licensee shall ensure that each individual is equipped or has ready access to all personal equipment or devices required for the effective implementation of the Commission approved	This requirement would be based upon the current Appendix B, Paragraph V.A. This requirement would be intended to specify that the licensee is responsible for ensuring that each individual is provided all personal equipment required to effectively perform	

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individual's assigned contingency security related tasks or job duties as described in the licensee physical security and contingency plans:	security plans, licensee protective strategy, and implementing procedures.	assigned duties and responsibilities. The phrase "has ready access to" would mean that equipment or devices, that are required to perform assigned duties, are available as described in the Commission approved security plans, licensee	
<p>Appendix B, Paragraph V.A.5.(a) Helmet, Combat.</p> <p>Appendix B, Paragraph V.A.5.(b) Gas mask, full face.</p> <p>Appendix B, Paragraph V.A.5.(c) Body armor (bullet-resistant vest).</p> <p>Appendix B, Paragraph V.A.5.(d) Flashlights and batteries.</p> <p>Appendix B, Paragraph V.A.5.(e) Baton.</p>	<p>G.2.b. The licensee shall provide armed security personnel, at a minimum, but is not limited to, the following.</p> <p>(1) Gas mask, full face.</p> <p>(2) Body armor (bullet-resistant vest).</p> <p>(3) Ammunition/equipment belt.</p> <p>(4) Duress alarms.</p> <p>(5) Two-way portable radios (handi-talkie) 2 channels</p>	<p>This requirement combines the current requirements Appendix B, Paragraph V.A.5(b), 5(c), 5(g), 9, and 10. Due to changes in the threat environment, the NRC has determined that this list of equipment would be the minimum required to effectively perform response duties.</p>	

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Appendix B, Paragraph V.A.5.(f) Handcuffs.	minimum, 1 operating and 1 emergency.		
Appendix B, Paragraph V.A.5.(g)			
Ammunition-equipment belt.			
Appendix B, Paragraph V.A.6. Binoculars.			
Appendix B, Paragraph V.A.7. Night vision aids, i.e., hand-fired illumination flares or equivalent.			
Appendix B, Paragraph V.A.8. Tear gas or other nonlethal gas.			
Appendix B, Paragraph V.A.9. Duress alarms.			
Appendix B, Paragraph V.A.10. Two-way portable radios (handi-talkie) 2			

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Current Language	Proposed Language	Considerations	NEI Comments
channels minimum, 1 operating and 1 emergency.			
<p>Appendix B, Paragraph V.A.5.(a) Helmet, Combat.</p> <p>Appendix B, Paragraph V.A.5.(b) Gas mask, full face.</p> <p>Appendix B, Paragraph V.A.5.(c) Body armor (bullet-resistant vest).</p> <p>Appendix B, Paragraph V.A.5.(d) Flashlights and batteries.</p> <p>Appendix B, Paragraph V.A.5.(e) Baton.</p> <p>Appendix B, Paragraph V.A.5.(f) Handcuffs.</p> <p>Appendix B, Paragraph V.A.5.(g)</p>	<p>G.2.c. Based upon the licensee protective strategy and the specific duties and responsibilities assigned to each individual, the licensee should provide, but is not limited to, the following.</p> <p>(1) Flashlights and batteries.</p> <p>(2) Baton or other non-lethal weapons.</p> <p>(3) Handcuffs.</p> <p>(4) Binoculars.</p> <p>(5) Night vision aids(e.g. goggles, weapons sights).</p> <p>(6) Hand-fired illumination flares or</p>	<p>This requirement would be based upon the current Appendix B, Paragraph V.A.5. The NRC has determined that this list of additional equipment must be provided because such equipment is required to effectively implement the licensee protective strategy and the specific duties and responsibilities assigned to each individual. The current requirement Appendix B, Paragraph V.A.5.(a) "Helmet, combat" would be deleted because the NRC has determined that although the use of this item is</p>	

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<p>Ammunition-equipment belt.</p> <p>Appendix B, Paragraph V.A.6</p> <p>Binoculars.</p> <p>Appendix B, Paragraph V.A.7. Night vision aids, i.e., hand-fired illumination flares or equivalent.</p> <p>Appendix B, Paragraph V.A.8. Tear gas or other nonlethal gas.</p> <p>Appendix B, Paragraph V.A.9. Duress alarms.</p> <p>Appendix B, Paragraph V.A.10. Two-way portable radios (handi-talkie)</p>	<p>equivalent.</p> <p>(7) Tear gas or other non-lethal gas.</p>	<p>recommended it is an optional item that is not required to effectively implement a protective strategy or perform assigned duties and responsibilities. The proposed addition in (2) " ... or other non-lethal weapons" would recognize that the use of batons and other non-lethal weapons by armed security officers is subject to state law. Related to the use of non-lethal weapons, each state has minimum training requirements for armed private security officers.</p>	
<p>2 channels minimum, 1 operating and 1</p>	<p>G.3. Maintenance.</p>	<p>This heading would be added for formatting purposes.</p>	

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emergency.			
Appendix B, Paragraph III.A. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following areas:	<p>G.3.a. Firearms maintenance program. Each licensee shall implement a firearms maintenance and accountability program in accordance with the Commission regulations and the Commission approved training and qualification plan. The program must include:</p> <p>(1) Semiannual test firing for accuracy and functionality.</p> <p>(2) Firearms maintenance procedures that include cleaning schedules and cleaning requirements.</p> <p>(3) Program activity documentation.</p>	<p>This requirement would be based upon the current Appendix B, Paragraph III.A. This proposed rule would require a firearms maintenance program to ensure weapons and ammunition are properly maintained, function as designed, and are properly stored and accounted for. In order to certify armorer, each weapon manufacturer provides training regarding the maintenance, care and repair of weapons they provide to licensees. The Commission believes that armorers must be certified to ensure that the quality of maintenance, care and repair of the weapons are in accordance with manufacturers specifications.</p>	<p>This is a new requirement not in the orders, EPAC, or NEI 03-12.</p> <p>The requirement for armorer certification is new and beyond current order requirements. Further the requirement is not well defined. The proposed requirement limits licensee flexibility to use experienced personnel.</p>
	(4) Control and Accountability (Weapons and		

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	ammunition). (5) Firearm storage requirements. (6) Armorer certification.		
	H. Records.	This heading would be added for formatting purposes.	
Appendix B, Paragraph II.A. The licensee or the agent shall maintain documentation of the current plan and retain this documentation of the plan as a record for three years after the close of period for which the licensee possesses the special nuclear material under each license for which the plan was developed and, if any portion of the plan is superseded, retain the material that is superseded for three years after each change.	H.1. The licensee shall retain all reports, records, or other documentation required by this appendix in accordance with the requirements of § 73.55(r).	This requirement would be added to replace the current Appendix B, Paragraph II.A, for consistency with the proposed § 73.55(r), and to specify the records retention requirement. This requirement would be intended to consolidate all records retention requirements.	

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<p>Appendix B, Paragraph I.C. The physical fitness qualification of each guard, armed response person, armed escort, and other security force member shall be documented...</p> <p>Appendix B, Paragraph I.C. The licensee shall retain this documentation as a record for three years from the date of each qualification.</p> <p>Appendix B, Paragraph I.E. The licensee shall document each individual's physical requalification and shall retain this documentation of</p>	<p>H.2. The licensee shall retain each individual's initial qualification record for three (3) years after termination of the individual's employment and shall retain each re-qualification record for three (3) years after it is superceded.</p>	<p>This requirement would combine all record retention requirements currently in Appendix B.</p>	
<p>requalification as a record for three years from the date of each requalification.</p> <p>Appendix B, Paragraph II.B. The qualifications of each</p>			

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<p>individual must be documented...</p> <p>Appendix B, Paragraph II.B. The licensee shall retain this documentation of each individual's qualifications as a record for three years after the employee ends employment in the security-related capacity and for three years after the close of period for which</p>			
<p>the licensee possesses the special nuclear material under each license, and superseded material for three years after each change.</p> <p>Appendix B, Paragraph II.E. The results of requalification must be documented...</p> <p>Appendix B, Paragraph II.E.</p>			

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Current Language	Proposed Language	Considerations	NEI Comments
<p>The licensee shall retain this documentation of each individual's requalification as a record for three years from the date of each requalification.</p> <p>Appendix B, Paragraph IV. The results of weapons qualification and requalification must be documented by</p>			
<p>requalification must be documented by the licensee or the licensee's agent.</p> <p>Appendix B, Paragraph IV. The licensee shall retain this documentation of each qualification as a record for three years from the date of the qualification or requalification, as appropriate.</p>			
<p>Appendix B, Paragraph I.F. The results of suitability, physical, and mental</p>	<p>H.3. The licensee shall document data and test results from each individual's</p>	<p>This requirement would combine two requirements currently in Appendix B.</p>	

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Current Language	Proposed Language	Considerations	NEI Comments
qualifications data and test results must be documented by the licensee or the licensee's agent. The licensee or the agent shall retain this documentation as a record for three years from the date of obtaining and recording these results.	suitability, physical, and psychological qualification and shall retain this documentation as a record for three years from the date of obtaining and recording these results.		
	I. Audits and reviews.	This heading would be added to ensure consistency with the structure of the appendix.	
	The licensee shall review the Commission approved training and qualification plan in accordance with the requirements of § 73.55(n).	This requirement would be added for consistency with audit and review requirements of the proposed 10 CFR 73.55(n).	
Definitions	J. Definitions	This heading would be brought forward from the current rule and would be renumbered accordingly	
Terms defined in Parts 50, 70, and 73 of this chapter have the same meaning when used in this appendix.	Terms defined in Parts 50, 70, and 73 of this chapter have the same meaning when used in this appendix.	This requirement would be brought forward from the current rule and would be renumbered accordingly.	

Proposed Part 73 – Appendix B
January 26, 2007

Part 73 Appendix C Section II

Nuclear Power Plants Safeguards Contingency Plans

CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
Appendix C	Section II: Nuclear power plant safeguards contingency plans.	This paragraph and header would be added to independently address Nuclear Power Reactor Safeguards Contingency Plan requirements without impacting other licensees. The proposed requirements addressed in this proposed paragraph retain and incorporate the requirements of the Appendix C.	
Introduction	(a) Introduction	This requirement would be retained.	
	The safeguards contingency plan must describe how the criteria set forth in this appendix will be satisfied through implementation and must provide specific goals, objectives and general guidance to licensee personnel to facilitate the initiation and completion of predetermined and exercised responses to threats, up to and including the design basis threat	This requirement would be added to generally describe the Commission's expectations for the content of the safeguards contingency plan.	The contingency response plan traditionally focused on the predetermined actions of the site security force. The proposed changes to Appendix C expand that focus by requiring specifics on non-security response efforts to prevent significant core damage. Further, the level of detail in the contingency plan will increase significantly if this rule language stands.

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	described in § 73.1(a)(1).		<p>Also, the burden on the industry is likely to be quite significant. In addition to revising the existing plans to incorporate an expanded level of detail, new information such as Memorandum Of Understandings and operational details will have to be added. This impact was not evaluated in the Regulatory Analysis.</p> <p>In the March 9 public meeting, the NRC staff indicated (see page 121 of the meeting transcript) it is not the intent of this section to impose a significant burden on the industry. If this is the intent this section should be re-written and the existing rule language should only be modified to reflect requirements delineated in the Commissions orders.</p>
Contents of the Plan	Contents of the plan.	This requirement would be	

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		retained.	
<p>Each licensee safeguards contingency plan shall include five categories of information:</p> <ol style="list-style-type: none"> 1. Background 2. Generic Planning Base 3. Licensee Planning Base 4. Responsibility Matrix 5. Procedures 	<p>(b) Each safeguards contingency plan must include the following twelve (12) categories of information:</p> <ol style="list-style-type: none"> (1) Background. (2) Generic Planning Base. (3) Licensee Planning Base. (4) Responsibility Matrix. (5) Primary Security Functions. (6) Response Capabilities. (7) Protective Strategy. (8) Integrated Response Plan. (9) Threat Warning System. (10) Performance Evaluation Program. (11) Audits and Reviews. (12) Implementing Procedures. 	<p>This requirement would be retained with editorial changes. The current categories of information (1) through (5) would be retained with (5) being reformatted to (12) and renamed "Implementing Procedures" to update the terminology used to identify this category of information. The proposed categories of information (5) through (11) would be added to improve the usefulness and applicability of the safeguards contingency plan.</p>	
1. Background.	c) Background.	This header would be retained with editorial change.	
Under the following topics, this category of information shall identify	c)(1) Consistent with the design basis threat specified in section § 73.1(a)(1), licensees	This requirement would be retained with information added to identify specific goals,	

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and define the perceived dangers and incidents with which the plan will deal and the general way it will handle these:	shall identify and describe the perceived dangers, threats, and incidents against which the safeguards contingency plan is designed to protect.	objectives and general information for the development of the safeguards contingency plan.	
<p>1.b. Purpose of the Plan -- A discussion of the general aims and operational concepts underlying implementation of the plan.</p> <p>Introduction: The goals of licensee safeguards contingency plans for responding to threats, thefts, and radiological sabotage are:</p>	<p>(c)(2) Licensees shall describe the general goals and operational concepts underlying implementation of the approved safeguards contingency plan, to include, but not limited to the following:</p>	<p>This requirement would be retained with editorial changes. The header "Purpose of the Plan" would be deleted because purpose is described in the proposed paragraph (a)(2). The phrase "A discussion of the general aims and" would be deleted because the specific goals and objectives discussed in the proposed paragraph c)(1) would include "general aims", therefore, it is not necessary to further break this topic area into individual components. The phrase ",to include, but not limited to the following" would be added to provide flexibility for the licensee to add information not specifically listed.</p>	
1.c. Scope of the	(c)(2)(I) The types of	This requirement would be	

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Plan -- A delineation of the types of incidents covered in the plan.	incidents covered.	retained with editorial changes. The header "Scope of the Plan" would be deleted because the scope of the safeguards contingency plan under this proposed rule would not be limited to only a delineation of the types of incidents covered in the plan.	
Introduction: A licensee safeguards contingency plan is a documented plan to give guidance to licensee personnel in order to accomplish specific defined objectives...	(c)(2)(ii) The specific goals and objectives to be accomplished.	This requirement would be retained with additional information added for the identification of specific goals and objectives to be accomplished to ensure the plan is appropriately oriented toward mission accomplishment.	
Background: Under the following topics, this category of information shall identify and define the perceived dangers and incidents with which the plan will deal and the general way it will handle these:	(c)(2)(iii) The different elements of the onsite physical protection program that are used to provide at all times the capability to detect, assess, intercept, challenge, delay, and neutralize threats, up to and including the design basis threat relative to the perceived	This requirement would be retained with additional information added to describe defense-in-depth concepts as they apply at each site and how the individual components that make up the onsite physical protection program would work together to ensure the	This is a new requirement beyond the current orders. The elements of the onsite physical protection program are adequately addressed with the requirements in §73.55 and are captured by the licensees in their NRC approved Physical Security

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	dangers and incidents described in the Commission-approved safeguards contingency plan.	capability to detect, assess, intercept, challenge, delay, and neutralize the threats are consistent with the proposed requirements of § 73.55.	Plans. It is duplicative to have these same elements repeated in the Contingency Plans. We recommend deleting this requirement. If retain, an adequate basis needs to be provided.
Introduction: The goals of licensee safeguards contingency plans...are: (1) to organize the response effort at the licensee level,	(c)(2)(iv) How the onsite response effort is organized and coordinated to ensure that licensees capability to prevent significant core damage and spent fuel sabotage is maintained throughout each type of incident covered.	This requirement would be retained with additional information added to describe the elements of a site integrated response to prevent significant core damage and spent fuel sabotage.	As written, we believe this is a new requirement beyond the current orders. The NRC has approved current information in the security plan as adequate. No rationale to justify the additional requirements is provided.
Introduction: The goals of licensee safeguards contingency plans are: (3) to ensure the integration of the licensee response with the	(c)(2)(v) How the onsite response effort is integrated to include specific procedures, guidance, and strategies to maintain or restore core cooling, containment, and	This requirement would be retained with additional information provided for an integrated response as addressed in the proposed paragraph (j). Reference to	This is a new requirement beyond the current orders and there is no justification for these additional requirements.

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<p>responses by other entities, and; Introduction: It is important to note that a licensee's safeguards contingency plan is intended to be complimentary to any emergency plans developed pursuant to Appendix E to part 50 or to § 70.22(I) of this chapter.</p>	<p>spent fuel pool cooling capabilities using existing or readily available resources (equipment and personnel) that can be effectively implemented under the circumstances associated with loss of large areas of the plant due to explosions or fires.</p>	<p>Appendix E to Part 50 or to § 70.22(I) would no longer be required because the performance standard for this proposed requirement would be broad enough to include these references and any other emergency plans developed as a result of Commission mandated enhancements.</p>	<p>The NRC has approved current information in the security plan as adequate.</p> <p>Further, this proposed requirement describes requirements beyond security contingency plans. Restoration of core cooling, containment, and spent fuel pool cooling capabilities using existing or readily available resources (equipment and personnel) are operations/emergency planning functions not security functions. This requirement should be elsewhere, as a license conditions for existing facilities and as Part 52 requirements for new facilities.</p> <p>NEI provided information about this concern in our December 8, 2006 letter to the Commissioners.</p>

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1.d. Definitions -- A list of terms and their definitions used in describing operational and technical aspects of the plan.	(c)(2)(vi) A list of terms and their definitions used in describing operational and technical aspects of the approved safeguards contingency plan.	This requirement would be retained with editorial changes. The header "Definitions" is deleted because it would no longer be required under the new format of this proposed rule. The phrase "approved safeguards contingency" would be added to reflect changes to the terminology used to describe this topic.	
2. Generic Planning Base.	(d) Generic planning base.	This requirement would be retained.	
2. Under the following topics, this category of information shall define the criteria for initiation and termination of responses to safeguards contingencies together with the specific decisions, actions, and supporting information needed to bring about such responses:	(d)(1) Licensees shall define the criteria for initiation and termination of responses to threats to include the specific decisions, actions, and supporting information needed to respond to each type of incident covered by the approved safeguards contingency plan.	This requirement would be retained with editorial changes. The phrase "Under the following topics" would be replaced with the phrase "The licensee shall define" to establish the required action to be taken by the licensee. The phrase "safeguards contingencies" would be replaced by the word "threats" to reflect changes in the terminology used to describe this topic. The phrase	The current contingency plans are focused on events rather than threats. The semantic change to "threats" would cause considerable rework of the existing contingency plans with no benefit to the security of licensee facilities. Therefore, the existing concept of response to events rather than threats needs to be maintained. Note that NRC uses "events" in the proposed

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		"together with" would be replaced with the phrase "to include". The phrase "bring about such responses" is replaced by the phrase "respond to each type of incident covered by the approved safeguards contingency plan."	section (d)(3). Recommend that the language be revised as follows: "Licensees shall define the criteria for initiation and termination of responses to security related events to include the specific decisions, actions, and supporting information needed to respond to each type of incident covered by the approved safeguards contingency plan."
2.a. Such events may include alarms or other indications signaling penetration of a protected area, vital area, or material access area; material control or material accounting indications of material missing or unaccounted for; or threat indications--either verbal,	(d)(2) Licensees shall ensure early detection of unauthorized activities and shall respond to all alarms or other indications of a threat condition such as, tampering, bomb threats, unauthorized barrier penetration (vehicle or personnel), missing or unaccounted for nuclear material, escalating civil disturbances, imminent threat	This requirement would be retained with editorial changes. Reference to specific site areas would be deleted. The licensee would be required to respond to unauthorized activities where detection has occurred. Examples provided would be revised for consistency with the terminology used in the proposed rule and would not be intended to be all inclusive.	Based on a literal reading of the proposed regulation, we believe this section is a new requirement and the existing rule language should be retained. If retained, we recommend revising the language for this section as follows: "Licensees shall ensure early

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such as telephoned threats, or implied, such as escalating civil disturbances.	notification, or other threat warnings.		detection of unauthorized activities and shall respond to all alarms or other indications of a <u>security event</u> such as, tampering, bomb threats, unauthorized barrier penetration (vehicle or personnel), missing or unaccounted for nuclear material, escalating civil disturbances, imminent threat notification, or other threat warnings."
Appendix C - Introduction. An acceptable safeguards contingency plan must contain:	(d)(3) The safeguards contingency plan must:	This requirement would be retained with editorial changes. The phrase "an acceptable" is deleted because the requirements of this proposed rule address what would be acceptable.	
2.a. Identification of those events that will be used for signaling the beginning or aggravation of a safeguards contingency according to how they are perceived	(d)(3)(i) Identify the types of events that signal the beginning or initiation of a safeguards contingency event.	This requirement would be retained with editorial changes. The phrase "according to how they are perceived initially by licensee's personnel" would be deleted because the concept of "perceived" is captured through	

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initially by licensee's personnel.		"assessment."	
Introduction: The goals of licensee safeguards contingency plans...are: (2) to provide predetermined, structured responses by licensees to safeguards contingencies,	(d)(3)(ii) Provide predetermined and structured responses to each type of postulated event.	This requirement would be retained with editorial changes. The phrase "safeguards contingencies" has been replaced with "each type of postulated event" to include a wider range of potential events.	
2.b. Definition of the specific objective to be accomplished relative to each identified event.	(d)(3)(iii) Define specific goals and objectives for response to each postulated event.	This requirement would be retained with editorial changes. The word "goals" would be added for consistency with the proposed Paragraph (a)(3).	
2.b.(1) a predetermined set of decisions and actions to satisfy stated objectives,	(d)(3)(iv) Identify the predetermined decisions and actions which are required to satisfy the written goals and objectives for each postulated event.	This requirement would be retained with more specific information being provided to ensure that written goals and objectives are identified for each postulated event.	The "current language" at the far left is not in 2.b.(1). It is from the introduction for Appendix C, not Section 2. Generic Planning Base. These details do not belong in the Generic Planning Base. Recommend that this requirement be deleted
2.b.(2) an identification	(d)(3)(v) Identify the data,	This requirement would be	The "current language" at the

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of the data, criteria, procedures, and mechanisms necessary to efficiently implement the decisions, and;	criteria, procedures, mechanisms and logistical support necessary to implement the predetermined decisions and actions.	retained with editorial changes. The word "efficiently" would be deleted because it is considered to be an arbitrary term that would not describe the performance standard of this proposed requirement.	far left is not in 2.b.(1). It is from the introduction for Appendix C, not Section 2. Generic Planning Base. These details do not belong in the Generic Planning Base. Recommend that this requirement be deleted
2.b.(3) a stipulation of the individual, group, or organizational entity responsible for each decision and action.	(d)(3)(vi) Identify the individuals, groups, or organizational entities responsible for each predetermined decision and action.	This requirement would be retained with editorial changes. The use of the word "predetermined" has been inserted to organizationally align decisions and actions to responsible entities.	The "current language" at the far left is not in 2.b.(1). It is from the introduction for Appendix C, not Section 2. Generic Planning Base. These details do not belong in the Generic Planning Base. Recommend that this requirement be deleted
2.b.(3) a stipulation of the individual, group, or organizational entity responsible for each decision and action.	(d)(3)(vii) Define the command-and-control structure required to coordinate each individual, group, or organizational entity carrying out predetermined actions.	This requirement would be retained with editorial changes. The required elements of command and control have been added to establish clear lines of authority.	The "current language" at the far left is not in 2.b.(1). It is from the introduction for Appendix C, not Section 2. Generic Planning Base. These details do not belong in the Generic Planning Base. Recommend that this requirement be deleted

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Introduction: The goals of licensee safeguards contingency plans...are: (4) to achieve a measurable performance in response capability.	(d)(3)(viii) Describe how effectiveness will be measured and demonstrated to include the effectiveness of the capability to detect, assess, intercept, challenge, delay, and neutralize threats, up to and including the design basis threat.	This requirement has been retained with editorial changes. A change has been made to replace the word "response" with the phrase "detect, assess, intercept, challenge, delay, and neutralize" to provide a more detailed description of system effectiveness.	The "current language" at the far left is not in 2.b.(1). It is from the introduction for Appendix C, not Section 2. Generic Planning Base. These details do not belong in the Generic Planning Base. Recommend that this requirement be deleted
3. Licensee Planning Base.	(e) Licensee planning base.	This requirement would be retained.	
This category of information shall include the factors affecting contingency planning that are specific for each facility or means of transportation. To the extent that the topics are treated in adequate detail in the licensee's approved physical security plan, they may be incorporated by cross reference to that plan. The following topics should be addressed:	(e) Licensees shall describe the site-specific factors affecting contingency planning and shall develop plans for actions to be taken in response to postulated threats. The following topics must be addressed:	This requirement would be retained with editorial changes. The phrase "or means of transportation" is deleted because this phrase does not apply to nuclear power reactor licensees. The phrase "To the extent that the topics are treated in adequate detail in the licensee's approved physical security plan, they may be incorporated by cross reference to that plan" would be deleted because this information would be required to be specifically detailed in contingency planning	Generic Comment – The proposed regulation uses the words "must include" throughout. The overall impact of the repeated use of this statement is that it will significantly increase the level of detail that is placed into the Plans. Following the issuance and during the implementation of the design basis threat order, licensees updated their Physical Security Plan, their Training & Qualification Plan, and their Security Contingency Plan.

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			The philosophy for updating the plans, which was concurred with by the NRC staff, was to avoid placing implementation details into the security plans instead this level of detail would be placed in site procedures. It now appears that the proposed rulemaking will result in a great deal of implementation detail being added into the Plans unnecessarily.
3.a. Licensee's Organizational Structure for Contingency Responses. A delineation of the organization's chain of command and delegation of authority as these apply to safeguards contingencies.	(e)(1) Organizational Structure. The safeguards contingency plan must describe the organization's chain of command and delegation of authority during safeguards contingencies, to include a description of how command-and-control functions will be coordinated and maintained.	This requirement has been retained with more detailed information being provided for the integration of command groups, succession of command, and control functions.	Including a description of how command and control will be coordinated and maintained is a level detail contained in site procedures. Performance based regulation should not be written to the level of detail suggested by this provision. See comment for section "(e)". Recommend that the current

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			language be retained to avoid adding unnecessary detail.
3.b. Physical Layout.	(e)(2) Physical layout.	This requirement would be retained.	
3.b.(i) Fixed Sites. A description of the physical structures and their location on the site...	(e)(2)(i) The safeguards contingency plan must include a site description, to include maps and drawings, of the physical structures and their locations.	This requirement would be retained with editorial changes. The header "Fixed Sites" would be deleted because it would not be necessary for the purpose of this proposed rule. Specific information to permit orientation and familiarization of the site would also be included.	<p>The proposed regulation is too prescriptive. Please provide the regulatory basis for requiring the inclusion of maps and drawings to the level of detail delineated in the proposed rule.</p> <p>Recommend that the current language be retained to avoid adding unnecessary detail.</p>
3.b.(i) A description...and a description of the site in relation to nearby town, roads, and other environmental features important to the effective coordination of response operations.	(e)(2)(i)(A) Site Description. The site description must address the site location in relation to nearby towns, transportation routes (e.g., rail, water, air, roads), pipelines, hazardous material facilities, onsite independent spent fuel storage installations, and pertinent environmental	This requirement has been retained with more detailed information being included to consider the sites geographic relationship to the community and environment.	<p>The existing regulation is adequate. The proposed language is too prescriptive and will result in a significant amount of work to revise site security plans.</p> <p>Recommend that the current language be retained to avoid adding unnecessary detail.</p>

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	features that may have an effect upon coordination of response operations.		
3.b.(i) Particular emphasis should be placed on main and alternate entry routes for law-enforcement assistance forces and the location of control points for marshaling and coordinating response activities.	(e)(2)(i)(B) Approaches. Particular emphasis must be placed on main and alternate entry routes for law-enforcement or other offsite support agencies and the location of control points for marshaling and coordinating response activities.	This requirement would be retained with editorial changes. The word "should" has been replaced with the word "must" to establish this language as a requirement.	The existing regulation is adequate. The proposed language is too prescriptive and will result in a significant amount of work to revise site security plans. Recommend that the current language be retained to avoid adding unnecessary detail.
	(e)(2)(ii) Licensees with co-located Independent Spent Fuel Storage Installations shall describe response procedures for both the operating reactor and the Independent Spent Fuel Storage Installation to include how onsite and offsite responders will be coordinated and used for incidents occurring outside the protected area.	This requirement would be retained with more detailed information being provided for response to incidents occurring outside the protected area and for the utilization of assets.	The Statement of Considerations states the requirement would be retained with more detail being provided. However, there is no existing rule language to retain. This is a new requirement that must be justified.

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3.c. Safeguards Systems Hardware. A description of the physical security and accounting system hardware that influence how the licensee will respond to an event. Examples of systems to be discussed are communications, alarms, locks, seals, area access, armaments, and surveillance.	(e)(3) Safeguards Systems Hardware. The safeguards contingency plan must contain a description of the physical security and material accounting system hardware that influence how the licensee will respond to an event.	This requirement would be retained with editorial changes to specify hardware for material accountability.	
3.d. Law Enforcement Assistance.	(e)(4) Law enforcement assistance.	This requirement would be retained.	
3.d. A listing of available local law enforcement agencies and a description of their response capabilities and their criteria for response; and...	(e)(4)(i) The safeguards contingency plan must contain a listing of available local, state, and Federal law enforcement agencies and a general description of response capabilities, to include number of personnel, types of weapons, and estimated response time lines.	This requirement would be retained with more detailed information being provided for documenting supporting agency capabilities and assets.	<p>The proposed regulation is too prescriptive. The level of detail regarding number of personnel, types of weapons, and response time lines, is more appropriate for guidance.</p> <p>Recommend that the current language be retained to avoid adding unnecessary detail.</p>

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3.d. ...and a discussion of working agreements or arrangements for communicating with these agencies.	(e)(4)(ii) The safeguards contingency plan must contain a discussion of working agreements with offsite law enforcement agencies to include criteria for response, command and control protocols, and communication procedures.	This requirement would be retained with the addition of written information to be included in working agreements with offsite law enforcement agencies.	<p>The proposed regulation is too prescriptive. The level of detail regarding LLEA agreements is more appropriate for guidance.</p> <p>Recommend that the current language be retained to avoid adding unnecessary detail.</p>
3.e. Policy Constraints and Assumptions. A discussion of State laws, local ordinances, and company policies and practices that govern licensee response to incidents. Examples that may be discussed include: (1) Use of deadly force; (2) Use of employee property; (3) Use of off-duty employees; (4) Site security jurisdictional boundaries.	(e)(5) Policy constraints and assumptions. The safeguards contingency plan must contain a discussion of state laws, local ordinances, and company policies and practices that govern licensee response to incidents and must include, but is not limited to, the following. (i) Use of deadly force. (ii) Recall of off-duty employees. (iii) Site jurisdictional boundaries.	This requirement would be retained. The text of 3.e.(2) "Use of Employee property" would be deleted because this information would not be considered relevant for discussion under policy constraints and assumptions.	
	(iv) Use of enhanced	The requirement would be added to implement applicable	

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	weapons, if applicable.	provisions from the EAct of 2005. This requirement is not applicable to licensees that possess such weaponry under authority separate from EAct 2005.	
3.f. Administrative and Logistical Considerations --	(e)(6) Administrative and logistical considerations.	This requirement would be retained.	
3.f. Descriptions of licensee practices that may have an influence on the response to safeguards contingency events. The considerations shall include a description of the procedures that will be used for ensuring that all equipment needed to effect a successful response to a safeguards contingency will be easily accessible, in good working order, and in sufficient supply to provide redundancy in	(e)(6)(i) The safeguards contingency plan must contain a description of licensee practices which influence how the licensee responds to a threat to include, but not limited to, a description of the procedures that will be used for ensuring that all equipment needed to effect a successful response will be readily accessible, in good working order, and in sufficient supply to provide redundancy in case of equipment failure.	This requirement would be retained with information added to reflect changes in the terminology used to describe this topic.	<p>The proposed rule language requires a licensee to detail how they respond to a "threat". This statement is too broad and open to interpretation.</p> <p>Recommend revising the proposed rule language to be clear that the licensee response is to a "design basis" or a radiological sabotage event not "a threat."</p>

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case of equipment failure.			
4. Responsibility Matrix.	(f) Responsibility matrix.	This requirement would be retained.	
This category of information consists of detailed identification of the organizational entities responsible for each decision and action associated with specific responses to safeguards contingencies.	(f)(1) The safeguards contingency plan must describe the organizational entities that are responsible for each decision and action associated with responses to threats.	This requirement would be retained with information added to reflect changes in the terminology used to describe this topic.	
For each initiating event, a tabulation shall be made for each response entity depicting the assignment of responsibilities for all decisions and actions to be taken in response to the initiating event. (Not all entities will have assigned responsibilities for any given initiating event.)	(f)(1)(i) For each identified initiating event, a tabulation must be made for each response depicting the assignment of responsibilities for all decisions and actions to be taken.	This requirement would be retained with editorial changes. The parenthetical phrase "(Not all entities will have assigned responsibilities for any given initiating event)" would be deleted because it is considered to be constricting information.	The use of the qualifier "all" in the proposed language is too inclusive and will be impracticable to implement. Recommend rewording the proposed rule language to read: "For each identified initiating event, a tabulation must be made for each response depicting the assignment of responsibilities for all

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			decisions and actions <u>expected</u> to be taken."
The tabulations in the Responsibility Matrix shall provide an overall picture of the response actions and their interrelationships.	(f)(1)(ii) The tabulations described in the responsibility matrix must provide an overall description of response actions and interrelationships.	This requirement would be retained with editorial changes. The word "shall" has been replaced with "must" to establish this language as a requirement.	The word "shall" and "must" have the same meaning. Please explain the reason for making this change.
Safeguards responsibilities shall be assigned in a manner that precludes conflict in duties or responsibilities that would prevent the execution of the plan in any safeguards contingency.	(f)(2) Licensees shall ensure that duties and responsibilities required by the approved safeguards contingency plan do not conflict with or prevent the execution of other site emergency plans.	This requirement would be retained with editorial changes.	The rule should specify the meaning of other site emergency plans. There is one site Emergency Plan regarding Nuclear Safety events.
Safeguards responsibilities shall be assigned in a manner that precludes conflict in duties or responsibilities that would prevent the execution of the plan in any safeguards contingency.	(f)(3) Licensees shall identify and discuss potential areas of conflict between site plans in the integrated response plan required by Section II(b)(8) of this Appendix.	This requirement would be retained with added written discussion (text) in the plan to document consideration of other plans to preclude conflict between multiple plans.	Given (f)(2) there can be no conflicts therefore (f)(3) is not required. Recommend deleting this new requirement

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	(f)(4) Licensees shall address safety/security interface issues in accordance with the requirements of § 73.58 to ensure activities by the security organization, maintenance, operations, and other onsite entities are coordinated in a manner that precludes conflict during both normal and emergency conditions.	This requirement would be added to address communication between licensee safety and security entities, to ensure that activities involving one organizational entity do not adversely affect another. Details would be addressed in the proposed § 73.58 safety/security interface.	This requirement is redundant with §73.58 and §73.55(a) and should be deleted to avoid conflicting enforcement actions. The contingency plan and site procedures, already required by §73.55(a), contain actions to preclude conflict and provide coordination. Attempting to document every possible conflict and the means to avoid it would be a monumental task with no resulting benefit. Recommend deleting this new requirement.
	(g) Primary security functions.	This requirement would be added to improve the usefulness and applicability of the safeguards contingency plan.	
73.55(h)(4)(iii)(A) Requiring responding guards or other armed response personnel to interpose themselves	(g)(1) Licensees shall establish and maintain at all times, the capability to detect, assess, and respond to all threats to the facility up to and	This requirement would be retained with editorial changes. The phrase "radiological sabotage" is replaced with the phrase "all threats up to and	The proposed rule has shifted the focus from security functions to response to all types of threats rather than those up to and including the

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between vital areas and material access areas and any adversary attempting entry for the purpose of radiological sabotage or theft of special nuclear material and to intercept any person exiting with special nuclear material, and,...	including the design basis threat.	including the design basis threat" to more accurately represent the standard that the licensee also protect against perceived threats not contained in the design basis threat.	Design Basis Treat. NEI 03-12 delineates the security functions already required by Commission orders. The focus is on protection against threats up to and including the Design Basis Threat. The capabilities detailed in this requirement are duplicative of the requirements detailed in the proposed §73.55 (b)(2). Recommend deleting (g)(1) because it is redundant.
73.55(h)(6) To facilitate initial response to detection of penetration of the protected area and assessment of the existence of a threat, a capability of observing the isolation zones and the physical barrier at the perimeter of the protected area shall be provided, preferably by means of closed circuit television or by other suitable means	(g)(2) To facilitate initial response to a threat, licensees shall ensure the capability to observe all areas of the facility in a manner that ensures early detection of unauthorized activities and limits exposure of responding personnel to possible attack.	This requirement would be retained with editorial changes. Early detection has been added to permit a timely and effective response. The goal is to observe and detect potential threats as far from the facility as possible.	This is a new requirement. It is misplaced in the contingency plan. This requirement is redundant with several sections in §73.55. It should be deleted to avoid conflicting enforcement actions. Recommend deleting (g)(2) because it is redundant.

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which limit exposure of responding personnel to possible attack.			
	(g)(3) Licensees shall generally describe how the primary security functions are integrated to provide defense-in-depth and are maintained despite the loss of any single element of the onsite physical protection program.	This requirement would be added to describe the concept of defense-in-depth for improved system effectiveness.	<p>This is a new requirement. Contingency plans already describe defense in depth. Description of the manner that remaining functions are maintained in spite of the loss of one is an unnecessary exercise. Loss of any single element should be bounded by the Design Basis Threat.</p> <p>Recommend deleting this new requirement.</p>
	(g)(4) Licensees description must begin with onsite physical protection measures implemented in the outermost facility perimeter, and must move inward through those measures implemented to protect vital and target set equipment.	This requirement would be added to further describe the concept of defense-in-depth for improved system effectiveness.	The requirement to protect vital equipment is misplaced. The goal is to protect target set equipment.

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	(h) Response capabilities.	This requirement would be added.	
73.55(h)(4)(iii)(A) Requiring responding guards or other armed response personnel to interpose themselves between vital areas and material access areas and any adversary attempting entry for the purpose of radiological sabotage or theft of special nuclear material and to intercept any person exiting with special nuclear material, and,...	(h)(1) Licensees shall establish and maintain at all times the capability to intercept, challenge, delay, and neutralize threats up to and up to and including the design basis threat.	This requirement would be retained with editorial changes. The phrase "radiological sabotage" is replaced with the phrase "all threats up to and including the design basis threat" for consistency with the proposed § 73.55.	This is a new requirement. It is misplaced in the contingency plan. This requirement is redundant with several sections in 73.55. It should be deleted to avoid conflicting enforcement actions.
Appendix C, Paragraph 4. For each initiating event, a tabulation shall be made for each response entity depicting the assignment of responsibilities for all decisions and actions to be taken in response to the initiating event.	(h)(2) Licensees shall identify the personnel, equipment, and resources necessary to perform the actions required to prevent significant core damage and spent fuel sabotage in response to postulated events.	The requirement would be retained with information added to identify the allocation of personnel and the availability of assets required to be implemented in response to postulated events.	This is a significant new requirement. It is critical that the focus in the contingency plan be on the security organization's response to threats up to and including the DBT as outlined in NEI 03-12, Appendix C, Section 4. This includes requesting LLEA assistance in according with

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			<p>the integrated response plan.</p> <p>The focus of the proposed language is all inclusive on preventing significant core damage and spent fuel sabotage and not focused on the design basis threat and protecting against acts of radiological sabotage. The plant functions and personnel and equipment required to mitigate significant damage should not be described in the contingency plan. Recommend revising the proposed language to focus on acts of radiological sabotage instead of actions required to prevent significant core damage.</p>
	<p>(h)(3) Licensees shall ensure that predetermined actions can be completed under the postulated conditions.</p>	<p>This requirement would be added. The word "predetermined" is used to provide for the accomplishment of automatic actions to achieve the security mission.</p>	<p>Reword as "Licensees shall ensure that predetermined actions can be completed under the postulated events." as in the current contingency plans. The plans are focused on events, not conditions.</p>

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			Also recommend that this requirement belongs under the responsibility matrix in (f), above.
§ 73.55(h)(3) The total number of guards, and armed, trained personnel immediately available at the facility to fulfill these response requirements shall nominally be ten (10), unless specifically required otherwise on a case by case basis by the Commission; however, this number may not be reduced to less than five (5) guards.	(h)(4) Licensees shall provide at all times an armed response team comprised of trained and qualified personnel who possess the knowledge, skills, abilities, and equipment required to implement the Commission-approved safeguards contingency plan and site protective strategy. The plan must include a description of the armed response team including the following:	This requirement would be retained with editorial changes. The requirement would be based on § 73.55(h)(3) and would describe the performance standard for personnel assigned armed response duties.	This requirement is duplicative of what is proposed in section §73.55 (h)(3). Recommend that this section be deleted.
§ 73.55(h)(3) The total number of guards, and armed, trained personnel immediately available at the facility to fulfill these response requirements shall nominally be ten (10), unless specifically required otherwise on a	(h)(4)(i) The authorized minimum number of armed responders, available at all times inside the protected area.	This requirement would be retained with information added to establish the number of personnel required to be assigned armed response duties within the protected area. This is intended to ensure that predetermined positions documented in approved	This requirement is already described in §73.55. Recommend deleting this requirement.

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case by case basis by the Commission; however, this number may not be reduced to less than five (5) guards.		contingency plans and are occupied during threat situations.	
§ 73.55(h)(3) The total number of guards, and armed, trained personnel immediately available at the facility to fulfill these response requirements shall nominally be ten (10), unless specifically required otherwise on a case by case basis by the Commission; however, this number may not be reduced to less than five (5) guards.	(h)(4)(ii) The authorized minimum number of armed security officers, available onsite at all times.	This requirement would be retained with information added to establish the number of personnel required to be assigned armed response duties on site. This is intended to ensure that predetermined positions documented in approved contingency plans and are occupied during threat situations.	This requirement is already described in §73.55. Recommend deleting this requirement.
	(h)(5) The total number of armed responders and armed security officers must be documented in the approved security plans and documented as a component of the protective strategy.	This requirement would be added to document the number of armed response personnel and their roles and relationships to the protective strategy.	This requirement is already described in 73.55. Recommend deleting this requirement.

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	(h)(6) Licensees shall ensure that individuals assigned duties and responsibilities to implement the Safeguards Contingency Plan are trained and qualified in accordance with appendix B of this part and the Commission-approved security plans.	This requirement would be added to ensure assigned personnel are trained to perform their assigned duties and responsibilities.	This requirement is already described in 73.55 and Appendix B. Recommend deleting this requirement.
	(i) Protective strategy.	This header is added for formatting purposes.	
	(i)(1) Licensees shall develop, maintain, and implement a written protective strategy that describes the deployment of the armed response team relative to the general goals, operational concepts, performance objectives, and specific actions to be accomplished by each individual in response to postulated events.	This requirement would be added to provide tactical planning information for the armed response team and each individual in response to threats.	
	(i)(2) The protective strategy	This header is added for	

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	must:	formatting purposes.	
§73.55(h)(4)(iii)(A) Requiring responding guards or other armed response personnel to interpose themselves between vital areas and material access areas and any adversary attempting entry for the purpose of radiological sabotage or theft of special nuclear material and to intercept any person exiting with special nuclear material, and,	(i)(2)(i) Be designed to prevent significant core damage and spent fuel sabotage through the coordinated implementation of specific actions and strategies required to intercept, challenge, delay, and neutralize threats up to and including the design basis threat of radiological sabotage.	This requirement would be retained and revised to describe the design of the licensee protective strategy consistent with the proposed § 73.55(b)(2). Most significantly, the word "interpose" would be replaced by the phrase "intercept, challenge, delay, and neutralize" to provide a measurable performance based requirement that identifies the specific actions required to satisfy the action "interpose" as required by the current § 73.55(h)(4)(iii)(A), and to provide a measurable performance based requirement against which the effectiveness of the licensee protective strategy could be measured.	Delete the word "intercept." Not all strategies require interception.
	(i)(2)(ii) Describe and consider site specific conditions, to include but not limited to, facility layout, the location of target set	This requirement would be added based on changes to the threat environment the Commission has determined that it is necessary to	This paragraph is redundant to proposed §§73.55 (e) (7) (iv) and 73.58 and should be deleted to eliminate any confusion that this

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	equipment and elements, target set equipment that is in maintenance or out of service, and the potential effects that unauthorized electronic access to safety and security systems may have on the protective strategy capability to prevent significant core damage and spent fuel sabotage.	emphasize consideration of the listed areas for design and planning purposes.	<p>requirement is above and beyond the requirements in §73.58. Also see comments on the proposed §73.58.</p> <p>Vital safety equipment routinely undergoes preventative maintenance and is controlled in accordance with technical specifications approved by the Commission. These technical specifications limit the time such safety equipment can be out of service. Due to the limited durations of the maintenance, it would be inappropriate to continually make adjustments to site protective strategies, site procedures, and approved security plans and impracticable to complete the required training on such changes. Limited compensatory actions, if needed, per proposed §73.58 would more appropriately address maintenance on vital</p>

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			equipment. Recommend this proposed requirement be deleted.
	(i)(2)(iii) Identify predetermined actions and time lines for the deployment of armed personnel.	This requirement would be added to identify "predetermined actions" to provide for automatic actions toward accomplishing the security mission.	
	(i)(2)(iv) Provide bullet resisting protected positions with appropriate fields of fire.	This requirement would be added to provide a performance based requirement for the placement/location of Bullet-Resisting Enclosures (BREs). This proposed requirement would ensure that each position would be of sufficient strength to enhance survivability of armed personnel against the design basis threat and would ensure that assigned areas of responsibility are clearly visible and within the functional capability of assigned weapons.	

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§ 73.55(h)(6) To facilitate initial response to detection of penetration ...which limit exposure of responding personnel to possible attack.	(i)(2)(v) Limit exposure of security personnel to possible attack.	This requirement would be retained with editorial changes added to describe the ballistic protection or use of available cover and concealment for security personnel.	This requirement should be combined with (i)(2)(iv).
§73.55(f)(1) Each guard, watchman or armed response individual on duty shall be capable of maintaining continuous communication with an individual in each continuously manned alarm station required by Paragraph (e)(1) of this section, who shall be capable of calling for assistance from other guards, watchmen, and armed response personnel and from local law enforcement authorities.	(i)(3) Licensees shall provide a command and control structure, to include response by off-site law enforcement agencies, which ensures that decisions and actions are coordinated and communicated in a timely manner and that facilitates response in accordance with the integrated response plan.	This requirement would be retained with editorial changes added to describe the elements of integrated incident command during postulated events.	
	(j) Integrated Response Plan	This new header would be added for formatting purposes.	

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Introduction: It is important to note that a licensee's safeguards contingency plan is intended to be complimentary to any emergency plans developed pursuant to Appendix E to Part 50 or to § 70.22(i) of this chapter.	(j)(1) Licensees shall document, maintain, and implement an Integrated Response Plan which must identify, describe, and coordinate actions to be taken by licensee personnel and offsite agencies during a contingency event or other emergency situation.	This requirement would be retained with editorial changes. The requirement would describe integrated and coordinated responses to threats.	<p>The words, "or other emergency situation" pertains to security contingency events and is well beyond the scope of the Security Plan template.</p> <p>The focus of the security Integrated Response Plan is on the coordination of onsite and offsite action that protect the plant against acts of radiological sabotage. The proposed language includes the term "or other emergency situation" which moves beyond the scope of security contingency plan actions and actions identified in the security Integrated Response Plan.</p> <p>Recommend revising the language as follows: "Licensees shall document, maintain, and implement an Integrated Response Plan which must identify, describe, and coordinate actions to be</p>

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			taken by licensee personnel and offsite agencies during a security contingency event."
	(j)(2) The Integrated Response Plan must:	This requirement would be added to improve the usefulness and applicability of the safeguards contingency plan.	
	(j)(2)(i) Be designed to integrate and coordinate all actions to be taken in response to an emergency event in a manner that will ensure that each site plan and procedure can be successfully implemented without conflict from other plans and procedures.	This requirement would be added to ensure the design of an integrated response plan that has been developed in coordination and conjunction with other plans.	<p>The proposed language is extremely far reaching, well beyond the Integrated Response plan requirements of the orders. As written this language expands the scope of the Integrated Response Plans to become the ultimate planning document for any plant emergency event. This is a significant expansion of the integrated response plan required by the orders.</p> <p>Recommend the language be revised as follows: "Be designed to integrate and coordinate actions to be taken in response to a</p>

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			security contingency event in a manner that will ensure coordination with local, state and federal response forces as applicable."
	(j)(2)(ii) Include specific procedures, guidance, and strategies to maintain or restore core cooling, containment, and spent fuel pool cooling capabilities using existing or readily available resources (equipment and personnel) that can be effectively implemented under the circumstances associated with loss of large areas of the plant due to explosions or fires.	This requirement would be added to ensure the design of an integrated response plan that addresses a myriad of postulated events within the design basis threat environment and to develop mitigating strategies for events that may exceed the design basis threat.	<p>This is a significant expansion of the Integrated Response Plan required by the orders. See comment for (j)(2)(i).</p> <p>This requirement is the subject of other existing regulatory requirements and should therefore be deleted.</p>
	(j)(2)(iii) Ensure that onsite staffing levels, facilities, and equipment required for response to any identified event, are readily available and capable of fulfilling their intended purpose.	This requirement would be added to describe the availability of systems and assets to ensure a high state of readiness is maintained for postulated events.	<p>This is a significant expansion of the Integrated Response Plan required by the orders. See comment for (j)(2)(i).</p> <p>This requirement is the subject of other existing regulatory requirements and</p>

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			should therefore be deleted.
	(j)(2)(iv) Provide emergency action levels to ensure that threats result in at least a notification of unusual event and implement procedures for the assignment of a predetermined classification to specific events.	This requirement would be added to ensure that event information is communicated in a timely and accurate manner.	<p>This is a significant expansion of the Integrated Response Plan required by the orders. See comment for (j)(2)(i).</p> <p>This requirement is the subject of other existing regulatory requirements and should therefore be deleted..</p>
	(j)(2)(v) Include specific procedures, guidance, and strategies describing cyber incident response and recovery.	This requirement would be added to consider advanced threats related to computer technology.	<p>This is a significant expansion of the Integrated Response Plan required by the orders. See comment for (j)(2)(i).</p> <p>This requirement is the subject of other existing regulatory requirements and should therefore be deleted.</p>
	(j)(3) Licensees shall:	This new header is added for formatting purposes.	
	(j)(3)(i) Reconfirm on an annual basis, liaison with local, state, and Federal law	This requirement would be added to establish a periodic standard for maintaining liaison	This is a new requirement beyond the orders. The security plan requires a

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	enforcement agencies, established in accordance with § 73.55(k)(8), to include communication protocols, command and control structure, marshaling locations, estimated response times, and anticipated response capabilities and specialized equipment.	with off-site law enforcement resources to ensure a continual and ongoing understanding of all aspects of a response to potential threats.	<p>biennial review which includes a review of the liaison with LLEA.</p> <p>Recommend revising the proposed rule language as follows:</p> <p>"Reconfirm on an <u>biennial basis, as applicable</u>, liaison with local, state, and Federal law enforcement agencies, established in accordance with §73.55(k)(8), to include communication protocols, command and control structure, marshaling locations, estimated response times, and anticipated response capabilities and specialized equipment." Not all licensees have liaison with state and federal law enforcement agencies.</p>
	(j)(3)(ii) Provide required training to include simulator training for the operations response to security events	This requirement would be added to provide for training of personnel to ensure they possess the knowledge, skills,	Operator training requirements are contained in 10 CFR 50.120 and need not be included in security

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	(e.g. loss of ultimate heat sink) for nuclear power reactor personnel in accordance with site procedures to ensure the operational readiness of personnel commensurate with assigned duties and responsibilities.	and abilities required to perform assigned duties and responsibilities.	requirements. Training for loss of the ultimate heat sink is not necessarily related to security events.
	(j)(3)(iii) Periodically train personnel in accordance with site procedures to respond to a hostage or duress situation.	This requirement would be added to provide training of personnel to ensure they possess the tactical and negotiations skills, knowledge and abilities needed to respond to a hostage or duress situation.	The requirement should focus on training only appropriate site personnel, not each person at the site.
	(j)(3)(iv) Determine the possible effects that nearby hazardous material facilities may have upon site response plans and modify response plans, procedures, and equipment as necessary.	This requirement would be added to provide for the identification of site specific operational conditions that may effect how the licensee responds to threats.	This requirement should apply only to plants licensed after the implementation of this proposed rule. Operating plants have already performed this action.
	(j)(3)(v) Ensure that identified actions are achievable under	This requirement would be added to ensure that actions	This is a new requirement beyond the scope of the

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	postulated conditions.	identified in the safeguards contingency plan, protective strategy, integrated response plan, and any other emergency plans, are achievable under postulated conditions.	orders. The purpose of the plans developed in Appendix C is to defend the plant against the design basis threat. The requirement to ensure actions are achievable is redundant with all the above requirements and with proposed requirements in section (h)(3). Recommend deleting this requirement.
	(k) Threat warning system.	This new header is added for formatting purposes.	
	(k)(1) Licensees shall implement a "Threat warning system" which identifies specific graduated protective measures and actions to be taken to increase licensee preparedness against a heightened or imminent threat of attack.	This requirement would be added to provide for progressive steps to gradually enhance security based on perceived or identified threat.	This is a new requirement beyond the scope of the orders. The graduated protective measures were not required by the security orders instead they were outlined in RIS 2002-12a "NRC Threat Advisory and Protective Measures System".
	(k)(2) Licensees shall ensure that the specific protective	This requirement would be added to ensure preplanned	This is a new requirement beyond the scope of the

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	measures and actions identified for each threat level are consistent with the Commission-approved safeguards contingency plan, and other site security, and emergency plans and procedures.	actions (protective measures) are consistent with other plans. The Commission has determined that because of changes to the threat environment this proposed requirement would be needed to emphasize the importance of coordinating all site plans in a manner that precludes conflict.	orders, see comment for (k)(1).
	(k)(3) Upon notification by an authorized representative of the Commission, licensees shall implement the specific protective measures assigned to the threat level indicated by the Commission representative.	This requirement would be added to provide for the implementation of preplanned actions in response to specific threat levels or conditions.	This is a new requirement beyond the scope of the orders, see comment for (k)(1).
	(l) Performance Evaluation Program	This new header would be added for formatting purposes.	Recommend moving all elements of this section to Appendix B, Section C.3. The performance evaluation process is a training requirement and is currently described in NEI 03-12, Appendix B, Section 4, Team Training.

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			Also the requirement information provide for the following elements of this section are much too detailed and would be more appropriately placed into regulatory guidance as opposed to here in the regulation. Recommend eliminating the majority of information and rewriting this section in a more concise performance based manner.
	(I)(1) Licensees shall document and maintain a Performance Evaluation Program that describes how the licensee will demonstrate and assess the effectiveness of the onsite physical protection program to prevent significant core damage and spent fuel sabotage, and to include the capability of armed personnel to carry out their assigned duties and responsibilities.	This requirement would be added to ensure that the licensee maintains a Performance Evaluation Plan to test, evaluate, determine and improve upon the effectiveness of onsite physical protection program to protect the identified targets and target sets in accordance with the security mission.	All elements of this section should be moved to Appendix B, Section C.3. It is a training requirement and is currently described in NEI 03-12, Appendix B, Section 4, Team Training.

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	(I)(2) The Performance Evaluation Program must include procedures for the conduct of quarterly drills and annual force-on-force exercises that are designed to demonstrate the effectiveness of the licensee's capability to detect, assess, intercept, challenge, delay, and neutralize a simulated threat.	This requirement would be added to establish procedures and frequencies for the conduct of drills and exercises to ensure that system effectiveness determinations are made.	Delete the word "intercept." Not all sites include interception in their protective strategy.
	(I)(2)(i) The scope of drills conducted for training purposes must be determined by the licensee as needed, and can be limited to specific portions of the site protective strategy.	This requirement would be added to provide for the conduct of drills for training purposes only.	These requirements represent requirements that are better suited for guidance that currently exists in NEI 03-09. Also the term "as needed" is too ambiguous and should be clarified.
	(I)(2)(ii) Drills, exercises, and other training must be conducted under conditions that simulate as closely as practical the site specific conditions under which each member will, or may be, required to perform assigned duties and responsibilities.	This requirement would be added to ensure drills and exercises are realistic in that they simulate as closely as possible, the physical conditions (running, lifting, climbing) and mental stress levels (decision making, radio communications, strategy changes) that will be	These requirements represent requirements that are better suited for guidance that currently exists in NEI 03-09.

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		experienced in an actual event.	
	(I)(2)(iii) Licensees shall document each performance evaluation to include, but not limited to, scenarios, participants, and critiques.	This requirement would be added to ensure that comprehensive records are maintained.	These requirements represent requirements that are better suited for guidance that currently exists in NEI 03-09.
	(I)(2)(iv) Each drill and exercise must include a documented post exercise critique in which participants identify failures, deficiencies, or other findings in performance, plans, equipment, or strategies.	This requirement would be added to ensure that comprehensive reports are developed to ensure that observed issues are identified in the after action report.	These requirements represent requirements that are better suited for guidance that currently exists in NEI 03-09. Also the proposed requirements are more appropriate for exercises than drills. Recommend changing the focus to exercises.
	(I)(2)(v) Licensees shall enter all findings, deficiencies, and failures identified by each performance evaluation into the corrective action program to ensure that timely corrections are made to the onsite physical protection program and necessary	This requirement would be added to ensure that corrective action plans are developed and tracked to provide resolution.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09. Also the term "all" in the proposed requirement is too inclusive and there will be times when the corrective

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	changes are made to the approved security plans, licensee protective strategy, and implementing procedures.		action program is not the correct avenue to address an issue. Recommend that this term be eliminated.
	(I)(2)(vi) Licensees shall protect all findings, deficiencies, and failures relative to the effectiveness of the onsite physical protection program in accordance with the requirements of § 73.21.	This requirement would be added to provide for the appropriate level of protection for the type of information being developed. Information involving findings, deficiencies and failures is considered sensitive and must be protected accordingly.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09. Also it is not appropriate to assume that all findings or issues need to be protected as Safeguards information. Recommend that the term "all" be eliminated.
	(I)(3) For the purpose of drills and exercises, licensees shall:	This new header would be added for formatting purposes.	
	(I)(3)(i) Use no more than the number of armed personnel specified in the approved security plans to demonstrate effectiveness.	This requirement would be added to ensure that realistic tests are conducted against those forces available onsite on a routine basis. Conducting drills under other than with actual or non typical staffing levels would not provide for accurate system effectiveness	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.

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		determinations.	
	(I)(3)(ii) Minimize the number and effects of artificialities associated with drills and exercises.	This requirement would be added to ensure that exercises are conducted as realistically as possible. Artificialities if not minimized would result in inaccurate system effectiveness determinations.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.
	(I)(3)(iii) Implement the use of systems or methodologies that simulate the realities of armed engagement through visual and audible means, and reflects the capabilities of armed personnel to neutralize a target through the use of firearms during drills and exercises.	This requirement would be added to provide for the utilization of technological advancements for simulating live fire combat situations in a controlled environment. These may include but are not limited to the use of laser engagement systems or dye marking cartridges.	This is a new requirement that will require all licensees to use MILES gear for all drills and exercises. The impact to licensees should be evaluated in the Regulatory Analysis.
	(I)(3)(iv) Ensure that each scenario used is capable of challenging the ability of armed personnel to perform assigned duties and implement required elements of the protective strategy.	This requirement would be added to ensure that scenarios are developed to stress the protective strategy in manner that deficiencies or weaknesses can be identified.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.

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	(l)(4) The Performance Evaluation Program must be designed to ensure that:	This requirement would be added to improve the usefulness and applicability of the safeguards contingency plan.	
	(l)(4)(i) Each member of each shift who is assigned duties and responsibilities required to implement the approved safeguards contingency plan and licensee protective strategy participates in at least one (1) drill on a quarterly basis and one (1) force on force exercise on an annual basis.	This requirement would be added to ensure that individual members of the security force participate in drills at a frequency that provides them with knowledge and performance based experience applying the protective strategy.	This is a new requirement for tracking individual participation in drills and exercises. The security response force is a team effort. Individual performance is tracked using the various firearms qualifications
	(l)(4)(ii) The mock adversary force replicates, as closely as possible, adversary characteristics and capabilities in the design basis threat described in § 73.1(a)(1), and is capable of exploiting and challenging the licensee protective strategy, personnel, command and control, and	This requirement would be added to ensure that the mock adversary force is capable of portraying the design basis threat in terms of size, activity, movement, tactics, equipment and weaponry.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.

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	implementing procedures.		
	(I)(4)(iii) Protective strategies are evaluated and challenged through tabletop demonstrations.	This requirement would be added to provide an opportunity to evaluate protective strategies focusing on incident command in an open discussion format.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.
	(I)(4)(iv) Drill and exercise controllers are trained and qualified to ensure each controller has the requisite knowledge and experience to control and evaluate exercises.	This requirement would be added to ensure the use of qualified controllers who are knowledgeable of safety, environmental conditions, hazards, tactics, weapons equipment, and physical security systems.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09 and NEI 05-05.
	(I)(4)(v) Drills and exercises are conducted safely in accordance with site safety plans.	This requirement would be added to ensure licensee safety plans are considered in the conduct of drills and exercises.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.
	(I)(5) Members of the mock adversary force used for NRC observed exercises shall be independent of both the security program management and personnel who have direct	This requirement would be added to ensure that the mock adversary force is not influenced by security management or personnel responsible for security. This	

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	responsibility for implementation of the security program, including contractors, to avoid the possibility for a conflict-of-interest.	mitigates the potential for the scenario to be compromised or not carried out to the desired expectation. This proposed requirement is based on the EAct 2005 section 651.	
	(I)(6) Scenarios.		All elements of this section should be moved to Appendix B, Section C.3. It is a training requirement and is currently described in NEI 03-12, Appendix B, Section 4, Team Training.
	(I)(6)(i) Licensees shall develop and document multiple scenarios for use in conducting quarterly drills and annual force-on-force exercises.	This requirement would be added to ensure that varying scenarios with differing adversary configurations are used against all target sets for increased readiness. This permits a better determination of overall system effectiveness.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.
	(I)(6)(ii) Licensee scenarios must be designed to test and challenge any component or combination of components, of	This requirement would be added to ensure that scenarios are developed in a manner that each aspect of the security	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.

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	the onsite physical protection program and protective strategy.	system and strategy will be analyzed to determine effectiveness.	
	(I)(6)(iii) Each scenario must use a unique target set or target sets, and varying combinations of adversary equipment, strategies, and tactics, to ensure that the combination of all scenarios challenges every component of the onsite physical protection program and protective strategy to include, but not limited to, equipment, implementing procedures, and personnel.	This requirement would be added to ensure that scenarios are developed in a manner that each aspect of the security system and strategy will be analyzed to determine overall system effectiveness.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09.
	(I)(6)(iv) Licensees shall ensure that scenarios used for required drills and exercises are not repeated within any twelve (12) month period for drills and three years (3) for exercises.	This requirement would be added to ensure the development of scenarios with differing adversary configurations against varying target sets. This promotes increased readiness and permits a better determination of overall system effectiveness.	These requirements represent requirements that are better placed into guidance that currently exists in NEI 03-09. Unsure of the basis for this proposed requirement. Requiring licensees to monitor the frequency of the drills and exercises would be a significant administrative

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			burden and would have limited benefit.
Audit and Review.	(m) Records, audits, and reviews.	This header would be retained and revised to add records retention requirements.	
<p>App. C 5.(1) For nuclear power reactor licensees subject to the requirements of § 73.55, the licensee shall provide for a review of the safeguards contingency plan either:</p> <p>App. C 5.(1)(i) At intervals not to exceed 12 months, or...</p> <p>App. C 5.(1)(ii) As necessary, based on an assessment by the licensee against performance indicators, and as soon as reasonably practicable after a change occurs in personnel, procedures,</p>	(m)(1) Licensees shall review and audit the Commission-approved safeguards contingency plan in accordance with the requirements § 73.55(n) of this part.	This requirement would be revised to ensure that the protective strategy is revised as a result of any significant changes that would affect the ability to respond in accordance with the existing contingency plan.	This language should be consistent with Appendix B.I.

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<p>equipment, or facilities that potentially could adversely affect security, but no longer than 12 months after the change.</p> <p>App. C 5.(1)(ii) ...In any case, each element of the safeguards contingency plan must be reviewed at least every 24 months.</p> <p>App. C 5.(2) A licensee subject to the requirements of either § 73.46 or § 73.55, shall ensure that the review of the safeguards contingency plan is by individuals independent of both security</p>			
<p>program management and personnel who have direct responsibility for implementation of the security program.</p> <p>Appendix C Paragraph 5(3). The licensee shall document the results and</p>			

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the recommendations of the safeguards contingency plan review, management findings on whether the safeguards contingency plan is currently effective, and any actions taken as a result of recommendations from prior reviews in			
a report to the licensee's plant manager and to corporate management at least one level higher than that having responsibility for the day-to-day plant operation.			
Appendix C Paragraph 5.(2) The review must include an audit of safeguards contingency procedures and practices, and an audit of commitments established for response by local law enforcement authorities.	(m)(2) The licensee shall make necessary adjustments to the Commission-approved safeguards contingency plan to ensure successful implementation of Commission regulations and the site protective strategy.	This requirement would be revised to ensure that the protective strategy is revised as a result of any significant changes that would affect the ability to respond in accordance with the existing contingency plan.	This requirement is not necessary given that (m)(1) requires a review in accordance with §73.55(n). That provision delineates how the review is conducted.

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Appendix C Paragraph 5.(2) The review must include an audit of safeguards contingency procedures and practices, and an audit of commitments established for response by local law enforcement authorities.	(m)(3) The safeguards contingency plan review must include an audit of implementing procedures and practices, the site protective strategy, and response agreements made by local, state, and Federal law enforcement authorities.	This requirement would be revised to ensure that an audit of the safeguards contingency plan is conducted to validate essential aspects of the plan.	This requirement is not necessary given that (m)(1) requires a review in accordance with §73.55(n). That provision delineates how the review is conducted.
Appendix C Paragraph 5.(3) The report must be maintained in an auditable form, available for inspection for a period of 3 years.	(m)(4) Licensees shall retain all reports, records, or other documentation required by this Appendix in accordance with the requirements of § 73.55(r).	This requirement would be added to improve the usefulness and applicability of the safeguards contingency plan.	
Appendix C Paragraph 5. Procedures	(n) Implementing procedures.	This requirement would be retained with editorial changes. The word "Implementing" has been added to further define the requirement.	
In order to aid execution of the detailed plan as developed in the Responsibility Matrix, this	(n)(1) Licensees shall establish and maintain written implementing procedures that provide specific guidance and	This requirement would be revised to ensure that plans are developed to cover security force routine, emergency,	This provision is not necessary. It is duplicative to §73.55(c)(6)(i)

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category of information shall detail the actions to be taken and decisions to be made by each member or unit of the organization as planned in the Responsibility Matrix. Contents of the Plan: Although the implementing procedures (the fifth category of Plan information) are the culmination of the planning process, and therefore are an integral and	operating details that identify the actions to be taken and decisions to be made by each member of the security organization who is assigned duties and responsibilities required for the effective implementation of the Commission- approved security plans and the site protective strategy.	administrative, and other operational duties.	
important part of the safeguards contingency plan, they entail operating details subject to frequent changes.			
Contents of the Plan: The licensee is responsible for ensuring that the implementing procedures reflect the information in the Responsibility Matrix,	(n)(2) Licensees shall ensure that implementing procedures accurately reflect the information contained in the Responsibility Matrix required by this appendix, the	This requirement would be revised to ensure that plans are developed to cover security force routine, emergency, administrative, and other operational duties. The phrase	The proposed rule language appears to expand the focus of the contingency plan from threats up to and including the Design Basis Threat to beyond Design Basis Threat

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appropriately summarized and suitably presented for effective use by the responding entities.	Commission-approved security plans, the Integrated Response Plan, and other site plans.	"appropriately summarized and suitably presented for effective use by the responding entities" would be deleted because this concept would be covered under demonstration.	events. For example, the language could be interpreted to mean the contingency plan implementing procedures must include the integrated response plan and other site plans which may include plant functions required to mitigate significant damage. Such functions should not be described in the contingency plan.
Contents of the Plan: They need not be submitted to the Commission for approval, but will be inspected by NRC staff on a periodic basis.	(n)(3) Implementing procedures need not be submitted to the Commission for approval but are subject to inspection.	This requirement would be retained with editorial changes.	

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<p>§ 73.56(a) General. (1) Each licensee who is authorized on April 25, 1991, to operate a nuclear power reactor pursuant to §§ 50.21(b) or 50.22 of this chapter shall comply with the requirements of this section. By April 27, 1992, the required access authorization program must be incorporated into the site Physical Security Plan as provided for by 10 CFR 50.54(p)(2) and implemented. By April 27, 1992, each licensee shall certify to the NRC that it has implemented an access authorization program that meets the requirements of this part.</p>	<p>(a)(1) By [date—180 days—after the effective date of the final rule published in the FEDERAL REGISTER], each nuclear power reactor licensee, licensed under 10 CFR part 50, shall incorporate the revised requirements of this section through amendments to its Commission-approved access authorization program and shall submit the amended program to the Commission for review and approval.</p>	<p>This requirement would be added to discuss the types of Commission licensees to whom the proposed requirements of this section would apply and the schedule for submitting the amended access authorization program. The Commission intends to delete the current language, because it applies only to a past rule change that is completed. The proposed requirements of this section would be applicable to decommissioned/ing reactors unless otherwise approved by the Commission. This proposed requirement would add a requirement for Commission review and approval of the amended access authorization program to ensure that access authorization programs meet the</p>	<p>The proposed rule requires each licensee to submit the amended access authorization program to NRC for review and approval. This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003. The industry intends to modify the NRC endorsed generic access authorization program and submit for NRC review and endorsement. Licensees should then be able to commit to NRC that their program is consistent with or exceeds the NRC approved generic access authorization program. This method would result in significant resource savings for both NRC and licensees and allow licensees to implement the amended program much earlier.</p>

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		objective of providing high assurance that individuals who are subject to the requirements of this section are trustworthy and reliable, and do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage.	Reword § 73.56(a)(1): "By [date—180 days—after the effective date of the final rule published in the FEDERAL REGISTER], each nuclear power reactor licensee, licensed under 10 CFR part 50, shall incorporate the revised requirements of this section through amendments to its Commission-approved access authorization program and shall certify to the NRC that it has implemented an access authorization program that meets the requirements of this part."
§ 73.56(a)(4) The licensee may accept part of an access authorization program used by its contractors, vendors, or other affected organizations and substitute, supplement, or duplicate any portion of the program as necessary	(a)(6) Contractors and vendors (C/Vs) who implement authorization programs or program elements shall develop, implement, and maintain authorization programs or program elements that meet the requirements of this section, to the extent	Proposed § 73.56(a)(6) would amend current § 73.56(a)(4), which permits licensees to accept a C/V authorization program to meet the standards of this section. The proposed paragraph would retain the current permission for licensees to accept C/V	The proposed rule does not clearly state that only a licensee or an applicant can deny individuals access to a particular power reactor site. The industry believes that it is important that the rule be very clear that licensees should be able to deny as well as grant or

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to meet the requirements of this section. In any case, the licensee is responsible for granting, denying, or revoking unescorted access authorization to any contractor, vendor, or other affected organization employee.	that the licensees and applicants specified in paragraphs (a)(1) and (a)(5) of this section rely upon those C/V authorization programs or program elements to meet the requirements of this section. In any case, only a licensee or applicant shall grant or permit an individual to maintain unescorted access to nuclear power plant protected and vital areas.	authorization programs, in full or in part, but would also add C/Vs to the list of entities who are subject to proposed § 73.56 in order to convey more clearly that C/Vs may be directly subject to NRC inspection and enforcement actions than the current rule language implies. This change is necessary to clarify the applicability of the rule's requirements to a C/V's authorization program because several The phrase, "to the extent that the licensees and applicants rely upon C/V authorization programs or program elements," would be used in proposed § 73.56(a)(6) to clarify that C/Vs need only meet the requirements of this section for those authorization program elements upon which licensees and applicants who are subject to this section rely. This	permit to maintain access. Reword §73.56(a)(6): "Contractors and vendors (C/Vs) who implement authorization programs or program elements shall develop, implement, and maintain authorization programs or program elements that meet the requirements of this section, to the extent that the licensees and applicants specified in paragraphs (a)(1) and (a)(5) of this section rely upon those C/V authorization programs or program elements to meet the requirements of this section. Licensees, applicants and C/Vs may maintain unescorted access authorization (UAA). However, only a licensee shall deny, grant or permit an individual to maintain unescorted access to their own nuclear power plant

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		<p>change would be made to address two issues. First, "to the extent that" would be used to indicate that C/Vs need not implement every element of an AA program in order for licensees to rely on the program elements that a C/V does implement in accordance with the requirements of this section. For example, if a C/V conducts background investigations upon which licensees rely in making unescorted access authorization determinations, the background investigations must meet the requirements of current § 73.56(b)(2)(i) [or proposed § 73.56(d)]. However, the C/V need not also perform psychological assessments or any other services for licensees in order for licensees to rely on the background investigations</p>	<p>protected and vital areas."</p>

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		<p>that the C/V performs. Second, the phrase, "to the extent that," would also indicate that any elements of an authorization program that a C/V implements that are not relied upon by licensees need not meet the requirements of this section. For example, if the same C/V in the previous example also offers psychological assessment services, in addition to conducting background investigations for licensees, but no licensees or applicants who are subject to this section rely on those psychological assessment services to make unescorted access authorization decisions, then the C/ V need not meet the requirements of current § 73.56(b)(2)(ii) [or proposed § 73.56(e)] for conducting those psychological assessments.</p>	

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		<p>These proposed changes to the terms used in current § 73.56(a)(4) would be made for increased clarity in the language of the rule. Requirements in the current section could be interpreted as implying that a C/V is accountable to the licensee but not to the NRC, should significant weaknesses be identified in the C/V's authorization program upon which one or more licensees rely. However, this interpretation would be incorrect. Therefore, proposed § 73.56(a)(6) would include C/V authorization programs and program elements upon which licensees and applicants rely within the scope of this section to convey more accurately that these C/Vs are directly accountable to the NRC for meeting the applicable requirements of § 73.56.</p>	

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		<p>This clarification is also necessary to maintain the internal consistency of the proposed rule because some provisions of the proposed section apply only to C/Vs, including, but not limited to, the second sentence of proposed § 73.56(n)(7). The proposed paragraph would also retain the intent of the current requirement that only licensees and applicants have the authority to grant or permit an individual to maintain unescorted access to nuclear power plant protected and vital areas. The phrases, "program elements" and "to the extent that * * *," would replace the second sentence of current § 73.56(a)(4), which permits licensees to accept part of an authorization program used by its contractors, vendors, or other affected organizations and</p>	

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		<p>substitute, supplement, or duplicate any portion of the program as necessary to meet the requirements of this section. The proposed change would retain the meaning of the current provision, but would clarify the intent of the provision in response to implementation questions from licensees. The phrase, "program elements," would replace "part of an access authorization program," to more clearly convey that the parts of an authorization program to which this provision refers are the program elements that are required under current and proposed § 73.56, including a background investigation; psychological assessment; behavioral observation; a review procedure for adverse determinations regarding an individual's trustworthiness and</p>	

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		reliability; audits; the protection of information; and retaining and sharing records.	
<p>§ 73.56(b) General performance objective and requirements.</p> <p>(1) The licensee shall establish and maintain an access authorization program granting individuals unescorted access to protected and vital areas</p>	<p>(b)(1)(ii) Any individual whose assigned duties and responsibilities permit the individual to take actions by electronic means, either onsite or remotely, that could adversely impact a licensee's or applicant's operational safety, security, or emergency response capabilities; and</p>	<p>A new § 73.56(b)(1)(ii) would require that individuals who are assigned duties and responsibilities that permit them to take actions by electronic means that could adversely impact a licensee's or applicant's operational safety, security, or emergency response capabilities would be subject to an AA program. The proposed provision would be consistent with the intent of current § 73.56, which is to ensure that anyone who has unescorted access to equipment that is important to the operational safety and security of plant operations must be trustworthy and reliable. As discussed in Section IV.3, because of the</p>	<p>This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003.</p> <p>The proposed rule does not contain a needed provision that allows for short term escorted digital access.</p> <p>The industry presumes that defined permissions for supervised digital access for designated vendors/consultants are allowed in the same spirit as escorted physical access. It is not practical to process all short-term computer support personnel through the access authorization program. Rather, we need provisions for the ability to allow these individuals to provide their expertise on a</p>

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		<p>increased use of digital systems and advanced communications technologies in nuclear power plants, the current regulations, which focus on individuals who have physical access to equipment within protected and vital areas, do not provide adequate assurance of the trustworthiness and reliability of persons whose job duties and responsibilities permit them to take actions through electronic means that can affect operational safety, security, and emergency response capabilities, but who, because of advances in electronic communications, may not require physical access to protected and vital areas. For example, some licensees have installed systems that permit engineers or information technology</p>	<p>short-term supervised basis.</p> <p>It is our understanding that emergency response components that include commercial facilities, such as telephone company switch stations, are not subject to access authorization requirements. Licensees have no way to control access to these facilities.</p> <p>Reword §73.56(b)(1)(ii): “Any individual whose assigned duties and responsibilities permit the individual to take actions by electronic means, either onsite or remotely, that could adversely impact a licensee’s operational safety, security, or emergency response capabilities. Licensee personnel may provide escort and oversight to vendors and consultants</p>

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		technicians to take actions from remote locations that may affect the operability of safety-related components, or affect the functionality of operating systems. Because the potential impact of actions taken through electronic means may be as serious as actions taken by an individual who is physically present within a protected or vital area, the NRC has determined that subjecting this additional category of individuals to the AA program is necessary.	required for support of information technology systems. If commercial facilities, not under licensee control, are required for emergency response licensees are not required to control access to such facilities. And"
No current language	(d)(1)(i)(B) Other licensees, applicants and C/Vs will have access to information documenting the withdrawal through the information-sharing mechanism required under paragraph (o)(6) of this section.	Proposed § 73.56(d)(1)(i) would specify that an individual who has given his or her written consent for a background investigation under proposed § 73.56(d)(1) may withdraw that consent at any time. However, because a background investigation is one of the requirements for granting UAA, and	This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003. The proposed language implies that all C/Vs will have access to information through the information-sharing mechanism required under paragraph

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		<p>because the background investigation cannot be completed without the subject individual's consent, proposed § 73.56(d)(1)(i)(A) would specify that the licensee, applicant, or C/V to whom the individual has applied for UAA must inform the individual who has withdrawn consent that withdrawal of consent will terminate the individual's current application for UAA. In addition, the licensee, applicant, or C/V would be required by proposed § 73.56(d)(1)(i)(B) to notify the individual that other licensees, applicants, and C/Vs will have access to information documenting the withdrawal through the information-sharing mechanism required under proposed § 73.56(o)(6). That proposed paragraph would require that information specified in the licensee's or</p>	<p>(o)(6). There is little efficiency to be gained in requiring all C/Vs to access the information-sharing mechanism. The information-sharing mechanism has functioned for many years with access for approximately twelve C/Vs. Since the access decision for power reactor protected areas rests solely with the licensees there is no reason for the agency to mandate C/V access to the information-sharing mechanism.</p> <p>Reword §73.56(d)(1)(i)(B): "Licensees will have access to information documenting the withdrawal through the information-sharing mechanism required under paragraph (o)(6) of this section. Applicants and C/Vs may have access to information documenting the withdrawal through the information-sharing</p>

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		applicant's Physical Security Plan about individuals who have applied for UAA, must be recorded and retained in a database that is administered as an information-sharing mechanism by licensees and applicants subject to § 73.56.	mechanism required under paragraph (o)(6) of this section."
	(d)(1)(ii) If an individual withdraws his or her consent, the licensees, applicants and C/Vs specified in paragraph (a) of this section may not initiate any elements of the background investigation that were not in progress at the time the individual withdrew his or her consent, but shall complete any background investigation elements that are in progress at the time consent is withdrawn. In the information-sharing mechanism required	Proposed § 73.56(d)(1)(ii) would establish several requirements related to a withdrawal of consent by an individual who has applied for UAA. The proposed paragraph would require the entities who are subject to this section to document the individual's withdrawal of consent, and complete and document any elements of the background investigation that had been initiated before the time at which an individual withdraws his or her consent, and would prohibit the initiation of any	This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003. The reason for the withdrawal of consent is not recorded in the industry's required information sharing mechanism. The reason is not pertinent for any access determination. In addition, the C/Vs do not have data entry capabilities into the data-sharing mechanism. The industry needs to be able to determine if any

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	under paragraph (o)(6) of this section, the licensee, applicant, or C/V shall record the individual's application for unescorted access authorization; his or her withdrawal of consent for the background investigation; the reason given by the individual for the withdrawal, if any; and any pertinent information collected from the background investigation.	element that was not in progress. For example, if a licensee had submitted a request to a credit history reporting agency before an individual withdrew his or her consent, the proposed paragraph would require the licensee to document the credit history information that is obtained about the individual, even if the licensee receives the credit history report after the date on which the individual withdrew his or her consent. However, if the licensee had not yet requested information about the individual's military service history at the time the individual withdraws consent, the proposed provision would prohibit the licensee from initiating a request for military service history information. There are many reasons that an	C/Vs need data entry capabilities. Currently they do not. Reword § 73.56(d)(1)(ii) as: "If an individual withdraws his or her consent, the licensees and applicants specified in paragraph (a) of this section may not initiate any elements of the background investigation that were not in progress at the time the individual withdrew his or her consent, but shall complete any background investigation elements that are in progress at the time consent is withdrawn. In the information-sharing mechanism required under paragraph (o)(6) of this section, the licensee or applicant shall record the individual's application for unescorted access authorization, his or her withdrawal of consent for the background

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		<p>individual may withdraw his or her consent for the background investigation.</p> <p>In most instances, the reason that an individual withdraws his or her consent is legitimate, such as a change in the individual's work assignment. However, in some instances, the NRC is aware that individuals have withdrawn consent for the background investigation in order to attempt to prevent the discovery of adverse information or the sharing of adverse information already discovered about the individual by the licensee with other licensees. If the licensee were to stop all information gathering at the time at which the individual withdrew his or her consent, the likelihood that the adverse information</p>	<p>investigation; if any; and any pertinent information collected from the background investigation elements that were completed. The licensee must retain within its records the reason given by the individual for the withdrawal."</p>

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		<p>would be discovered would be reduced. As a result, the individual could be afforded an opportunity to create a risk to public health and safety and the common defense and security by having physical access to a protected or vital area, and most importantly, be in a position to observe the licensee's security posture by obtaining access to a licensee facility under escort, because a rigorous background investigation is not required for individuals who "visit" a nuclear power plant under escort.</p> <p>Similarly, if information that had been requested by the licensee, such as a criminal history report under proposed § 73.57 [Requirements for criminal history checks of individuals granted unescorted access to a nuclear power facility or</p>	

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		<p>access to safeguards information by power reactor licensees] of this chapter or the credit history report under proposed § 73.56(d)(5), was received by the licensee after the time the individual withdrew consent and contained adverse information, but that adverse information was not documented in the information- sharing mechanism required under proposed paragraph (o)(6) of this section, the individual also could be inappropriately permitted to visit under escort the same or another site because the adverse information would not be available for review. Therefore, the proposed provisions would be necessary to maintain the effectiveness of AA programs in protecting public health and safety</p>	

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		<p>and the common defense and security by ensuring that all available information about individuals who have applied for UAA is documented and shared, while also protecting the privacy rights of individuals by initiating no further elements of the background investigation when an individual withdraws his or her consent.</p> <p>The proposed paragraph would also require licensees, applicants, and C/Vs to create a record, accessible to other licensees, applicants, and C/Vs, of the fact that an individual withdrew his or her consent to the background investigation and the reason for the withdrawal. This record would need to be created in the information-sharing</p>	

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		mechanism required by proposed § 73.56(o)(6), in order for licensees, applicants, and C/Vs to carry out the notice requirement in proposed § 73.56(d)(1)(i)(B).	
	(d)(2)(ii) Licensees, applicants, and C/Vs may not require an individual to disclose an administrative withdrawal of unescorted access authorization under the requirements of paragraphs (g), (h)(7), or (i)(1)(v) of this section, if the individual's unescorted access authorization was not subsequently denied or terminated unfavorably by a licensee, applicant, or C/V.	Proposed § 73.56(d)(2)(ii) would prohibit a licensee, applicant, or C/V from requiring an individual to report an administrative withdrawal of UAA that may be required under proposed § 73.56(g), (h)(7), or (i)(1)(v), except if the information developed or discovered about the individual during the period of the administrative withdrawal resulted in a denial or unfavorable termination of the individual's UAA. The proposed paragraph would ensure that a temporary administrative withdrawal of an individual's UAA, caused by an administrative delay in	<p>This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003.</p> <p>Currently licensees indicate administrative withdrawals in the information-sharing mechanism. This prevents the individual from beginning the access authorization process at another licensee until the following licensee communicates with the licensee who indicated the administrative withdrawal. The administrative withdrawal indication is removed from the information sharing mechanism when</p>

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		<p>completing an evaluation of any formal legal action, or any portion of a background investigation, re-investigation, or psychological assessment or re-assessment that is not under the individual's control, would not be treated as an unfavorable termination, except if the reviewing official determines that the delayed information requires denial or unfavorable termination of the individual's UAA. This proposed provision would be necessary to maintain the public's and individuals' confidence in the fairness of AA programs by protecting individuals from possible adverse employment actions that may be based upon administrative delays for which they are not responsible.</p>	<p>appropriate by the licensee that entered it. If the individual is subsequently denied or terminated unfavorably that information is entered in the information-sharing mechanism and the administrative withdrawal indication is removed.</p> <p>Given this logic there is no need for the proposed rule as all administrative withdrawal indications are removed from the information-sharing mechanism when appropriate.</p> <p>The industry is concerned that the NRC is attempting to prescribe very specific requirements that are contrary to the logical functioning of the information sharing mechanism. The logic is designed to protect the public health and safety</p>

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			and the common defense and security by limiting access to individuals who are trustworthy and reliable. It has been developed, tested and proven over the last decade. Delete § 73.56(d)(2)(ii).
§ 73.56(b)(2)(i) * * * true identity, and develop information concerning an individual's employment history, education history, credit history, criminal history, military service, and verify an individual's character and reputation.	(d)(3) Verification of true identity. Licensees, applicants, and C/Vs shall verify the true identity of an individual who is applying for unescorted access authorization in order to ensure that the applicant is the person that he or she has claimed to be. At a minimum, licensees, applicants, and C/Vs shall validate the social security number that the individual has provided, and, in the case of foreign nationals, the alien registration number that the individual provides. In addition, licensees, applicants, and	Proposed § 73.56(d)(3) would expand on the portion of current § 73.56(b)(2)(i) that requires licensees to verify an individual's true identity. The proposed paragraph would require the entities who are subject to this section, at a minimum, to validate the social security number, or in the case of foreign nationals, the alien registration number, that the individual has provided to the licensee, applicant or C/V. The term, "validation," would be used in the proposed paragraph to indicate that licensees, applicants and C/Vs would	Some aspects of the proposed rule are beyond any requirement in the Access Authorization Order, dated January 7, 2003. The NRC proposed language does not fully address the legal avenues foreign nationals have for performing work supporting licensees in the United States. For example, Canadians, under the North America Free Trade Agreement (NAFTA), performing certain services for a Canadian based company require neither an alien registration nor an I-

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	C/Vs shall also determine whether the results of the fingerprinting required under § 73.21 confirm the individual's claimed identity, if such results are available.	<p>be required to take steps to access information in addition to that provided by the individual from other reliable sources to ensure that the personal identifying information the individual has provided to the licensee is authentic. This validation could be achieved through a variety of means, including, but not limited to, accessing information from databases that are maintained by the Federal Government, or evaluating an accumulation of information, such as comparing the social security number the individual provided to the social security number(s) included in a credit history report and information obtained from other sources.</p> <p>The proposed paragraph would also require using the information obtained</p>	<p>94 Form to be in the United States legally. For certain Federal government databases, an immigration status verification cannot be performed without either an I-94 Form or alien registration number. All aliens, however, are issued an admission number when they enter the United States. Additionally, many contract workers supporting licensees require access on or the day after arriving in the United States. Current processing of I-94 Form paperwork by the Federal government often does not yield an immigration status validation result until up to 10 business days following arrival in the United States.</p> <p>Further, as described in the proposed §73.56(a)(6), C/Vs do not grant unescorted access.</p>

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		from fingerprinting individuals, as required under proposed § 73.21, to confirm an individual's identity, if that information is available. The proposed requirement clarifies the NRC's intent with respect to this portion of the background investigation.	<p>Finally, the proposed language refers to fingerprinting required under § 73.21. Fingerprinting is required under § 73.57. Protection of Safeguards Information is required under § 73.21.</p> <p>Reword §73.56(d)(3): "Verification of true identity. Licensees and applicants shall verify the true identity of an individual who is applying for unescorted access authorization in order to ensure that the applicant is the person that he or she has claimed to be. At a minimum, licensees and applicants shall validate the social security number that the individual has provided, and, in the case of foreign nationals, the claimed immigration status. Social security number validation could be</p>

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			<p>achieved through a variety of means, including, but not limited to, accessing information from databases that are maintained by the Federal Government, or evaluating an accumulation of information, such as comparing the social security number the individual provided to the social security number(s) included in a credit history report and information obtained from other sources. Foreign national claimed immigration status may be verified using Federal government databases, or evaluating an accumulation of information, such as comparing proof of citizenship, I-94 Form, admission number, passport, or visa documentation to information developed from other background investigation sources (e.g.</p>

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			<p>employment, reference, credit checks). Where a Federal government database is used to verify immigration status and a response is not immediately available, the licensee need not wait for the related manual verification before granting unescorted access provided:</p> <p>(i) Electronic submission to the Federal system has been attempted, and any additional verification steps, required by the Federal system, have been initiated;</p> <p>(ii) The immigration documentation provided by the individual (e.g., visa, I-94 form, admission number, or other work documentation) appears legitimate and valid;</p> <p>(iii) Other background information gathered about the individual is consistent with the individual being in</p>

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			<p>the country legally;</p> <p>In addition, licensees, applicants, and C/Vs shall also determine whether the results of the fingerprinting required under § 73.57 confirm the individual's claimed identity, if such results are available."</p>
<p>§ 73.56(b)(2)(i) * * * and develop information concerning an individual's * * * education history, * * *</p>	<p>(d)(4)(iii) Periods of self-employment or unemployment may be verified by any reasonable method. If education is claimed in lieu of employment, the licensee, applicant, or C/V shall request information that could reflect on the individual's trustworthiness and reliability and, at a minimum, verify that the individual was actively participating in the educational process during the claimed period.</p>	<p>Proposed § 73.56(d)(4)(iii) would be added at the request of stakeholders at the public meetings discussed in Section IV.3 to clarify the NRC's intent with respect to periods of self-employment, unemployment, or education, if the individual claims such activities within the periods during which the individual would be required to disclose his or her employment history, as specified in proposed § 73.56(h).</p> <p>The proposed paragraph</p>	<p>Some aspects of the proposed rule are beyond any requirement in the Access Authorization Order, dated January 7, 2003.</p> <p>The proposed language requires verification that an individual was actively participating in the education process. Experience gained over the last several years indicates that this verification is difficult at best and at times impossible. As NRC notes in the discussion of this paragraph, "the NRC</p>

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		would permit licensees, applicants, and C/Vs to use any reasonable means, consistent with the "best effort" criterion discussed with respect to proposed § 73.56(d)(4), to verify the individual's activities during claimed periods of self-employment and unemployment. Reasonable means to verify the individual's activities may include, but would not be limited to, a review of business or tax records documenting the individual's self-employment, copies of unemployment compensation checks, or interviews with business associates or acquaintances. To verify education in lieu of employment, the proposed paragraph would require the entities who are subject to this section to request information from the	recognizes that it may be difficult to obtain information from an educational institution about the individual's behavior while a student." It is as difficult to determine whether an individual actively participates in the education process. An educational institution or clearinghouse may indicate an individual registered for classes and whether the individual graduated. There is often no means to determine from an educational institution or clearinghouse whether an individual actually attended classes. Reword §73.56(d)(4)(iii): "Periods of self-employment or unemployment may be verified by any reasonable method. If education is claimed in lieu of employment, the licensee,

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		claimed educational institution that could reflect on the individual's trustworthiness and reliability. However, for reasons that are similar to those discussed with respect to proposed § 73.56(d)(4), the NRC recognizes that it may be difficult to obtain information from an educational institution about the individual's behavior while a student. Therefore, the proposed paragraph would permit licensees, applicants, and C/Vs to verify, at a minimum, that the applicant was attending and actively participating in school during the claimed period(s).	applicant, or C/V shall request information that could reflect on the individual's trustworthiness and reliability and, at a minimum, verify that the individual was actually registered for class during the claimed period."
No current language	(d)(4)(vi) In conducting an employment history evaluation, the licensee, applicant, or C/V may obtain information and documents by electronic	Proposed § 73.56(d)(4)(vi) would permit licensees, applicants, and C/Vs to use electronic means of obtaining the employment history information to	This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003.

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	means, including, but not limited to, telephone, facsimile, or email. The licensee, applicant, or C/V shall make a record of the contents of the telephone call and shall retain that record, and any documents or files obtained electronically, in accordance with paragraph (o) of this section.	increase the efficiency with which licensees, applicants, and C/V could obtain the employment history information. The proposed paragraph would be added in response to stakeholder requests at the public meetings discussed in Section IV.3, and would be consistent with related requirements in 10 CFR part 26. The proposed paragraph would also add a crossreference to the applicable records retention requirement in proposed § 73.56(o) [Records] to ensure that licensees, applicants, and C/Vs are aware of the applicability of these requirements to the employment history information obtained electronically.	<p>The proposed language in § 73.56(d)(4)(vi) implies that all documents gathered during the employment history evaluation must be kept. It refers to the proposed § 73.56(o). In the proposed § 73.56(o)(2)(i) and (ii) it is clear that only records actually used in the access determination must be kept. Similar clarity should be added to § 73.56(d)(4)(vi).</p> <p>Reword §73.56(d)(4)(vi): “In conducting an employment history evaluation, the licensee, applicant, or C/V may obtain information and documents by electronic means, including, but not limited to, telephone, facsimile, or email. In accordance with paragraph (o) of this section only those records actually used in the access determination must</p>

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			be kept.”
§ 73.56(b)(2)(i) * * * and develop information concerning an individual’s * * * credit history, * * *.	(d)(5) Credit history evaluation. The licensees, applicants, and C/Vs specified in paragraph (a) of this section shall ensure that the full credit history of any individual who is applying for unescorted access authorization has been evaluated. A full credit history evaluation must include, but would not be limited to, an inquiry to detect potential fraud or misuse of social security numbers or other financial identifiers, and a review and evaluation of all of the information that is provided by a national credit-reporting agency about the individual’s credit history.	Proposed § 73.56(d)(5) would retain the requirement for a credit history evaluation that is embedded in current § 73.56(b)(2)(i) and provide more detailed requirements, in response to stakeholder requests at the public meetings discussed in Section IV.3. The proposed paragraph would require the credit history evaluation to include an inquiry to detect any past instances of fraud or misuse of social security numbers or other financial identifiers. This requirement would be added because most credit-reporting agencies require a specific request for this information before they report it, and the NRC has determined that instances of fraud or misuse of financial identifiers, such as social security numbers	The proposed language in § 73.56(d)(5) requires an evaluation of the credit history of an individual applying for access. While the industry does not take issue with this proposed requirement it is important to note that credit reports provided by credit reporting agencies may not agree with information provided by individuals. For instance there may be issues regarding: a women’s maiden name and married name, accuracy of current home address, incorrect initials in an individual’s name, and accuracy of employment data. Each of these examples is taken from the <i>Statement of Stuart K. Pratt, Consumer Data Industry Association, Washington, D.C. before the Committee on Banking, Housing and Urban Affairs, United States Senate, on</i>

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		<p>or the names that an individual has used, may provide important information about an individual's trustworthiness and reliability. The proposed paragraph would also require the entities who are subject to this section to review all of the information that is provided by the national credit-reporting agency, as part of the background investigate on process. The proposed paragraph would use the term, "full" to convey that there is no time limit on the number of years of credit history information that the reviewing official would consider or other limitations on using information contained in the credit history report to assist in determining the individual's trustworthiness and</p>	<p><i>The Accuracy of Credit Reporting Information and the Fair Credit Reporting Act, July 10, 2003.</i> The Consumer Data Industry Association is an international trade association representing approximately 500 consumer information companies that are the nation's leading institutions in credit and mortgage reporting services, fraud prevention and risk management technologies, tenant and employment screening services, check fraud prevention and verification products, and collection services. The industry believes that the data provided by credit reporting agencies should be used by reviewing officials in the context of the other information developed during the access process.</p>

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		<p>reliability. In the past, licensees' AA program procedures limited the number of years of the individual's credit history that reviewing officials were required to consider in determining an individual's trustworthiness and reliability. As a result, some reviewing officials may not have considered credit history information for several years, even if the reporting agency provided it. As a result, individuals who were subject to different authorization programs were evaluated inconsistently. Furthermore, credit history reporting agencies also provide employment data that can be compared to the information disclosed by the applicant for UAA to validate the individual's disclosure. However, some AA program procedures did</p>	<p>There is no provision for the credit history of a foreign national.</p> <p>The term "full credit history evaluation" is ambiguous. NRC should specify the time period required for the industry to use and provide justification for it.</p> <p>Finally fraud checks are not available from the national credit-reporting agencies.</p> <p>Reword §73.56(d)(5): "Credit history evaluation. The licensees, applicants, and C/Vs specified in paragraph (a) of this section shall ensure that the credit history of any individual who is applying for unescorted access authorization has been evaluated. The credit history evaluation must include, but would not be</p>

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		not require the reviewing official to make this comparison. Therefore, the proposed paragraph would require the reviewing official to consider the "full" credit history report, in order to strengthen the effectiveness of the credit history evaluation element of AA programs and increase the consistency with which licensees, applicants, and C/Vs would conduct the credit history evaluation.	limited to, a review and evaluation of all of the information that is provided by a national credit-reporting agency about the individual's credit history. For workers with a residence of record in a foreign country who have not established credit in the United States, a financial responsibility inquiry is required. If no routinely accepted credit reporting mechanism is available in the applicant's country of record, a statement of responsibility concerning the individual's financial record from an entity within the country of record is acceptable."
§ 73.56(b)(2)(ii) A psychological assessment designed to evaluate the possible impact of any noted psychological characteristics which may have a bearing on trustworthiness and	(e)(1) A licensed clinical psychologist or psychiatrist shall conduct the psychological assessment.	Proposed § 73.56(e)(1) would establish minimum requirements for the credentials of individuals who perform the psychological assessments that are required under current § 73.56(b)(2)(ii),	An aspect of the proposed rule is beyond any requirement in the Access Authorization Order, dated January 7, 2003. The proposed language in § 73.56(e)(1) requires a

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reliability.		<p>which are not addressed in the current rule. The proposed provision would require a licensed clinical psychologist or psychiatrist to conduct the psychological assessment, because the extensive education, training, and supervised clinical experience that these professionals must possess in order to be licensed under State laws would provide high assurance that they are qualified to conduct the psychological assessments that are required under the rule.</p> <p>The proposed rule would impose this new requirement because of the key role that the psychological assessment element of AA programs plays in assuring the public health and safety and common defense and security when determining whether an individual is</p>	<p>clinical psychologist. The rule's intent appears to be that the individual performing the professional work be properly trained and have experience in the area of assessment. A sample of state licenses for psychologists found none which specifically licensed "clinical psychologists." The rule should focus on a psychologist who has adequate experience, not a particular term.</p> <p>Reword §73.56(e)(1): "A licensed psychiatrist or psychologist who possesses clinical experience shall conduct the psychological assessment."</p>

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		trustworthy and reliable. Therefore, the proposed provision would be added to strengthen the effectiveness of AA programs.	
§ 73.56(b)(2)(ii) A psychological assessment designed to evaluate the possible impact of any noted psychological characteristics which may have a bearing on trustworthiness and reliability.	(e)(2) The psychological assessment must be conducted in accordance with the applicable ethical principles for conducting such assessments established by the American Psychological Association or American Psychiatric Association.	A new § 73.56(e)(2) would require psychological assessments to be conducted in accordance with ethical principles for conducting such assessments that are established by the American Psychological Association or the American Psychiatric Association, as applicable. In order to meet State licensure requirements, clinical psychologists and psychiatrists are required to practice in accordance with the applicable professional standards. However, the proposed rule would add a reference to these professional standards to emphasize the importance that the NRC	<p>This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003.</p> <p>The proposed language requires psychological assessment to be conducted in accordance with the applicable ethical principles for conducting such assessments established by the American Psychological Association or American Psychiatric Association. As noted in the NRC discussion, to meet state licensure requirements, clinical psychologists and psychiatrists are required to practice in accordance with the applicable professional standards.</p>

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		places on the proper conduct of psychological assessments, in order to ensure the rights of individuals, consistent treatment, and the effectiveness of the psychological assessment component of AA programs.	The NRC discussion does not indicate that all states with power reactor licensees require clinical psychologists and psychiatrists to practice in accordance with American Psychological Association or American Psychiatric Association. The industry is concerned that licensees may not be able to use licensed and fully qualified clinical psychologists and psychiatrists because their practices, while ethical, deviate slightly from the ethical principles established by the American Psychological Association or American Psychiatric Association. The licensure itself (in every state) requires ethical practice, and mandates "conformity with the ethical and professional standards promulgated by the Board." While most State Boards adopt the ethical guidelines

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			<p>of their respective professional organization, some make minor changes, add additional requirements, or place alternative demands on professional practice. In other words, it is inappropriate for the NRC to mandate that any professional practice adhere to a canon of ethics which might deviate from the demands of the State Board that granted their license.</p> <p>Revise §73.56(e)(2): "The psychological assessment must be conducted in accordance with the applicable ethical principles for conducting such assessments established by the State Board granting licensure to the Psychologist or Psychiatrist."</p>
§ 73.56(b)(2)(ii) A psychological assessment	(e)(3) At a minimum, the psychological assessment	Proposed § 73.56(e)(3) would establish new	Some aspects of the proposed rule are beyond

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designed to evaluate the possible impact of any noted psychological characteristics which may have a bearing on trustworthiness and reliability.	must include the administration and interpretation of a standardized, objective, professionally accepted psychological test that provides information to identify indications of disturbances in personality or psychopathology that may have implications for an individual's trustworthiness and reliability. Predetermined thresholds must be applied in interpreting the results of the psychological test, to determine whether an individual shall be interviewed by a psychiatrist or licensed clinical psychologist under paragraph (e)(4)(i) of this section.	requirements for the psychological testing that licensees, applicants, and C/Vs would conduct as part of the psychological assessment. The proposed paragraph would require the administration and interpretation of an objective psychological test that provides information to aid in identifying personality disturbances and psychopathology. The proposed rule would specify psychological tests that are designed to identify indications of personality disturbances and psychopathology because some of these conditions may reflect adversely on an individual's trustworthiness and reliability. The proposed rule would not prohibit the use of other types of psychological tests, such as personality inventories and tests of abilities, in the	any requirement in the Access Authorization Order, dated January 7, 2003. The proposed language requires predetermined thresholds to be applied in interpreting the results of the psychological test, to determine whether an individual shall be interviewed by a psychiatrist or licensed clinical psychologist. It is completely inappropriate for the industry to set a professional, clinical threshold for test performance that would trigger an interview. Such cut-off standards could not reasonably be done by a committee of psychologists working in the industry, even if every site used the same test. There are too many variables and variations of profiles. There is value in having

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		<p>psychological assessment process, but would establish the minimum requirement for a test that identifies indications of personality disturbances and psychopathology because the identification of these conditions is most relevant to the purpose of the psychological assessment element of AA programs. The proposed provision would also require the use of standardized, objective psychological tests to reduce potential variability in the testing that is conducted under this section.</p> <p>Decreasing potential variability in testing is important to provide greater assurance than in the past that individuals who are applying for or maintaining UAA are treated consistently under</p>	<p>thresholds to make interviews consistently applied, but such thresholds should be determined by the professional (who intimately knows the test he has chosen, and what response patterns on the test mean for his target population).</p> <p>Further the industry believes that in some cases the psychiatrist or licensed psychologist should be able to interview the individual without administering the test if in the professional opinion of the psychiatrist or licensed clinical psychologist the test would provide little meaningful information. It is not appropriate for NRC to dictate practice requirements for professionals licensed by the various states.</p>

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		the proposed rule. The proposed rule would not prohibit the use of other types of psychological tests, such as projective tests, in the psychological assessment process, but would establish the minimum requirement for a standardized, objective test to facilitate the psychological re-assessments that would be required under proposed § 73.56(i)(1)(v). Comparing scores on a standardized, objective test to identify indications of any adverse changes in the individual's psychological status is simplified when the testing that is performed for a re-assessment is similar to or the same as previous testing that was conducted under this section, particularly when the clinician who conducts the re-assessment did not conduct the previous	Reword §73.56(e)(3): "At a minimum, the psychological assessment must, unless waived, include the administration and interpretation of a standardized, objective, professionally accepted psychological test that provides information to identify indications of disturbances in personality or psychopathology that may have implications for an individual's trustworthiness and reliability. A psychiatrist or licensed psychologist should establish predetermined thresholds appropriate to the test and the target population to be applied in interpreting the results of the psychological test, to identify whether an individual shall be interviewed under paragraph (e)(4)(i) of this section. A psychiatrist or licensed psychologist may

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		<p>testing.</p> <p>The proposed paragraph would also require licensees, applicants, and C/Vs to establish thresholds in interpreting the results of the psychological test, to aid in determining whether an individual would be required to be interviewed by a psychiatrist or licensed clinical psychologist under proposed paragraph (e)(4)(ii) of this section. The NRC is aware of substantial variability in the thresholds used by authorization programs in the past to determine whether an individual's test results provided indications of personality disturbances or psychopathology. Different clinical psychologists providing services to the same or different AA programs would vary in the thresholds they applied in</p>	<p>waive the test and proceed directly with the interview if in his opinion the test would provide little meaningful information."</p>

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		determining whether an individual's test results indicated the need for further evaluation in a clinical interview. As a consequence, whether or not individuals who had the same patterns of scores on the psychological test would be subject to a clinical interview would vary both within and between AA programs. The proposed rule would add a requirement for predetermined thresholds to reduce this variability in order to protect the rights of individuals who are subject to AA programs to fair and consistent treatment.	
	(e)(5) If, in the course of conducting the psychological assessment, the licensed clinical psychologist or psychiatrist identifies indications of, or information related to, a	A new § 73.56(e)(5) would require the psychologist or psychiatrist who conducts the psychological assessment to report to the reviewing official any information obtained through conducting the	<p>This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003.</p> <p>The proposed text is very limiting and prescriptive. It</p>

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	medical condition that could adversely impact the individual's fitness for duty or trustworthiness and reliability, the psychologist or psychiatrist shall inform the reviewing official, who shall ensure that an appropriate evaluation of the possible medical condition is conducted under the requirements of part 26 of this chapter.	assessment that indicates the individual may have a medical condition that could adversely affect his or her fitness for duty or trustworthiness and reliability. For example, some psychological tests identify indications of a substance abuse problem. Or, an individual may disclose during the clinical interview that he or she is taking prescription medications that could cause impairment. In these instances, the proposed rule would require the reviewing official to ensure that the potential impact of any possible medical condition on the individual's fitness for duty or trustworthiness and reliability is evaluated. The term, "appropriate," would be used with respect to the medical evaluation to recognize that healthcare professionals vary in their	forces the Reviewing Official to be the focal point for the discussion of medical-related information. The industry recommends that the text be modified because Reviewing Official involvement prematurely may cause some problems such as ensuring that the right information is communicated back and forth between the psychologist or psychiatrist and medical doctor, necessitating the development of a documentation tool to do this. The NRC considerations discussion notes that various professionals have knowledge in specific areas. The industry believes the knowledgeable professionals should discuss the issues and provide a recommendation to the reviewing official.

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		<p>qualifications. For example, a psychiatrist who conducts the assessment would be qualified to assess the potential impacts on an individual's fitness for duty of any psychoactive medications the individual may be taking, whereas a substance abuse professional, nurse practitioner, or other licensed physician may not. The NRC is aware of instances in which indications of a substance problem or other medical condition that could adversely affect an individual's fitness for duty or trustworthiness and reliability were identified during the psychological assessment, but were not communicated to fitness-for-duty program personnel and, therefore, were not evaluated as part of the access authorization decision. The proposed</p>	<p>Licensees, applicants and C/Vs can develop a process to achieve this goal. In addition, there may be potential HIPAA issues regarding the specifics of the discussions, i.e., prescriptions, diagnoses, etc. that the Reviewing Official really does not need to know.</p> <p>Reword §73.56(e)(5): "Licensees, applicants and C/Vs shall develop a process to provide communication between the licensed psychologist or psychiatrist and other medical personnel. If, in the course of conducting the psychological assessment, the licensed psychologist or psychiatrist identifies indications of, or information related to, a medical condition that could adversely impact the individual's fitness for duty or trustworthiness and</p>

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		paragraph would be added to ensure that information about potential medical conditions is communicated and evaluated. This provision would be added to strengthen the effectiveness of the access authorization process.	reliability, the psychologist or psychiatrist shall inform licensee, applicant and C/V designated medical personnel who shall ensure that an appropriate evaluation of the possible medical condition is conducted under the requirements of part 26 of this chapter. The results of the evaluation shall be provided to the Reviewing Official."
§ 73.56(b)(2)(iii) Behavioral observation, conducted by supervisors and management personnel, designed to detect individual behavioral changes which, if left unattended, could lead to acts detrimental to the public health and safety.	(f)(3) Individuals who are subject to an authorization program under this section shall report to the reviewing official any concerns arising from behavioral observation, including, but not limited to, concerns related to any questionable behavior patterns or activities of others.	Proposed § 73.56(f)(3) would require individuals to report any concerns arising from behavioral observation to the licensee's, applicant's, or C/V's reviewing official. This specificity is necessary because the NRC is aware of past instances in which individuals reported concerns to supervisors or other licensee personnel who did not then inform the reviewing official of the	This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003. The proposed language requires individuals to report concerns to the reviewing official. The NRC discussion of this new requirement says it is required because in the past individuals reported concerns to supervisors or

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		<p>concern. As a result, the concern was not addressed and any implications of the concern for the individual's trustworthiness and reliability were not evaluated. Therefore, the proposed rule would require individuals to report directly to the reviewing official, to ensure that the reviewing official is made aware of the concern, has the opportunity to evaluate it, and determine whether to grant, maintain, administratively withdraw, deny, or terminate UAA. The proposed provision would be added to clarify and strengthen the behavioral observation element of AA programs by increasing the likelihood that questionable behaviors or activities are appropriately addressed by the licensees and other entities who are subject to</p>	<p>other licensee personnel who did not then inform the reviewing official of the concern. The NRC discussion does not indicate exactly how many such instances occurred nor does it indicate the number of concerns which were reported to supervisors or other licensee personnel which did get reported to the reviewing official. The industry believes the number of instances of the latter far exceed the former. The industry further believes the proposed rule will result in fewer reports of concerns by individuals. The individuals work with their supervisors daily while they often do not even know who the reviewing official is. So it is probably less likely that individuals will report concerns to the reviewing official than to their supervisors. Further,</p>

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		the rule.	<p>with the current threat environment, the industry has raised the security consciousness of our employees so it is expected that the employees will be more conscientious about reporting concerns than they were prior to September 11, 2001. Therefore the industry believes it is best if our employees are given options, defined in site procedures, about to whom they should report their concerns. All concerns would be reviewed by the reviewing official who would then take appropriate actions.</p> <p>Reword §73.56(f)(3): “Individuals who are subject to an authorization program under this section shall report to the reviewing official, their supervisor or other management personnel, as</p>

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			described in site procedures, any concerns arising from behavioral observation, including, but not limited to, concerns related to any questionable behavior patterns or activities of others. All concerns shall be reported to the reviewing official who shall determine whether to grant, maintain, administratively withdraw, deny, or unfavorably terminate the individual's unescorted access authorization."
No current language	(g) Arrest reporting. Any individual who has applied for or is maintaining unescorted access authorization under this section shall promptly report to the reviewing official any formal action(s) taken by a law enforcement authority or court of law to which the individual has been subject, including an	A new § 73.56(g) would establish requirements related to the arrest, indictment, filing of charges, or conviction of any individual who is applying for or maintaining UAA under this section. The proposed paragraph would require individuals to promptly report to the reviewing official any such formal action(s) to ensure	<p>This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003.</p> <p>The proposed language requires individuals to report arrests to the reviewing official. The NRC discussion of this new requirement says it is required because in the</p>

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	arrest, an indictment, the filing of charges, or a conviction. On the day that the report is received, the reviewing official shall evaluate the circumstances related to the formal action(s) and determine whether to grant, maintain, administratively withdraw, deny, or unfavorably terminate the individual's unescorted access authorization.	<p>that the reviewing official has an opportunity to evaluate the implications of the formal action(s) with respect to the individual's trustworthiness and reliability.</p> <p>The proposed rule includes other provisions that would also ensure that the reviewing official is aware of and evaluates the implications of any formal action(s) to which an individual may be subject, including the requirement for a criminal history review under proposed § 73.56(d)(7) and regular updates to the criminal history review under proposed § 73.56(i)(1)(v). However, these proposed provisions would not provide for prompt evaluation of any formal action(s) that arise in the intervening time period since a criminal history</p>	<p>past individuals reported concerns to supervisors or other licensee personnel who did not then inform the reviewing official of the concern. The NRC discussion does not indicate exactly how many such instances occurred nor does it indicate the number of concerns which were reported to supervisors or other licensee personnel which did get reported to the reviewing official. The industry believes the number of instances of the latter far exceed the former. In the spring of 2006 NRC staff informed NEI that there were issues with the industry's arrest reporting programs and indicated specific examples would be provided. To date they have not. The industry further believes the proposed rule will result in fewer reports of arrests by individuals. The</p>

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		<p>review was last conducted. Therefore, this requirement would be added to ensure that the reviewing official is made aware of formal actions at the time that they occur, has the opportunity to evaluate the implications of these formal actions with respect to the individual's trustworthiness and reliability, and, if necessary, take timely action to deny or unfavorably terminate the individual's UAA, if the reviewing official determines that the formal actions cast doubt on the individual's trustworthiness and reliability. The proposed rule would also specifically require the formal action(s) to be reported to the licensee's, applicant's, or C/V's reviewing official. This specificity is necessary because the NRC is aware</p>	<p>individuals work with their supervisors daily while they often do not even know who the reviewing official is. So it is probably less likely that individuals will report arrests to the reviewing official than to their supervisors. Therefore the industry believes it is best if our employees are given options, defined in site procedures, about whom they should report their concerns. All concerns would be reviewed by the reviewing official who would then take the appropriate actions.</p> <p>Reword §73.56(g): "Arrest reporting. Any individual who has applied for or is maintaining unescorted access authorization under this section shall promptly report to the reviewing official, their supervisor or other management</p>

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		<p>of past instances in which individuals reported formal actions to supervisors who did not then inform the reviewing official. As a result, some individuals were granted or maintained UAA without the high assurance that they are trustworthy and reliable that AA programs must provide, as discussed with respect to proposed § 73.56(c) [General performance objective]. Therefore, a specific requirement for individuals to report directly to the reviewing official is necessary to ensure that the reviewing official is aware of the actions, has the opportunity to evaluate the circumstances surrounding the actions, and determine whether to grant, maintain, administratively withdraw, deny, or terminate UAA. The proposed paragraph</p>	<p>personnel, as described in site procedures, any formal action(s) taken by a law enforcement authority or court of law to which the individual has been subject, including an arrest, an indictment, the filing of charges, or a conviction. The reviewing official shall evaluate the circumstances related to the formal action(s) and determine whether to grant, maintain, administratively withdraw, deny, or unfavorably terminate the individual's unescorted access authorization."</p>

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		would not establish a specific time limit within which an individual would be required to report a formal action because the time frames within which different formal actions occur may vary widely, depending on the nature of the formal action and characteristics of the locality in which the formal action is taken. However, nothing in the proposed provision would prohibit licensees, applicants, and C/Vs from establishing, in program procedures, reporting time limits that are appropriate for their local circumstances.	
No current language	(h)(4) For individuals who have previously held unescorted access authorization under this section but whose unescorted access authorization has since been terminated under favorable conditions, the	Proposed § 73.56(h)(4) would describe the term “interruption,” which would be used in proposed § 73.56(h)(5) [Initial unescorted access authorization], proposed § 73.56(h)(6) [Updated unescorted access	Some aspects of the proposed rule are beyond any requirement in the Access Authorization Order, dated January 7, 2003. The proposed language requires licensees,

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	licensee, applicant, or C/V shall implement the requirements in this paragraph for initial unescorted access authorization in paragraph (h)(5) of this section, updated unescorted access authorization in paragraph (h)(6) of this section, or reinstatement of unescorted access authorization in paragraph (h)(7) of this section, based upon the total number of days that the individual's unescorted access authorization has been interrupted, to include the day after the individual's last period of unescorted access authorization was terminated and the intervening days until the day upon which the licensee, applicant, or C/V grants unescorted access authorization to the	authorization], and proposed § 73.56(h)(7) and § 73.56(h)(8) [Reinstatement of unescorted access authorization] to refer to the interval of time between periods during which an individual holds UAA under § 73.56. Licensees, applicants, or C/Vs would calculate an interruption in UAA as the total number of days falling between the day upon which the individual's last period of UAA or UA ended and the day upon which the licensee, applicant, or C/V grants UAA to the individual. This change would be made to enhance and clarify the access authorization requirement in current § 73.56(c)(2), which does not define the meaning of the term "interrupted access authorization."	applicants and CVs to take actions as specified in physical security plans. NRC approved physical security plans do not direct specific actions for the access program. Rather they mention that access actions are in accordance with the industry standard access program which sites have typically converted to their own access programs. If potentially disqualifying information is disclosed or discovered about an individual, action is taken in accordance with the site access program. Reword §73.56(h)(4): "For individuals who have previously held unescorted access authorization under this section but whose unescorted access authorization has since been terminated under favorable conditions, the licensee, applicant, or C/V

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	individual. If potentially disqualifying information is disclosed or discovered about an individual, licensees, applicants, and C/V's shall take additional actions, as specified in the licensee's or applicant's physical security plan, in order to grant or maintain the individual's unescorted access authorization.		shall implement the requirements in this paragraph for initial unescorted access authorization in paragraph (h)(5) of this section, updated unescorted access authorization in paragraph (h)(6) of this section, or reinstatement of unescorted access authorization in paragraph (h)(7) of this section, based upon the total number of days that the individual's unescorted access authorization has been interrupted, to include the day after the individual's last period of unescorted access authorization was terminated and the intervening days until the day upon which the access authorization process is reinitiated for the individual. If potentially disqualifying information is disclosed or discovered about an individual,

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			licensees, applicants, and C/V's shall take additional actions, as specified in the licensee's or applicant's access program or implementing procedures., in order to grant or maintain the individual's unescorted access authorization."
§ 73.56(b)(3) The licensee shall base its decision to grant, deny, revoke, or continue an unescorted access authorization on review and evaluation of all pertinent information developed.	(h)(8) Determination basis. The licensee's, applicant's, or C/V's reviewing official shall determine whether to grant, deny, unfavorably terminate, or maintain or amend an individual's unescorted access authorization status, based on an evaluation of all pertinent information that has been gathered about the individual as a result of any application for unescorted access authorization or developed during or following in any period during which the individual maintained	Proposed § 73.56(h)(8) would amend but retain the meaning of current § 73.56(b)(3), which requires licensees to base a decision to grant, deny, revoke, or continue UAA on review and evaluation of all pertinent information developed. The terms used in the proposed paragraph, such as "unfavorably terminate" to replace "revoke" and "maintain" to replace "continue," would be updated for consistency with the terms currently used by the industry and in other portions of the proposed section. In	Some aspects of the proposed rule are beyond any requirement in the Access Authorization Order, dated January 7, 2003. The industry agrees with the proposed (h)(8) that the decision to grant or maintain access shall not be made until all of the required information has been provided to the reviewing official. However the industry believes the decision to deny access or terminate access should be made as soon as pertinent information is provided to

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	<p>unescorted access authorization. The licensee's, applicant's or C/V's reviewing official may not determine whether to grant unescorted access authorization to an individual or maintain an individual's unescorted access authorization until all of the required information has been provided to the reviewing official and he or she determines that the accumulated information supports a positive finding of trustworthiness and reliability.</p>	<p>addition, the proposed paragraph would include references to the reviewing official, rather than the licensee, to convey more accurately that the only individual who is authorized to make access authorization decisions under this section is the designated reviewing official.</p> <p>The terms, "all pertinent" and "accumulated information," would be used in the proposed paragraph because some of the information that a reviewing official must have before making a determination is gathered under the requirements of 10 CFR part 26, such as drug and alcohol test results and the results of the suitable inquiry. In addition, the proposed paragraph would expand on the current requirement for</p>	<p>the reviewing official even if all the information required by § 73.56 has not been provided. If disqualifying information about an individual with access comes to light the only appropriate action to protect the health and safety of the public is to immediately terminate access. Likewise, if disqualifying information about an individual applying for access comes to light, the ongoing activities should continue but the decision to deny access should be made. It prevents licensees from expending resources needlessly and allows the individual to seek employment elsewhere since employment with the licensee or applicant is most likely contingent on the ability to obtain access.</p> <p>Additionally the industry</p>

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		<p>a review and evaluation of all pertinent information by adding a prohibition on making an access authorization decision until all of the required information has been provided to the reviewing official and the reviewing official has determined that the information indicates that the subject individual is trustworthy and reliable. These changes would be made to more clearly communicate the NRC's intent by improving the specificity of the language of the rule.</p>	<p>believes the rule language should be internally consistent. This section, 73.56(h)(8), is the determination basis. The word "determination" has been used by the industry as well as by the NRC regarding this decision. However, contrary to the established practice, the final sentence of the proposed rule calls the decision a "positive finding." It should be a "determination of trustworthiness and reliability."</p> <p>Reword §73.56(h)(8): "Determination basis. The licensee's or applicant's, reviewing official shall determine whether to grant, deny, unfavorably terminate, or maintain or amend an individual's unescorted access authorization status, based on an evaluation of all</p>

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			<p>pertinent information that has been gathered about the individual as a result of any application for unescorted access authorization or developed during or following in any period during which the individual maintained unescorted access authorization. The licensee's or applicant's reviewing official may not determine whether to grant unescorted access authorization to an individual or maintain an individual's unescorted access authorization until all of the required information has been provided to the reviewing official and he or she determines that the accumulated information supports a determination of trustworthiness and reliability. The reviewing official may determine that access shall be denied or</p>

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			terminated based on disqualifying information even if all information required by this section has not been provided.”
§ 73.56(c)(3) The licensee shall grant unescorted access authorization to all individuals who have been certified by the Nuclear Regulatory Commission as suitable for such access.	(h)(9): Unescorted access for NRC-certified personnel. The licensees and applicants specified in paragraph (a) of this section shall grant unescorted access to all individuals who have been certified by the Nuclear Regulatory Commission as suitable for such access, including, but not limited to, contractors to the NRC and NRC employees.	Proposed § 73.56(h)(9) would update but retain the meaning of current § 73.56(c)(3), which requires licensees to grant unescorted access to individuals who have been certified by the NRC as suitable for such access. This provision ensures that licensees and applicants are allowed to grant UAA to individuals whom the NRC has determined require such access, and whom the NRC has investigated and is certifying as suitable for access, without requiring the licensees or applicants to meet all of the requirements that would otherwise be necessary before granting unescorted access to these individuals.	The proposed language requires licensees to grant access to individuals certified by the Commission. However the proposed rule does not provide details about the certification nor state that the certification process shall be consistent regardless of which NRC office or region provides it. The rule should require a consistent certification process, with the certifications originating from a small group within NRC identified beforehand to licensees. The industry is concerned that an imposter could gain access to the protected area of a power reactor unless this process is as rigorous as the remainder of 73.56.

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		In addition to avoiding duplication of effort, this proposed provision would help to ensure that NRC certified individuals will obtain prompt unescorted access to protected and vital areas, if necessary. The proposed paragraph would update the entities who are subject to this requirement by adding applicants to reflect the NRC's new licensing processes for nuclear power plants, as discussed with respect to proposed § 73.56(a).	Reword §73.56(h)(9): "Unescorted access for NRC-certified personnel. The licensees and applicants specified in paragraph (a) of this section shall grant unescorted access to all individuals who have been certified by the Nuclear Regulatory Commission as suitable for such access, including, but not limited to, contractors to the NRC and NRC employees. The certifications provided from NRC to licensees and applicants shall contain a consistent set of information and be provided by a small set of individuals from within the NRC staff identified beforehand to licensees and applicants."
§ 73.56(b)(4) Failure by an individual to report any previous suspension, revocation, or denial of	(h)(10) Licensees and applicants may not permit an individual, who is identified as having an	A new § 73.56(h)(10) would prohibit the entities who are subject to this section from permitting any	Some aspects of the proposed rule are beyond any requirement in the Access Authorization

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unescorted access to nuclear power reactors is considered sufficient cause for denial of unescorted access authorization.	access-denied status in the information-sharing mechanism required under paragraph (o)(6) of this section, or has an access authorization status other than favorably terminated, to enter any nuclear power plant protected area or vital area, under escort or otherwise, or take actions by electronic means that could impact the licensee's operational safety, security, or emergency response capabilities, under supervision or otherwise, except if, upon evaluation, the reviewing official determines that such access is warranted. Licensees and applicants shall develop reinstatement review procedures for assessing individuals who have been in an access-denied status.	individual whose most recent application for UAA has been denied or most recent period of UAA was unfavorably terminated from entering any protected or vital area, or to have the ability to use nuclear power plant digital systems that could adversely impact operational safety, security, or emergency response capabilities. The proposed paragraph would be added because the NRC is aware that, in the past, some licensees permitted individuals whose UAA was denied or unfavorably terminated to enter protected areas as visitors. Licensees' current Physical Security Plans require that any visitor to a protected area or vital area must be escorted and under the supervision of an individual who has UAA and, therefore, is trained in behavioral observation, in	<p>Order, dated January 7, 2003.</p> <p>The industry believes that the process now in place and approved by NRC for protected area access is also adequate for access by electronic means.</p> <p>However, the proposed language requires licensees and applicants to develop reinstatement review procedures for assessing individuals who have been in an access denied status. Power reactor licensee procedures already require such an assessment. For individuals who were denied greater than three years previously the steps for an initial access process are required. For individuals denied less than three years previously the access process provides requirements based on the length of time since the last</p>

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		<p>accordance with the requirements of this section and related requirements in part 26. However, in the current threat environment, the NRC believes that permitting any individual who has been determined not to be trustworthy and reliable to enter protected or vital areas does not adequately protect public health and safety or the common defense and security. Therefore, the proposed paragraph would prohibit this practice.</p> <p>The proposed paragraph would also prohibit individuals whose UAA has been denied or unfavorably terminated from electronically accessing licensees' and applicants' operational safety, security, and emergency response systems. The proposed prohibition on electronic</p>	<p>access.</p> <p>Reword §73.56(h)(10): "Licensees and applicants may not permit an individual, who is identified as having an access-denied status in the information-sharing mechanism required under paragraph (o)(6) of this section, or has an access authorization status other than favorably terminated, to enter any nuclear power plant protected area or vital area, under escort or otherwise, or take actions by electronic means that could impact the licensee's operational safety, security, or emergency response capabilities, under supervision or otherwise, except upon completion of the initial unescorted access authorization process, if the Reviewing Official determines that such access is warranted."</p>

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		<p>access would be consistent with other requirements in the proposed regulation and is necessary for the same reasons that physical access would be prohibited. An individual whose most recent application for UAA was denied, or whose most recent period of UAA was terminated unfavorably could be considered again for UAA, but only if the applicable requirements are met, as specified in the licensee's or applicant's Physical Security Plan, and the reviewing official makes a positive determination that the individual is trustworthy and reliable, and, therefore, that UAA is warranted. These provisions are necessary to strengthen the effectiveness of AA programs.</p>	
No current language	(i)(1)(iv) The individual is subject to a supervisory interview at a nominal 12-	Proposed § 73.56(i)(1)(iv) would require individuals, in order to maintain UAA,	The proposed rule indicates the Physical Security Plan contains details about the

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	month frequency, conducted in accordance with the requirements of the licensee's or applicant's Physical Security Plan; and	to be subject to an annual supervisory review during each year that the individual maintains UAA. The supervisory review would be conducted for the purposes and in the manner that licensees and applicants would specify in the Physical Security Plans required under proposed § 73.56(a). The proposed paragraph would include a requirement for these annual supervisory reviews for completeness and organizational clarity in the proposed rule.	Behavior Observation Program. It does not. They are contained in the Behavior Observation Program documents. Further the proposed rule requires an interview rather than a review. The current annual supervisor review is based on the year's interactions between the supervisor and the individual, not a single interview. The industry believes the NRC staff's intent is to continue with the effective current practice which the staff has concluded is an important aspect in providing high assurance an individual is trustworthy and reliable. The NRC Considerations discussion is about the review not an interview. The use of "interview" in the rule language is inexplicable. Finally the word used in NRC approved industry

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			documents regarding the frequency of the review is "annual" rather than "12-month." Reword §73.56(i)(1)(iv): "The individual is subject to an annual supervisory review, conducted in accordance with the requirements of the licensee's or applicant's Behavior Observation Program; and"
No current language	(i)(1)(v) The licensee, applicant, or C/V determines that the individual continues to be trustworthy and reliable. This determination must be made as follows: (A) The licensee, applicant, or C/V shall complete a criminal history update, credit history re-evaluation, and psychological re-assessment of the individual within 5 years of the date on which these	A new § 73.56(i)(1)(v) would establish requirements for periodic updates of the criminal history review, credit history evaluation, and psychological assessment in order for an individual to maintain UAA. The proposed rule would add these update and re-evaluation requirements because it is necessary to ensure that individuals who are maintaining UAA over long periods of time remain	Some aspects of the proposed rule are beyond any requirement in the Access Authorization Order, dated January 7, 2003. The proposed language requires psychological reassessment of individuals within five years of the date on which it was last completed. This is a new requirement with significant cost and negligible benefit. Since all

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	<p>elements were last completed, or more frequently, based on job assignment;</p> <p>(B) The reviewing official shall complete an evaluation of the information obtained from the criminal history update, credit history re-evaluation, psychological re-assessment, and the supervisory interview required under paragraph (i)(1)(iv) of this section within 30 calendar days of initiating any one of these elements;</p> <p>(C) The results of the criminal history update, credit history re-evaluation, psychological re-assessment, and the supervisory interview required under paragraph (i)(1)(iv) of this section must support a positive determination of the individual's continued trustworthiness and</p>	<p>trustworthy and reliable. The proposed update requirements would also apply to transient workers who, under the proposed provisions for granting updated UAA in proposed § 73.56(h)(6) and a reinstatement of UAA in proposed § 73.56(h)(7), may be granted UAA without undergoing the criminal history review, credit history evaluation, and psychological assessment that are required to grant initial UAA in proposed § 73.56(h)(5) each time that the individual transfers between licensee sites or applies for UAA after an interruption period. It is also necessary to ensure that these transient workers remain trustworthy and reliable. Proposed § 73.56(i)(1)(v)(A) would require that the updates and re-evaluation must occur within 5 years</p>	<p>other aspects of the access authorization requirements are repeated at the five year interval already, and the Behavior Observation Program is continuous, nothing is gained by repeating the psychological reassessment. While the industry sees the need for the psychological assessment for granting access authorization, the continuous Behavior Observation Program obviates the need for such a reassessment for an individual maintaining access. The NRC has concluded repeatedly that the current requirements including psychological reassessments for some individuals, based on job assignment, provide high assurance of trustworthy and reliable individuals. For instance <i>NRC Guidance on Implementation of the April</i></p>

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	<p>reliability; and</p> <p>(D) If the criminal history update, credit history re-evaluation, psychological reassessment, and supervisory review have not been completed and the information evaluated by the reviewing official within 5 years of the initial completion of these elements or the most recent update, re-evaluation, and re-assessment under this paragraph, or within the time period specified in the licensee's or applicant's Physical Security Plans, the licensee, applicant, or C/V shall administratively withdraw the individual's unescorted access authorization until these requirements have been met.</p>	<p>of the date on which the program elements were last completed.</p> <p>The 5-year interval is consistent with the update requirements of other Federal agencies and private entities who impose similar requirements on individuals who must be trustworthy and reliable. More frequent updates and re-evaluations would be required for some individuals, as specified in the licensee's or applicant's Physical Security Plan, based on the nature of their job assignments, for the reasons discussed with respect to proposed § 73.56(e)(4)(ii). The new § 73.56(i)(1)(v)(B) would also require licensees, applicants, and C/Vs to conduct the required re-evaluation activities that are specified in the proposed paragraph, and</p>	<p><i>2003 Revised Design Basis Threat</i>, May 8, 2004, DG-5017, <i>Guidance for the Application of the Radiological Sabotage Design-Basis Threat in the Design, Development, and Implementation of a Physical Security Protection Program that Meets 10 CFR 73.55 Requirements</i>, December 2005, and RG 5.69 <i>Guidance for the Application of the Radiological Sabotage Design-Basis Threat in the Design, Development, and Implementation of a Physical Security Protection Program that Meets 10 CFR 73.55 Requirements</i>, February 2007, support this conclusion.</p> <p>In the considerations NRC notes this proposed requirement provides consistency with other entities that need trustworthy and reliable</p>

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		<p>the supervisory review required under proposed § 73.56(i)(1)(iv), within 30 days of the initiating any one of these elements. This requirement is necessary to ensure that the reviewing official has the opportunity to review the information collected in the proper context, comparing each element to the other, which would then provide the best possible composite representation of the individual's continued trustworthiness and reliability.</p> <p>In a case in which a medical evaluation had been determined to be necessary through the conduct of the psychological re-assessment, the results of the medical evaluation would also become part of the data reviewed by the reviewing official during the 30 day period. Proposed</p>	<p>employees. NRC however does not specify with which entities consistency will be achieved. No other justification or benefit of the new and burdensome requirement is discussed in the Federal Register notice or in the draft regulatory analysis. With no obvious benefit for a very costly requirement the industry strongly recommends the proposed requirement be removed.</p> <p>Reword §73.56(i)(1)(v)(A): "The licensee or applicant shall complete a criminal history update, and credit history re-evaluation (reinvestigation) of the individual within 5 years of the date on which these elements were last evaluated by the reviewing official or more frequently, based on job assignment;"</p> <p>(i)(1)(v)(B) Comment</p>

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		<p>§ 73.56(i)(1)(v)(C) would require the reviewing official to determine that the results of the update support a positive determination of the individual's continuing trustworthiness and reliability in order for the individual to maintain UAA. Whereas, § 73.56(i)(1)(v)(D) would require the reviewing official to administratively withdraw the individual's UAA if a positive determination cannot be made, because the information upon which the determination must be made is not yet available. These requirements are necessary to provide high assurance that any individuals who are maintaining UAA have been positively determined to continue to be trustworthy and reliable.</p>	<p>The proposed language assumes processes are concurrent when they are not. The criminal history update and credit history re-evaluation (reinvestigation) are concurrent. The requirement in the proposed §73.56(i)(1)(v)(A) is within 5 years of the date on which these elements were last completed. Since there is no requirement for these elements to be initially completed concurrently, imposition of a requirement for completion of a five year update within 30 days of initiating any element requires update of some of these elements at intervals less than five years. The annual supervisor review is addressed in the proposed §73.56(i)(1)(iv) and does not need to be included in §73.56(i)(1)(v)(B). As noted</p>

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			<p>above the industry recommends the psychological re-assessment not be completed. Finally, there should be no requirement regarding the length of time spent on the required elements. The elements should be completed approximately concurrently.</p> <p>Reword §73.56(i)(1)(v)(B): “The reviewing official shall complete an evaluation of the information obtained from the criminal history update, and credit history reevaluation, (reinvestigation) within 30 calendar days of completing the review of the other of these elements;”</p>
	(k)(1) Background screeners. Licensees, applicants, and C/Vs who rely on individuals who are not directly under	Proposed § 73.56(k)(1) would impose new requirements for determining the trustworthiness and	The requirement in §73.56 (k)(1)(ii) “A local criminal history review and evaluation from the State of the individual’s

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	<p>their control to collect and process information that will be used by a reviewing official to make unescorted access authorization determinations shall ensure that a background check of such individuals has been completed and determines that such individuals are trustworthy and reliable. At a minimum, the following checks are required: (i) Verification of the individual's identity; (ii) A local criminal history review and evaluation from the State of the individual's permanent residence; (iii) A credit history review and evaluation; (iv) An employment history review and evaluation for the past 3 years; and (v) An evaluation of character and reputation.</p>	<p>reliability of the employees of any subcontractors or vendors that licensees, applicants, or C/Vs rely upon to collect sensitive personal information for the purposes of determining UAA. The majority of licensees contract (or subcontract, in the case of C/Vs) with other businesses that specialize in background investigation services, typically focused on verifying the employment histories and character and reputation of individuals who have applied for UAA. The proposed paragraph would require that the employees of these firms are themselves trustworthy and reliable, and would establish means by which licensees, applicants, and C/Vs would obtain verification from the subcontractor or vendor that the employees meet</p>	<p>permanent residence," is not clear. The industry believes, based on the NRC consideration discussion, the staff desires the criminal history to be obtained from the police agency serving the individual's permanent residence. Further, industry experience is that the court system, with its public records, is a good source of criminal history information, at times better than local law enforcement agencies. Local law enforcement agencies may not have the staff or budget to provide criminal history information. The rule should provide flexibility to pursue the best source of information.</p> <p>Reword §73.56(k)(1)(ii): "A local criminal history review and evaluation from the court or police agency serving the individual's</p>

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		<p>the trustworthiness and reliability standards of the licensee, applicant, and C/V.</p> <p>Proposed § 73.56(k)(1)(i) through (v) would require a background investigation of these subcontractor or vendor employees to include a verification of the employee's identity, a review and evaluation of the employee's criminal history record from the State in which the employee permanently resides, a credit history review and evaluation, an employment history review and evaluation from the past 3 years, and an evaluation of the employee's character and reputation, respectively. These requirements would be added for the reasons discussed with respect to proposed § 73.56(k).</p>	permanent residence;"
No current language	(k)(2) <i>Authorization</i>	A new § 73.56(k)(2) would	Some aspects of the

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	<p><i>program personnel.</i></p> <p>Licensees, applicants, and C/Vs shall ensure that any individual who evaluates personal information for the purpose of processing applications for unescorted access authorization including, but not limited to a clinical psychologist or psychiatrist who conducts psychological assessments under paragraph (e) of this section; has access to the files, records, and personal information associated with individuals who have applied for unescorted access authorization; or is responsible for managing any databases that contain such files, records, and personal information has been determined to be trustworthy and reliable, as follows:</p> <p>(i) The individual is subject to an</p>	<p>require that individuals who evaluate and have access to any personal information that is collected for the purposes of this section must be determined to be trustworthy and reliable, and establishes two alternative methods for making this determination. Proposed § 73.56(k)(2)(i) would permit licensees, applicants, and C/Vs to subject such individuals to the process established in this proposed section for granting UAA. Proposed § 73.56(k)(2)(ii) would permit licensees, applicants, or C/Vs to subject such individuals to the requirements for granting UAA in proposed paragraphs (d)(1) through (d)(5) and (e) of this section and a local criminal history review and evaluation from the State of the individuals permanent residence,</p>	<p>proposed rule are beyond any requirement in the Access Authorization Order, dated January 7, 2003.</p> <p>The industry believes the rule should permit the flexibility to use the criminal history check required by the proposed § 73.56(d)(7) in lieu of a local criminal history review and evaluation from the State of the individual's permanent residence.</p> <p>Additionally the industry believes the word "clinical" should be removed prior to "psychologist" as discussed in our comment about § 73.56(e)(1) above.</p> <p>Reword §73.56(k)(2): <i>"Authorization program personnel.</i> Licensees, applicants, and C/Vs shall ensure that any individual who evaluates personal</p>

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	<p>authorization program that meets requirements of this section; or</p> <p>(ii) The licensee, applicant, or C/V determines that the individual is trustworthy and reliable based upon an evaluation that meets the requirements of paragraphs (d)(1) through (d)(5) and (e) of this section and a local criminal history review and evaluation from the State of the individual's permanent residence.</p>	<p>rather than the criminal history review specified in proposed §73.56(d)(7). Proposed § 73.56(k)(2)(ii) recognizes that, in some cases, licensees cannot legally obtain the same type of criminal history information about authorization program personnel as they are able to obtain for other individuals who are subject to § 73.56. Therefore, this proposed provision would permit licensees, applicants, and C/Vs to rely on local criminal history checks in such cases. These requirements would be added for the reasons discussed with respect to proposed § 73.56(k).</p>	<p>information for the purpose of processing applications for unescorted access authorization including, but not limited to a psychologist or psychiatrist who conducts psychological assessments under paragraph (e) of this section; has access to the files, records, and personal information associated with individuals who have applied for unescorted access authorization; or is responsible for managing any databases that contain such files, records, and personal information has been determined to be trustworthy and reliable, as follows:</p> <p>(i) The individual is subject to an authorization program that meets requirements of this section; or</p> <p>(ii) The licensee, applicant, or C/V determines that the individual is trustworthy</p>

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			and reliable based upon an evaluation that meets the requirements of paragraphs (d)(1) through (d)(5) and (e) of this section and a local criminal history review and evaluation from the State of the individual's permanent residence or a criminal history review and evaluation as required by paragraph (d)(7) of this section."
§ 73.56(f)(3) Licensees, contractors, and vendors may not disclose the personal information collected and maintained to persons other than: (ii) NRC representatives; (iii) Appropriate law enforcement officials under court order; (iv) The subject individual or his or her representative; (v) Those licensee representatives who have a need to have access to the information in performing	(m)(1) Licensees, applicants, and C/Vs shall obtain a signed consent from the subject individual that authorizes the disclosure of the personal information collected and maintained under this section before disclosing the personal information, except for disclosures to the following individuals: (i) The subject individual or his or her representative, when the individual has designated	Proposed § 73.56(m)(1) would amend current § 73.56(f)(3), which prohibits licensees, applicants, and C/Vs from disclosing personal information collected under this section to any individuals other than those listed in the regulation. The proposed paragraph would continue to permit disclosure of the personal information to the listed individuals, but would add permission for the licensee, applicant, or	The proposed language requires licensees, applicants and C/Vs to disclose employee personal information to NRC representatives. The industry believes that a very limited number of NRC representatives require access to the personal information of our employees. We are aware of the agency's concern with the rights of the individuals and believe NRC would agree with limiting the access of the NRC staff to

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<p>assigned duties, including audits of licensee's, contractor's, and vendor's programs; (vi) Persons deciding matters on review or appeal; or (vii) Other persons pursuant to court order. This section does not authorize the licensee, contractor, or vendor to withhold evidence of criminal conduct from law enforcement officials.</p>	<p>the representative in writing for specified unescorted access authorization matters; (ii) NRC representatives;</p>	<p>C/V to disclose the personal information to others if the licensee or other entity has obtained a signed release for such a disclosure from the subject individual. The proposed provision would be added because some licensees have misinterpreted the current requirement as prohibiting them from releasing the personal information under any circumstances, except to the parties listed in the current provision. In some instances, such failures to release information have inappropriately inhibited an individual's ability to obtain information that was necessary for a review or appeal of the licensee's determination for UAA. Therefore, the explicit permission for licensees and other entities to release personal information when an individual consents to the release, in writing,</p>	<p>industry employee personal information. It should be accessible only to NRC resident inspectors and NRC inspectors performing inspections for compliance with 73.56.</p> <p>The industry believes this is consistent with the requirements for protection of personal information in the Access Authorization Order, dated January 7, 2003.</p> <p>Reword §73.56(m)(1): "Licensees, applicants, and C/Vs shall obtain a signed consent from the subject individual that authorizes the disclosure of the personal information collected and maintained under this section before disclosing the personal information, except for disclosures to the following individuals: (i) The subject individual or</p>

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		<p>would be to have access to a full and complete evidentiary record in review procedures and legal proceedings.</p> <p>Proposed § 73.56(m)(1)(i) through (m)(1)(vii) would list in separate paragraphs the individuals to whom licensees and other entities would be permitted to release personal information about an individual. Proposed § 73.56(m)(1)(ii), (m)(1)(iii), and (m)(1)(vii) would retain the current § 73.56 permission for the release of information to NRC representatives, appropriate law enforcement officials under court order, and other persons pursuant to court order. Proposed § 73.56(m)(1)(i) would retain the current permission for the release of information to the</p>	<p>his or her representative, when the individual has designated the representative in writing for specified unescorted access authorization matters;</p> <p>(ii) NRC resident inspectors and NRC inspectors verifying compliance with this section;"</p>

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		<p>subject individual and his or her designated representative. The proposed paragraph would add requirements for the individual to designate his or her representative in writing and specify the UAA matters to be disclosed. The proposed changes would be made in response to implementation questions from licensees who have sought guidance from the NRC related to the manner in which an individual must "designate" a representative. Proposed § 73.56 (m)(1)(iv) would amend the current reference to licensee representatives who have a need to have access to the information in performing assigned duties. The current rule refers only to individuals who are performing audits of access.</p> <p>The intent of the provision</p>	

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		<p>was that licensees and C/Vs would be permitted to release information to their representatives who must have access to the personal information in order to perform assigned job duties related to the administration of the program. Therefore, the proposed rule would clarify the provision by adding licensee representatives who perform determinations of trustworthiness and reliability as a further example of individuals who may be permitted access to personal information but only to the extent that such access is required to perform their assigned functions. Proposed § 73.56(m)(1)(v) and (m)(1)(vi) would amend the portion of current § 73.56(f)(3)(vi) that refers to “persons deciding matters on review or</p>	

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		appeal.” The proposed changes would be made in response to implementation questions from licensees, including whether the rule covers persons deciding matters in judicial proceedings or only the internal review process specified in current § 73.56(e) [Review procedures] as well as whether information could be released in a judicial proceeding that was not initiated by the subject individual. The proposed rule would clarify that the permission includes individuals who are presiding in a judicial or administrative proceeding, but only if the proceeding is initiated by the subject individual.	
§ 73.56(f)(3)(i) Other licensees, contractors, or vendors, or their authorized representatives,	(m)(3): Upon receipt of a written request by the subject individual or his or her designated representative, the	A new § 73.56(m)(3) would require the licensee, applicant, or C/V possessing the records specified in § 73.56(m) to	The proposed rule is beyond any requirement in the Access Authorization Order, dated January 7, 2003.

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legitimately seeking the information as required by this section for unescorted access decisions and who have obtained a signed release from the individual.	licensee, applicant or C/V possessing such records shall promptly provide copies of all records pertaining to a denial or unfavorable termination of the individuals unescorted access authorization.	promptly provide copies of all records pertaining to a denial or unfavorable termination of the individual's UAA to the subject individual or his or her designated representative upon written request. This paragraph would be added to protect individuals' ability to have access to a full and complete evidentiary record in review procedures and legal proceedings.	<p>The proposed language requires licensees to provide copies of all records pertaining to a denial or unfavorable termination of the individuals unescorted access authorization to designated representatives of individuals. However it does not describe a means for the licensee to verify that a representative legitimately represents an individual. The proposed § 73.56(m)(1)(i) requires the individual designate the representative in writing. The industry believes that § 73.56(m)(3) should also provide that the individual designate the representative in writing.</p> <p>Additionally, the proposed (m)(3) requires provision of records rather than the information pertinent to a denial or unfavorable termination. The industry</p>

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			<p>believes the only the information pertinent to the denial or unfavorable termination should be provided, not the entire record.</p> <p>Finally, the proposed rule does not permit licensees, applicants and C/Vs to exclude identification of the sources of the information provided as is permitted currently. The industry believes this exclusion is important so that sources, who provide such information, will continue to do so.</p> <p>Reword §73.56(m)(3): “Upon receipt of a written request by the subject individual or his or her designated representative, when the individual has designated the representative in writing, the licensee, applicant or C/V possessing such</p>

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			information shall promptly provide copies of all information pertaining to a denial or unfavorable termination of the individuals unescorted access authorization. Identification of the sources of such information is not required to be provided."
§ 73.56(g)(1) Each licensee shall audit its access authorization program within 12 months of the effective date of implementation of this program and at least every 24 months thereafter to ensure that the requirements of this section are satisfied.	(n)(1) Each licensee, applicant and C/V who is subject to this section shall ensure that their entire authorization program is audited as needed, but no less frequently than nominally every 24 months. Licensees, applicants and C/Vs are responsible for determining the appropriate frequency, scope, and depth of additional auditing activities within the nominal 24-month period based on the review of program performance indicators, such as the	Proposed § 73.56(n)(1) would retain the required 24-month audit frequency in current § 73.56(g)(1). Licensees, applicants, and C/Vs would be required to monitor program performance indicators and operating experience, and audit AA program elements more frequently than every 24 months, as needed. In determining the need for more frequent audits, the entities who are subject to this section would consider the frequency, nature, and severity of discovered program deficiencies, personnel or procedural	This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003. The proposed language requires licensees to perform audits of access programs at a frequency of no less than nominally every 24 months. The discussion of the proposed rule provided by the NRC seems to say the audits accomplish their objectives at the current 24 month frequency. No benefit of a shorter frequency is given and the complexity of

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	frequency, nature, and severity of discovered problems, personnel or procedural changes, and previous audit findings.	changes, previous audit findings, as well as "lessons learned." The proposed change is intended to promote performance-based rather than compliance-based audit activities and clarify that programs must be audited following a significant change in personnel, procedures, or equipment as soon as reasonably practicable. The NRC recognizes that AA programs evolve and new issues and problems continue to arise. A high rate of turnover of AA program personnel in contracted services exacerbates this concern. Licensee audits have identified problems that were associated in some way with personnel changes, such as new personnel not understanding their duties or procedures, the	<p>arranging audits at irregular intervals is not discussed. Also required is some flexibility to suit the difficulties in scheduling such an audit. For a program performing well enough to merit auditing at the maximum frequency a 25 percent margin should be provided.</p> <p>Reword §73.56(n)(1): "Each licensee, applicant and C/V who is subject to this section shall ensure that the full scope of their authorization program is audited as needed, but no less frequently than nominally every 30 months."</p>

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		<p>implications of actions that they took or did not take, and changes in processes. The purpose of these focused audits would be to ensure that changes in personnel or procedures do not adversely affect the operation of a particular element within the AA program, or function in question. Accordingly, the proposed audit requirement would ensure that any programmatic problems that may result from significant changes in personnel or procedures would be detected and corrected on a timely basis.</p>	
	<p>(n)(4) Licensees' and applicants' contracts with C/Vs, and a C/V's contracts with subcontractors, must also require that the licensee or applicant shall be provided with, or permitted access to, copies of any documents and</p>	<p>A new § 73.56(n)(4) would ensure that licensees' and applicants' contracts with C/Vs permit the licensee or applicant to be provided with or permitted to obtain copies of and take away any documents that auditors may need to assure that the C/V or its subcontractors</p>	<p>This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003.</p> <p>The industry believes the NRC staff intended auditors be granted access to any documents needed</p>

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	take away any documents that may be needed to assure that the C/V and its subcontractors are performing their functions properly and that staff and procedures meet applicable requirements.	are performing their functions properly and that staff and procedures meet applicable requirements. This proposed provision would respond to several incidents in which parties under contract to licensees did not permit AA program auditors to remove documents from a C/V's premises that were necessary to document audit findings, develop corrective actions, and ensure that the corrective actions were comprehensive and effective.	and that auditors should be able to take away copies of documents rather than the original documents. Reword §73.56(n)(4): "Licensees' and applicants' contracts with C/Vs, and a C/V's contracts with subcontractors, must also require that the licensee, applicant or C/V shall be provided with, or permitted access to, any documents and to take away copies of any documents that may be needed to assure that the C/V and its subcontractors are performing their functions properly and that staff and procedures meet applicable requirements."
	(n)(5) Audits must focus on the effectiveness of the authorization program or program element(s), as appropriate. At least one member of the audit team shall be a person who is knowledgeable of and	A new § 73.56(n)(5) would require audits to focus on the effectiveness of AA programs and program elements in response to industry and NRC experience that some licensees' AA program	This new requirement is beyond any requirement in the Access Authorization Order, dated January 7, 2003. The proposed rule does not account for the fact that

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	practiced with meeting authorization program performance objectives and requirements. The individuals performing the audit of the authorization program or program element(s) shall be independent from both the subject authorization program's management and from personnel who are directly responsible for implementing the authorization program(s) being audited.	audits have focused only on the extent to which the program or program elements meet the minimum regulatory requirements in the current rule. Consistent with a performance-based approach, the proposed paragraph would more clearly communicate the NRC's intent that AA programs must meet the performance objective of providing high assurance that individuals who are subject to the program are trustworthy and reliable, and do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage. The proposed paragraph would also require that the audit team must include at least one individual who has practical experience in	C/V programs are audited. These programs do not contain all aspects of a full access authorization program. The requirement that the audit team for C/V audits include a person who is knowledgeable of and practiced (K&P) with meeting authorization program performance objectives and requirements is not reasonable. The C/V audit team should include a person who is knowledgeable of and practiced with meeting authorization program performance objectives pertinent to the C/V scope of work. Additionally many C/Vs do not have persons who are independent from both the subject authorization program's management and from personnel who are directly responsible for implementing the

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		<p>implementing all facets of AA programs and that the team members must be independent. These provisions would be added in response to issues that have arisen since the requirements for AA programs were first promulgated, in which licensee audits were ineffective because the personnel who conducted the audits:</p> <p>(1) lacked the requisite knowledge to evaluate the holistic implications of individual requirements or the complexities associated with meeting the rule's performance objective and, therefore, could not adequately evaluate program effectiveness, or</p> <p>(2) were not independent from the day-to-day operation of the AA program and, therefore, could not be objective, because in some cases,</p>	<p>authorization program(s) being audited. Use of individuals from other C/Vs is not practical due to conflict of interest. The other C/Vs are in direct competition.</p> <p>Reword §73.56(n)(5): "Audits must focus on the effectiveness of the authorization program or program element(s), as appropriate. At least one member of the licensee or applicant audit team shall be a person who is knowledgeable of and practiced with meeting authorization program performance objectives and requirements. The individuals performing the audit of the licensee or applicant authorization program or program element(s) shall be independent from both the subject authorization program's management and</p>

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		these persons were auditing their own activities. The proposed requirements would be necessary to correct these audit deficiencies.	from personnel who are directly responsible for implementing the authorization program(s) being audited. At least one member of the C/V audit team shall be a person who is knowledgeable of and practiced with meeting the authorization program performance objectives and requirements within the scope of work the C/V performs."
	(n)(6) The result of the audits, along with any recommendations, must be documented and reported to senior corporate and site management. Each audit report must identify conditions that are adverse to the proper performance of the authorization program, the cause of the condition(s), and, when appropriate, recommended corrective	Proposed § 73.56(n)(6) would clarify the requirements for documentation and dissemination of audit results. Section 73.56(h)(2) of the current rule specifies that licensees shall retain records of results of audits, resolution of the audit findings, and corrective actions. The proposed rule would retain the requirement that licensees, applicants, and C/Vs document audit findings.	Some aspects of the proposed rule are beyond any requirement in the Access Authorization Order, dated January 7, 2003. In the considerations discussion the NRC references 10CFR50, Appendix B. Appendix B states "Audit results shall be documented and reviewed by management having responsibility in the area audited." The

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	actions, and corrective actions taken. The licensee, applicant or C/V shall review the audit findings and take any additional corrective actions, to include re-auditing of the deficient areas where indicated, to preclude, within reason, repetition of the condition. The resolution of the audit findings and corrective actions must be documented.	<p>The proposed rule would add a requirement that any recommendations must be documented, and also would add a requirement that findings and recommendations must be reported to senior corporate and site management. The proposed rule specifies more fully than the current rule what an audit report must contain.</p> <p>The second sentence of the proposed paragraph would require each audit report to identify conditions that are adverse to the proper performance of the AA program, the cause of the condition(s), and, when appropriate, recommended corrective actions, and corrective actions already taken. The third sentence of the proposed paragraph would require the licensee, applicant, or C/ V to review the audit findings and,</p>	<p>requirement for licensee distribution of audit reports should be consistent with and as required by 10 CFR 50 Appendix B, Section XVIII., <i>Audits</i>. Doing otherwise creates an impossible situation since the Audit Program is configured to conform to Appendix B requirements.</p> <p>Reword § 73.56(n)(6): “The result of the audits, along with any recommendations, must be documented and reported to management having responsibility in the area audited. Each audit report must identify conditions that are adverse to the proper performance of the authorization program, the cause of the condition(s), and, when appropriate, recommended corrective actions, and corrective actions taken. The licensee, applicant or C/V shall review the audit</p>

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		<p>where warranted, take additional corrective actions, to include re-auditing of the deficient areas where indicated, to preclude, within reason, repetition of the condition. Finally, the proposed rule would require the resolution of the audit findings and corrective actions to be documented. The current rule does not state explicitly that resolution of the audit findings and corrective actions must be documented; it provides only that records of resolution of the audit findings and corrective actions must be retained for 3 years. The additional sentences in the proposed rule would provide consistency with Criterion XVI in appendix B to 10 CFR part 50 and would indicate that AA audit reports must be included in</p>	<p>findings and take any additional corrective actions, to include re-auditing of the deficient areas where indicated, to preclude, within reason, repetition of the condition. The resolution of the audit findings and corrective actions must be documented.”</p>

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		licensees' and applicants' corrective action programs, and that any nonconformance is not only identified, but corrected.	
	<p>(o)(2) Each licensee, applicant, and C/V who is subject to this section shall retain the following records for at least 5 years after the licensee, applicant, or C/V terminates or denies an individual's unescorted access authorization or until the completion of all related legal proceedings, whichever is later:</p> <p>(i) Records of the information that must be collected under paragraphs (d) and (e) of this section that results in the granting of unescorted access authorization;</p> <p>(ii) Records pertaining to denial or unfavorable termination of unescorted access authorization and related management</p>	<p>Proposed § 73.56(o)(2) would require licensees, applicants, and C/Vs to retain certain records related to UAA determinations for at least 5 years after an individual's UAA has been terminated or denied, or until the completion of all related legal proceedings, whichever is later. The proposed requirement to retain records until the completion of all related legal proceedings would address the fact that legal actions involving records of the type specified in the proposed paragraph can continue longer than the 5 years that the current rule requires these records to be retained. Adding a requirement to retain the</p>	<p>The proposed § 73.56(a)(6) only permits licensees and applicants, not C/Vs to grant or permit an individual to maintain unescorted access to nuclear power plant protected areas. Only licensees and applicants will have records pertaining to denial or unfavorable termination of unescorted access authorization and related management actions. The rule should be revised to address the inconsistent language.</p> <p>The proposed § 73.56(h)(10) requires: "Licensees and applicants may not permit an individual, who is identified as having an access-denied status in the</p>

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Personnel access authorization requirements for nuclear power plants

CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
	actions; and (iii) Documentation of the granting and termination of unescorted access authorization.	<p>records until all legal proceedings are complete would protect individuals' ability to have access to a full and complete evidentiary record in legal proceedings.</p> <p>The proposed rule would identify more specifically the records to be retained than the current rule, which in § 73.56(h)(1) specifies only "the records on which authorization is based" and "the records on which denial is based."</p> <p>Proposed § 73.56(o)(2) would require licensees, applicants, and C/ Vs to retain three specified types of records:</p> <p>(1) Records listed in proposed § 73.56(o)(2)(i), which specifies records of the information that must be collected under § 73.56(d) [Background investigation] and § 73.56(e) [Psychological assessment] of the proposed</p>	<p>information-sharing mechanism required under paragraph (o)(6) of this section, or has an access authorization status other than favorably terminated, to enter any nuclear power plant protected area or vital area, under escort or otherwise, or take actions by electronic means that could impact the licensee's operational safety, security, or emergency response capabilities, under supervision or otherwise, except if, upon evaluation, the reviewing official determines that such access is warranted.</p> <p>Licensees and applicants shall develop reinstatement review procedures for assessing individuals who have been in an access-denied status." There is no time limit on the prohibition for an individual, who is identified as having an access-denied</p>

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
		<p>rule that results in the granting of UAA; (2) records listed in proposed § 73.56(o)(2)(ii), which specifies records pertaining to denial or unfavorable termination of UAA and related management actions; and (3) records listed in proposed § 73.56(o)(2)(iii), which specifies documentation of the granting and termination of UAA. Proposed § 73.56(o)(2)(iii), requiring retention of records that are related to the granting and termination of an individual's UAA, would be added to ensure that licensees, applicants, and C/Vs who may be considering granting UAA to an individual can determine which category of UAA requirements would apply to the individual, based upon the length of time that has elapsed since</p>	<p>status in the information-sharing mechanism, from gaining access to the protected area of a nuclear power plant. Therefore records pertaining to denial or unfavorable termination of unescorted access authorization and related management actions must be maintained as long as the licensee or applicant is an NRC licensee or applicant.”</p> <p>Reword §73.56(o)(2): “Each licensee and applicant who is subject to this section shall retain the following records:</p> <p>(i) Records of the information that must be collected under paragraphs (d) and (e) of this section that results in the granting of unescorted access authorization for at least 5 years after the licensee or applicant terminates or denies an individual's</p>

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
		the individual's last period of UAA was terminated and whether the individual's last period of UAA was terminated favorably.	unescorted access authorization or until the completion of all related legal proceedings, whichever is later (ii) Records pertaining to denial or unfavorable termination of unescorted access authorization and related management actions must be maintained as long as the licensee or applicant is an NRC licensee or applicant, whichever is later (iii) Documentation of the granting and termination of unescorted access authorization for at least 5 years after the licensee or applicant terminates or denies an individual's unescorted access authorization or until the completion of all related legal proceedings, whichever is later."
No current language	(o)(6) Licensees, applicants, and C/Vs shall ensure that the	A new § 73.56(o)(6) would require licensees, applicants and C/Vs to	Some aspects of the proposed rule are beyond any requirement in the

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
	information about individuals who have applied for unescorted access authorization, which is specified in the licensee's or applicant's Physical Security Plan, is recorded and retained in an information-sharing mechanism that is established and administered by the licensees, applicants, and C/Vs who are subject to this section. Licensees, applicants, and C/Vs shall ensure that only correct and complete information is included in the information-sharing mechanism. If, for any reason, the shared information used for determining an individual's trustworthiness and reliability changes or new information is developed about the individual, licensees, applicants, and	establish and administer an information-sharing mechanism (i.e., a database) that permits all of the entities who are subject to § 73.56 to access certain information about individuals who have applied for UAA under this section. The information that must be shared would be specified in the Physical Security Plans that licensees and entities would be required to submit for NRC review and approval under proposed § 73.56(a). The proposed paragraph would require licensees, applicants, and C/Vs to enter this information about individuals who have applied for UAA into the information-sharing mechanism and update the shared information, if the licensee, applicant or C/V determines that information previously entered is incorrect or	Access Authorization Order, dated January 7, 2003. The proposed language indicates the information-sharing mechanism is established and administered by licensees, applicants and C/Vs. The information-sharing mechanism currently exists and was established by licensees only. Consistent with the proposed § 73.56(a)(6) requirements that only a licensee or applicant shall grant or maintain access, only licensees and applicants should administer the information-sharing mechanism. The industry group that oversees the information-sharing mechanism does include three C/V representatives, one from an architect engineering firm, one from a background investigation

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
	C/Vs shall correct or augment the shared information contained in the information-sharing mechanism. If the changed or developed information has implications for adversely affecting an individual's trustworthiness and reliability, the licensee, applicant, or C/ V who has discovered the incorrect information, or develops new information, shall inform the reviewing official of any authorization program under which the individual is maintaining unescorted access authorization of the updated information on the day of discovery. The reviewing official shall evaluate the information and take appropriate actions, which may include denial or unfavorable termination	develops new information about the individual. The proposed requirement for an information-sharing mechanism is necessary to address several long-standing weaknesses in the sharing of information about individuals among licensee and C/V authorization programs that is required under current § 73.56.	<p>firm and one from an industry organization designated as a C/V. The industry intends to maintain this representation indefinitely. However the industry believes that only those who can grant or maintain access for individuals, licensees and applicants, should be tasked with administering the information-sharing mechanism in the rule. Additionally the industry believes the rule would be clearer if the word "user" is utilized to refer to those accessing the information sharing mechanism.</p> <p>Additionally, the information sharing mechanism does not contain records. These are maintained by licensees and C/Vs. The information sharing mechanism contains data</p>

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
	<p>of the individual's unescorted access authorization. If, for any reason, the information-sharing mechanism is unavailable and a notification of changes or updated information is required, licensees, applicants, and C/ Vs shall take manual actions to ensure that the information is shared, and update the records in the information sharing mechanism as soon as reasonably possible. Records maintained in the database must be available for NRC review.</p>		<p>representative of the records.</p> <p>Further, the Access Program is not typically described in the physical security plan. It is typically described in the Access Program Procedure.</p> <p>Finally, the proposed language indicates records in the information-sharing mechanism must be available for NRC review. Access to the information sharing mechanism is available at licensee power reactor sites or at the central location for the information-sharing mechanism. Licensee power reactor sites are available to NRC inspectors continually. However it is not practical to maintain continuous access at the information-sharing mechanism central location. The rule should</p>

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
			<p>provide for reasonable notice for NRC access.</p> <p>Reword §73.56(o)(6): “Licensees and applicants shall ensure that data links to the information about individuals who have applied for unescorted access authorization, which is specified in the licensee’s or applicant’s Access Program Document, is retained in an information-sharing mechanism. The information-sharing mechanism was established by licensees and shall be administered by the licensees and applicants who are subject to this section. All users shall ensure that only correct and complete data is included in the information-sharing mechanism. If, for any reason, the information used for determining an individual’s</p>

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
			<p>trustworthiness and reliability changes or new information is developed about the individual, users shall correct or augment the shared data contained in the information-sharing mechanism. If the changed or developed information has implications for adversely affecting an individual's trustworthiness and reliability, the user who has discovered the changed information, or develops new information, shall inform the reviewing official of any authorization program under which the individual is maintaining unescorted access authorization of the updated information on the day of discovery. The reviewing official shall evaluate the information and take appropriate actions, which may include denial or unfavorable</p>

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
			<p>termination of the individual's unescorted access authorization. If, for any reason, the information-sharing mechanism is unavailable and a notification of changes or updated information is required, users shall take manual actions to ensure that the information is shared, and update the data in the information-sharing mechanism as soon as reasonably possible. Data maintained in the database must be available for NRC review with reasonable notice."</p>

Proposed Part 73 Section 73.58
Safety/security interface.

PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
<p>§73.58 Safety/security interface requirements for nuclear power reactors.</p>	<p>Proposed § 73.58 would be a new requirement in Part 73. The need for the proposed rulemaking is based on: (i) the Commission's comprehensive review of its safeguards and security programs and requirements, (ii) the variables in the current threat environment, (iii) the analyses made during the development of the changes to the Design Basis Threat, (iv) the plant-specific security analyses, and (v) the increased complexity of licensee security measures now being required with an attendant increase in the potential for adverse interactions between safety and security. Additionally, it is based on plant events that demonstrated that changes made to a facility, its security plan, or implementation of the plan can have adverse effects if the changes are not adequately assessed and managed.</p> <p>The Commission has determined that the proposed safety/security rule requirements are necessary for reasonable assurance that the common defense and security continue to be adequately protected because the current regulations do not specifically require evaluation of the effects of plant changes on security or the effects of security plan</p>	<p>The proposed 73.58 adds several programmatic requirements for security that are currently managed through other site programs such as a configuration control program, a risk assessment programs, the technical specifications, and work management processes. To impose the assessment and management of physical modifications, system reconfiguration, maintenance activities, emergent activities, and other departmental responsibilities onto security would significantly impact and detract from security's primary mission of securing and protecting the plant. This proposed rule needs to be revised to take credit for all the existing management programs that are in place and only impose changes related to the security plan and implementing procedures in a security regulation.</p> <p>The statement of considerations cites "variables in the current threat environment" as one justification for the new requirement. Does that mean a threat greater than the design basis threat?</p> <p>Also, the statement of considerations reference plant events that demonstrated that changes to the facility, its security plan, or</p>

Proposed Part 73 Section 73.58
Safety/security interface.

PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
	<p>changes on plant safety. Further, the regulations do not require communication about the implementation and timing of changes, which would promote awareness of the effects of changing conditions, and result in appropriate assessment and response.</p>	<p>implementation of the plan can have adverse effects. It would be beneficial if the Commission shared these events with the industry so they can be captured in lessons learned.</p> <p>If a licensee is implementing a measure to comply with a regulation, does this provision apply? For example, this Part 73 rulemaking will result in licenses having to modify their security plans and site procedures. If there is an adverse impact, it puts the licensee in a very precarious position. The rulemaking process should require the Commission to conduct a safety/security interface assessment before any rule is promulgated.</p> <p>The Commission has stated that one goal of the comprehensive Part 73 rulemaking is to make it more performance based. This new requirement is lacking in a performance standard.</p>
<p>Each operating nuclear power reactor licensee with a license issued under Part 50 or 52 of this chapter shall comply with the requirements of this section.</p>	<p>The introductory text would indicate this section would apply to power reactors licensed under 10 CFR Parts 50 or 52.</p> <p>Paragraph (a)(1) would require licensees to assess proposed changes to plant</p>	

Proposed Part 73 Section 73.58
Safety/security interface.

PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
<p>(a)(1) The licensee shall assess and manage the potential for adverse affects on safety and security, including the site emergency plan, before implementing changes to plant configurations, facility conditions, or security.</p>	<p>configurations, facility conditions, or security to identify potential adverse effects on the capability of the licensee to maintain either safety or security before implementing those changes. The assessment would be qualitative or quantitative. If a potential adverse effect would be identified, the licensee shall take appropriate measures to manage the potential adverse effect. Managing the potential adverse effect would be further described in paragraph (b).</p> <p>The requirements of the proposed § 73.58 would be additional requirements to assess proposed changes and to manage potential adverse effects contained in other NRC regulations, and would not be intended to substitute for them. The primary function of this proposed rule would be to explicitly require that licensees consider the potential for changes to cause adverse interaction between security and safety, and to appropriately manage any adverse results. Documentation of assessments performed per Paragraph (a)(1) would not be required so as not to delay plant and security actions unnecessarily.</p>	
<p>(a)(2) The scope of changes</p>	<p>Paragraph (a)(2) of the rule would identify</p>	

Proposed Part 73 Section 73.58
Safety/security interface.

PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
<p>to be assessed and managed must include planned and emergent activities (such as, but not limited to, physical modifications, procedural changes, changes to operator actions or security assignments, maintenance activities, system reconfiguration, access modification or restrictions, and changes to the security plan and its implementation).</p>	<p>that changes identified by either planned or emergent activities must be assessed by the licensee. Paragraph (a)(2) would also provide a description of typical activities for which changes must be assessed and for which resultant adverse interactions must be managed.</p>	
<p>(b) Where potential adverse interactions are identified, the licensee shall communicate them to appropriate licensee personnel and take compensatory and/or mitigative actions to maintain safety and security under applicable Commission regulations, requirements, and license conditions.</p>	<p>Paragraph (b) of the rule would require that, when potential adverse interactions would be identified, licensees shall communicate the potential adverse interactions to appropriate licensee personnel. The licensee shall also take appropriate compensatory and mitigative actions to maintain safety and security consistent with the applicable NRC requirements. The compensatory and/or mitigative actions taken must be consistent with existing requirements for the affected activity.</p>	

Part 73 Section 73.71
Reporting of Safeguards Events

Existing Language	Proposed Language	Considerations	NEI Comments
	<p>(a) Each licensee subject to the provisions of § 73.55 shall notify the NRC Operations Center¹, as soon as possible but not later than 15 minutes after discovery of an imminent or actual safeguards threat against the facility and other safeguards events described in paragraph I of Appendix G to this part²</p> <p>Footnote: 1. Commercial (secure and non-secure) telephone number of the NRC Operations Center are specified in appendix A to this part.</p> <p>Footnote: 2. Notifications to the NRC for the declaration of an emergency class shall be performed in accordance with § 50.72 of this chapter.</p>	<p>This paragraph would be added to provide for the very rapid communication to the Commission of an imminent or actual threat to a power reactor facility. The proposed 15-minute requirement would more accurately reflect the current threat environment. Because an actual or imminent threat could quickly result in a security event, a shorter reporting time would be required. This shortened time would permit the NRC to contact Federal authorities and other licensees in a rapid manner to inform them of this event, especially if this event is the opening action on an ineffectively coordinated multiple-target attack. Such notice may permit other licensees to escalate to a higher protective level in advance of an attack. The Commission would expect licensees to notify the NRC Operations Center as soon as possible after they notify local law enforcement agencies, but within 15 minutes. The Commission may consider the applicability of this requirement to other types of licensees in future rulemaking.</p> <p>Footnote 1 would provide a cross</p>	<p>The wording regarding the types of events that must be reported in 15 minutes is confusing and should be consistent with Bulletin 05-02. We recommend rewording this paragraph to read:</p> <p>"(a) Each licensee subject to the provisions of § 73.55 shall notify the NRC Operations Center¹, as soon as possible but not later than 15 minutes after discovery of an imminent or actual safeguards threat attack by a hostile force against the facility and other safeguards events described in paragraph I of Appendix G to this part²"</p>

Part 73 Section 73.71
Reporting of Safeguards Events

Existing Language	Proposed Language	Considerations	NEI Comments
		reference to Appendix to Part 73 which contains NRC contact information. Footnote 2 would remind licensees of their concurrent emergency declaration responsibilities under 10 CFR 50.72.	
(a)(3) The licensee shall, upon request to the NRC, maintain an open and continuous communication channel with the NRC Operations Center.	(e)(3) For events reported under paragraph (a) of this section, the licensee may be requested by the NRC to maintain an open, continuous communication channel with the NRC Operations Center, once the licensee has completed other required notifications under this section, § 50.72 of this chapter, or Appendix E of part 50 of this chapter and any immediate actions to stabilize the plant. When established, the continuous communications channel shall be staffed by a knowledgeable individual in the licensee's security or operations organizations (e.g., a security supervisor, an alarm station operator, operations personnel, etc.) from a location deemed appropriate by the licensee. The continuous communications channel may be established via the Emergency Notification System or other	This requirement would be retained and revised into three separate requirements.. The first sentence would be reworded to reflect the renumbered event reports under this section. For the 15-minute reports, the paragraph would indicate that a licensee may be requested to establish a "continuous communications channel" following the initial 15-minute notification. The establishment of a continuous communications channel would not supercede current emergency preparedness or security requirements to notify State officials or local law enforcement authorities, nor would it supersede requirements to take immediate action to stabilize the reactor plant (e.g., in response to a reactor scram or to the loss of offsite power). A new requirement would be added for the person communicating to be	This is a new requirement not in the orders, EPAC, or NEI 03-12. Per the white paper, the accelerated call was to be "brief and minimal" and no continuous open line was to be requested. In NRC Bulletin 05-02, Att 3, the NRC states that "in support of this notification process (accelerated call), the NRC Operations Center will not request an "open communication line." Therefore the language should be modified to eliminate the request for an open, continuous communication channel to the operation center. Follow-up notifications will be made in accordance with 10 CFR 50.72 requirements.

Part 73 Section 73.71
Reporting of Safeguards Events

Existing Language	Proposed Language	Considerations	NEI Comments
	dedicated telephonic system that may be designated by the Commission, if the licensee has access to that system, or a commercial telephonic system.	knowledgeable and from the licensee's security or operations organization. This language would provide licensees with flexibility in choosing personnel to fulfill this communications role and in choosing the location for this communication (e.g., control room, security alarm station, technical support center, etc.). This language would also provide licensees direction and flexibility on the telephonic systems that may be used for this communications channel.	
(a)(3) The licensee shall, upon request to the NRC, maintain an open and continuous communication channel with the NRC Operations Center.	(e)(4) For events reported under paragraphs (b) or (c) of this section, the licensee shall maintain an open, continuous communication channel with the NRC Operations Center upon request from the NRC.	This requirement would be renumbered and retained with minor revision to support the renumbering of existing paragraphs (a) and (b) to new (b) and (c).	<p>This is a new requirement not in the orders, EPAC, or NEI 03-12.</p> <p>The existing language allows the licensee to request the open and continuous communication channel. There may be instances where events and actions are ongoing and require all available personnel to respond. To mandate in all instances the open channel detracts from a full integrated response to the event. Therefore, the rule must retain the discretion allowed by the existing regulation so that</p>

Part 73 Section 73.71
Reporting of Safeguards Events

Existing Language	Proposed Language	Considerations	NEI Comments
			priority can be given to maintaining safety.
	(e)(5) For suspicious events reported under paragraph (d) of this section, the licensee is not required to maintain an open, continuous communication channel with the NRC Operations Center.	This would be a new requirement. For suspicious activity reports, no continuous communication channel would be required. The Commission's view is that because these reports are intended for law enforcement, threat assessment, and intelligence community purposes, rather than event follow-up purposes, a continuous communications channel is not necessary.	This is a new requirement not in the orders, EPAC, or NEI 03-12. This is unnecessary regulatory language. Delete this paragraph.
(a)(4) The initial telephonic notification must be followed within a period of 60 days by a written report submitted to the NRC by an appropriate method listed in § 73.4.	(g) Written reports. (1) Each licensee making an initial telephonic notification under paragraphs (a), (b), and (c) of this section shall also submit a written report to the NRC within a period of 60 days by an appropriate method listed in § 73.4.	This requirement would be renumbered and retained with revision. The current text would be retained requiring a written 60-day report be submitted for 1-hour notifications under paragraph (b) and (c). A written 60-day report would also be required for 15-minute notifications under paragraph (a).	This is a new requirement not in the orders, EPAC, or NEI 03-12. Requiring a written report for a 15 min notification is not necessary because the events that prompt a 15 min notification will result in a 1 hour call and its associated written report. Therefore the (a) reference must be removed from the proposed language because it is redundant.
	(g)(2) Licenses are not required to submit a written report following a	This paragraph would be a new requirement. Licensees would not	This is a new requirement not in the orders, EPAC, or NEI 03-

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Reporting of Safeguards Events

Existing Language	Proposed Language	Considerations	NEI Comments
	telephonic notification made under paragraph (d) of this section.	be required to submit a written report for a suspicious activity notification made under paragraph (d) as no "security event" has occurred. Any follow-up that might be necessary would be handled through the Commission's threat assessment procedures.	12. This is unnecessary regulatory language. Delete this paragraph.
(a)(5) Each licensee shall maintain a copy of the written report of an event submitted under this section as record for a period of three years from the date of the report.	(g)(11) Each licensee shall maintain a copy of the written report of an event submitted under this section as record for a period of three (3) years from the date of the report.	This requirement would be renumbered and retained with minor revision by adding "(3)" after "three" [years].	Add the following for consistency with (f)(2): "or until termination of the license."

Part 73 Appendix G
Reportable safeguards events.

CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
<p>[Introductory text to App. G] Pursuant to the provisions of 10 CFR 73.71 (b) and (c), licensees subject to the provisions of 10 CFR 73.20, 73.37, 73.50, 73.55, 73.60, and 73.67 shall report or record, as appropriate, the following safeguards events.</p>	<p>[Introductory text to App. G] Under the provisions of § 73.71(a), (d), and (f) of this part, licensees subject to the provisions of § 73.55 of this part shall report or record, as appropriate, the following safeguards events under paragraphs I, II, III, and IV of this appendix. Under the provisions of § 73.71(b), (c), and (f) of this part, licensees subject to the provisions of §§ 73.20, 73.37, 73.50, 73.60, and 73.67 of this part shall report or record, as appropriate, the following safeguards events under paragraphs II and IV of this appendix. Licensees shall make such reports to the Commission under the provisions of § 73.71 of this part.</p>	<p>This appendix would be revised by adding new requirements for nuclear power reactor licensees. Power reactor licensees subject to the provisions of § 73.55 would be required to notify the Commission (1) within 15 minutes after discovery of an imminent or actual threat against the facility and (2) within four hours of discovery of suspicious events. The proposed 15-minute requirement would more accurately reflect the current threat environment. Because an actual or potential threat could quickly result in an event, a shorter reporting time would be required. However, the requirement for Commission notification within 15 minutes would be applied only to nuclear power reactor licensees, at this time. The Commission may consider the applicability of this requirement to other licensees in future rulemaking. The</p>	

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
		new 4-hour notification would be intended to aid the Commission, law enforcement, and the intelligence community is assessing suspicious activity that may indicative of pre-operational surveillance, reconnaissance, or intelligence gathering efforts. Events reported under paragraphs I or II would require a followup written report. Events reported paragraph III would not require a followup written report	
	I. Events to be reported as soon as possible, but no later than 15 minutes after discovery, followed by a written report within sixty (60) days. (a) The initiation of a security response consistent with a licensee's physical security plan, safeguards contingency plan, or defensive strategy based on actual or imminent threat against a nuclear power plant.	Paragraph I would be added to establish the types events to be reported within 15 minutes. Because the identification of information relating to an actual or potential threat could quickly result in an event, which may necessitate expedited Commission action (e.g., notification of other licensees or Federal authorities), a shorten reporting time would be required. This proposed	Requiring a written report for a 15 min notification is not necessary because the events that prompt a 15 min notification will result in a 1 hour call and its associated written report. Therefore the written report after a 15 minute phone call is redundant with the written report required for the 1 hour notification. The wording regarding the types of events that must be reported

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
		requirement would also ensure that threat-related information would be made available to the Commission's threat assessment process in a timely manner. Initiation of response consistent with plans and the defensive strategy that are not related to an imminent or actual threat against the facility would not need to be reported (e.g false, or nuisance responses). Additional information regarding identification of events to be reported would be provided in guidance.	in 15 minutes is confusing and should be consistent with Bulletin 05-02, which is for a safeguard event that presents an imminent threat to the facility. We recommend rewording this paragraph to read: "(a) The initiation of a security response consistent with a licensee's physical security plan, safeguards contingency plan, or defensive strategy based on an-attack by a hostile force against the facility ."
	I.(b) The licensee is not required to report security responses initiated as a result of information communicated to the licensee by the Commission, such as the threat warning system addressed in Appendix C to this part.	This provision would be added to reduce unnecessary regulatory burden on the licensees to notify the Commission of security responses initiated in response to communications from the Commission (e.g., changes to the threat level).	
I. Events to be reported within one hour of	II. Events to be reported within one (1) hour of	This requirement would be retained and renumbered.	

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
discovery, followed by a written report within 60 days.	discovery, followed by a written report within sixty (60) days.		
(a) Any event in which there is reason to believe that a person has committed or caused, or attempted to commit or cause, or has made a credible threat to commit or cause:	II.(a) Any event in which there is reason to believe that a person has committed or caused, or attempted to commit or cause, or has made a threat to commit or cause:	This requirement would be retained with minor revision and renumbered. The term credible would be removed. The Commission's view is that a determination of the "credibility" of a threat is not a licensee responsibility, but rests with the Commission and the intelligence community.	The term "credible" has been removed inappropriately. If the threat originates from the NRC they have the responsibility for determination. Licensees have historically had the responsibility to make this determination for a threat originating from any other source. As proposed, all manners of threats, founded or unfounded, will require one hour notifications and NRC determination of credibility. The revised language will result in numerous unnecessary reporting which is distracting and not related to real events since the licensee must call for every minor event.
(1) A theft or unlawful diversion of special nuclear material; or	II.(a)(1) A theft or unlawful diversion of special nuclear material; or	This requirement would be retained and renumbered.	
(2) Significant physical	II.(a)(2) Significant physical	This requirement would be	

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
damage to a power reactor or any facility possessing SSNM or its equipment or carrier equipment transporting nuclear fuel or spent nuclear fuel, or to the nuclear fuel or spent nuclear fuel a facility or carrier possesses; or	damage to any NRC-regulated power reactor or facility possessing strategic special nuclear material or to carrier equipment transporting nuclear fuel, or to the nuclear fuel or spent nuclear fuel facility which is possessed by a carrier; or	retained with minor editorial changes to improve clarity and readability and renumbered. The phrase "NRC-regulated" would be added to specify that all Commission licensed facilities and transport would be covered by this requirement. This change would simplify the language in this section while retaining the basic requirement.	
(3) Interruption of normal operation of a licensed nuclear power reactor through the unauthorized use of or tampering with its machinery, components, or controls including the security system.	II.(a)(3) Interruption of normal operation of any NRC-licensed nuclear power reactor through the unauthorized use of or tampering with its components, or controls including the security system.	This requirement would be retained with minor revision and renumbered. The word "machinery" would be deleted since "components" includes machinery and other physical structures at a licensed facility. This proposed requirement would continue to be applied only to nuclear power reactors licensed by the Commission, at this time. The Commission may consider the applicability of this requirement to other classes of licensees in future rulemaking.	
(b) An actual entry of an	II.(b) An actual or attempted	This requirement would be	

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unauthorized person into a protected area, material access area, controlled access area, vital area, or transport.	entry of an unauthorized person into any area or transport for which the licensee is required by Commission regulations to control access.	renumbered and revised to delete the previously specifically mentioned areas ("protected area, material access area, controlled access area, vital area") requiring access controls and change the language to include the actual or attempted entry of an unauthorized individual into any area required to be controlled by Commission regulations. This change would more accurately reflect the current threat environment. The revision also reflects Commission experience with implementation of the 2003 security order's requirements and review of revised license security plans. Licensee's defensive strategies and revised Safeguards Contingency Plans have introduced additional significant locations (e.g. target sets) that may not be limited to the previously specified areas. Additional information regarding identification of events to be	Existing guidance needs to be retained and enhanced as necessary to avoid a significant number of unnecessary one hour calls. This section needs to be further clarified in that as written it is too broad and all encompassing. Any improper entry into a PA or VA or O CA for any reason would require a one-hour report. Further qualification such as entry with intent to commit radiological sabotage or with criminal intent or "an intentional act by an unauthorized individual to gain access" should be considered.

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
		reported will be provided in guidance.	
(c) Any failure, degradation, or the discovered vulnerability in a safeguard system that could allow unauthorized or undetected access to a protected area, material access area, controlled access area, vital area, or transport for which compensatory measures have not been employed.	II.(c) Any failure, degradation, or the discovered vulnerability in a safeguard system that could allow unauthorized or undetected access to any area or transport for which the licensee is required by Commission regulations to control access and for which compensatory measures have not been employed.	This requirement would be renumbered and revised to delete the previously specifically mentioned areas ("protected area, material access area, controlled access area, vital area") requiring access controls and to broaden the language to include any area required to be controlled by the Commission regulations (see considerations for paragraph II.(b) above). Additional information regarding identification of events to be reported will be provided in guidance.	Existing guidance needs to be retained and enhanced as necessary to avoid a significant number of unnecessary one hour calls This requirement also needs further clarification. It is too broad and all encompassing. Once again, it needs to focus on intentional type acts or omissions that would have intentionally or purposely allowed unauthorized access.
(d) The actual or attempted introduction of contraband into a protected area, material access area, vital area, or transport.	II.(d) The actual or attempted introduction of contraband into any area or transport for which the licensee is required by Commission regulations to control access.	This requirement would be renumbered and revised to delete the previously specifically mentioned areas requiring access controls and change the language to include the actual or attempted entry of an unauthorized individual into any area or transport required	This requirement also needs further clarification. It is too broad and all encompassing. Once again, it needs to focus on intentional type acts or omissions that would have intentionally or purposely allowed unauthorized access.

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		to be controlled by Commission regulations (see considerations for paragraph II.(b) above). Additional information regarding identification of events to be reported will be provided in guidance.	
<p>NRC Information Assessment Team (IAT) Advisories dated October 16, and November 15, 2001; May 20, 2003; March 1, 2004; and October 5, 2005.</p> <p>FBI's "Terrorist Threats to the U.S. Homeland: Reporting Guide for Critical and Key Resource Owners and Operators" dated January 24, 2005, (Official Use Only).</p>	<p>III. Events to be reported within four (4) hours of discovery. No written followup report is required.</p> <p>(a) Any other information received by the licensee of suspicious surveillance activities, attempts at access, or other information, including:</p> <p>(1) Any security-related incident involving suspicious activity that may be indicative of potential pre-operational surveillance, reconnaissance, or intelligence-gathering activities directed against the facility. Such activity may include, but is not limited to, attempted surveillance or reconnaissance activity, elicitation of information from security or other site personnel relating to the security or safe operation of</p>	<p>This paragraph would add a requirement for power reactor licensees to report suspicious activities, attempts at access, etc., that may indicate pre-operational surveillance, reconnaissance, or intelligence gathering targeted against the facility. This change would more accurately reflect the current threat environment; would assist the Commission in evaluating threats to multiple licensees; and would assist the intelligence and homeland security communities in evaluating threats across critical infrastructure sectors. The reporting process intended in this proposed rule would be similar reporting process that the licensees currently use</p>	

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	<p>the plant, or challenges to security systems (e.g., failure to stop for security checkpoints, possible tests of security response and security screening equipment, or suspicious entry of watercraft into posted off-limits areas).</p> <p>(2) Any security-related incident involving suspicious aircraft overflight activity. Commercial or military aircraft activity considered routine by the licensee is not required to be reported.</p>	<p>under guidance issued by the Commission subsequent to September 11, 2001, and would formalize Commission expectations; however, the reporting interval would be lengthened from 1 hour to 4 hours. The Commission views this length of time as reasonable to accomplish these broader objectives. This reporting requirement does not include a follow up written report. The Commission believes that a written report from the licensees would be of minimal value and would be an unnecessary regulatory burden, because the types of incidents to be reported are transitory in nature and time-sensitive. The proposed text would be neither a request for intelligence collection activities nor authority for the conduct of law enforcement or intelligence activities. This paragraph would simply require the reporting of observed activities. Paragraphs III(a)(1) and (2) provide broad examples of</p>	

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		events that should be reported, or need not be reported. Additional information regarding identification of events to be reported will be provided in guidance. The Commission may consider the applicability of this requirement to other licensees in future rulemaking.	
	III.(a)(3) Incidents resulting in the notification of local, state or national law enforcement, or law enforcement response to the site not included in paragraphs I or II of this appendix;	This paragraph would be added to establish a performance standard for additional types of incidents or activities involving law enforcement authorities not otherwise specified in paragraphs I and II of this appendix. Additional information regarding identification of events to be reported will be provided in guidance.	There is no basis for this reporting requirement. Many calls to local, State, and National law enforcement have no nexus to nuclear safety or security.
	III.(b) The unauthorized use of or tampering with the components or controls, including the security system, of nuclear power reactors.	This paragraph would be added to address "tampering" events that do not rise to the significance of affecting plant operations as specified in paragraph II.(a)(3) and would use similar language to the	It is very hard to differentiate between what would be required to be reported in one hour under section II. (a)(3) and what would be required here under section III.(b). Any events of very low significance would best

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		proposed paragraph II.(a)(3).	be captured in the loggable events area.
	<p>III.(c) Follow-up communications regarding these incidents will be completed through the NRC threat assessment process via the NRC Operations Center.¹</p> <p>Footnote: 1. Commercial (secure and non-secure) telephone numbers of the NRC Operations Center are specified in Appendix A of this part.</p>	<p>This requirement would be added to establish a performance standard for any follow-up communication between licensees and the Commission regarding the initial report of "suspicious" activity. This process has been set forth in guidance documents and the Commission intends that licensees would continue to implement the existing process with little change.</p>	<p>This provision is not necessary. The actions delineated here should reside in NRC procedures.</p>
II. Events to be recorded within 24 hours of discovery in the safeguards event log.	IV. Events to be recorded within 24 hours of discovery in the safeguards event log.	This requirement would be retained and renumbered.	
(a) Any failure, degradation, or discovered vulnerability in a safeguards system that could have allowed unauthorized or undetected access to a protected area, material access area, controlled	IV.(a) Any failure, degradation, or discovered vulnerability in a safeguards system that could have allowed unauthorized or undetected access to any area or transport in which the licensee is required by Commission regulations to control access had	The current requirement would be renumbered and revised to delete the previously specifically mentioned areas ("protected area, material access area, controlled access area, vital area") requiring access controls and change the	Existing guidance needs to be retained and enhanced as necessary to avoid a significant number of unnecessary log events.

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CURRENT LANGUAGE	PROPOSED LANGUAGE	CONSIDERATIONS	NEI COMMENTS
access area, vital area, or transport had compensatory measures not been established.	compensatory measures not been established.	language to include the actual or attempted entry of an unauthorized individual into any area required to be controlled by Commission regulations (see considerations for paragraph II.(b) above). Additional information regarding identification of events to be recorded will be provided in guidance.	
(b) Any other threatened, attempted, or committed act not previously defined in Appendix G with the potential for reducing the effectiveness of the safeguards system below that committed to in a licensed physical security or contingency plan or the actual condition of such reduction in effectiveness.	IV.(b) Any other threatened, attempted, or committed act not previously defined in this appendix with the potential for reducing the effectiveness of the physical protection program below that described in a licensee physical security or safeguards contingency plan, or the actual condition of such a reduction in effectiveness.	This requirement would be renumbered and retained with minor revisions. This paragraph would be changed to replace "the physical protection system" with "the safeguards system" and "described" for "committed." These changes would reflect Commission experience with implementation of security order requirements and reviews of revisions to licensee security plans.	The SOC does not reflect the proposed language. This section has always been considered as much too broad and too hard to define due to the all encompassing aspect of the language. Suggest eliminating this section and ensuring guidance provides complete set of examples of when loggables are required.

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The Regulatory Analysis is flawed for two reasons. First the one-time and annual costs for licensees are skewed and second not all new requirements are evaluated. The regulatory analysis is predicated on a significant increase in public safety. To the extent that it accurately codifies orders predicated on public health and safety, the industry is already in full compliance and has no comments. Where the proposed rule language goes beyond the original orders, the regulatory analysis does not appear to accurately capture the full impact to the industry.

The Federal Register notice at 62670 acknowledges that the analysis may not be fully informed because the rulemaking was developed on an accelerated rulemaking schedule that limited stakeholder participation¹. However, the fundamental approach used for legitimate impacts is to multiply the cost of the impact by the anticipated number of sites affected. This value is then divided by the total number of sites – 65 – and that results is offered as the per site impact which is misleading.

Installation of a video capture system, for example, is one of the impacts analyzed. Reading Exhibit 4-2 in the Regulatory Analysis suggest the one-time cost to a site is \$7,000 while the one time cost to all sites is \$455,000. The supporting analysis however estimates the cost of installing video capture is \$140,000 (which we believe is underestimated). The analysis then makes an assumption that only 5% of the 65 operating nuclear sites will be impacted or 3.25 sites. The impacted is then calculated by multiplying \$140,000 times 65 ($140,000 \times 65 = \$9,100,000$) and that amount is then multiplied by 5% ($\$9,100,000 \times .05 = \$455,000$) for the impact to the industry or all sites. The impact on an individual site is calculated by dividing the total impact by 65 sites ($\$455,000 / 65 = \7000) which is misleading.

Further, the Regulatory Analysis identifies the new requirements yet in many instances only a percentage of sites are assumed to be impacted as noted in the example above. How can a new requirement only apply to a percentage of the 65 operating reactors?

The regulatory analysis quantitatively evaluates 20 identified changes. Without stakeholder input the cost to industry was determined to be \$288 - \$394 million NPV. We believe these estimates are significantly low. Without the benefit of the implementing guidance documents we estimate the changed language could result in expenditures of at least \$20 million per site to as high as \$60 million per site for the identified and unidentified changes.

In other instances, the proposed rule language goes beyond the order requirements and no regulatory analysis is provided. There are numerous examples where the rule language has been moderately to extensively changed in most other areas that inherently claim the same significant increase in public safety and are not individually justified as required by the

¹ Draft Regulatory Analysis at page 11

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administrative procedures requirements. For example, changing "back up power" to "uninterruptible power," a rather simple wording change will have a huge cost and implementation schedule impact. In the absence of the implementing guidance documents we must read the new language to impose numerous changes with implementation costs that could sum into the billions of dollars industry wide. The implementation schedules cannot be accurately predicted but would be measured in years. The table that follows captures what we believe are the new requirements, not analyzed in regulatory analysis, based on a literal reading of the proposed rule language. Because we lack guidance that would help inform us of exactly how a specific provision might be implemented, it is difficult to provide an estimate of the impacts.

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(c)(6)(iii) Implementing procedures must detail the specific actions to be taken and decisions to be made by each position of the security organization to implement the approved security plans.
(c)(6)(iv)(C) Ensure that changes made to implementing procedures do not decrease the effectiveness of any procedure to implement and satisfy Commission requirements.
(e) Physical barriers. Based upon the licensee's protective strategy, analyses, and site conditions that affect the use and placement of physical barriers, the licensee shall install and maintain physical barriers that are designed and constructed as necessary to deter, delay, and prevent the introduction of unauthorized personnel, vehicles, or materials into areas for which access must be controlled or restricted.
(e)(4) Owner controlled area. The licensee shall establish and maintain physical barriers in the owner controlled area to deter, delay, or prevent unauthorized access, facilitate the early detection of unauthorized activities, and control approach routes to the facility.
(e)(8)(ii) Limit and control all vehicle approach routes
(e)(8)(iv) Deter, detect, delay, or prevent vehicle use as a means of transporting unauthorized personnel or materials to gain unauthorized access beyond a vehicle barrier system, gain proximity to a protected area or vital area, or otherwise penetrate the protected area perimeter.
(e)(8)(vi) Provide surveillance and observation of vehicle barriers and barrier systems to detect unauthorized activities and to ensure the integrity of each vehicle barrier and barrier system.
(g)(1)(i) Control all points of personnel, vehicle, and material access into any area, or beyond any physical barrier or barrier system, established to meet the requirements of this section.
(h)(1) At each designated access control point into the owner controlled area and protected area, the licensee shall search individuals, vehicles, packages, deliveries, and materials in accordance with the requirements of this section and the approved security plans, before granting access.
(g)(3)(i) Access control points must be ... Equipped with locking devices, intrusion detection equipment, and monitoring, observation, and surveillance equipment, as

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appropriate.
(i)(11)(i) The licensee shall ensure that all areas of the facility, to include appropriate portions of the owner controlled area, are provided with illumination necessary to satisfy the requirements of this section.
(e)(3)(i) Clearly delineate the boundaries of the area(s) for which the physical barrier provides protection or a function, such as protected and vital area boundaries and stand-off distance.
(e)(6)(i) The protected area perimeter must be protected by physical barriers designed and constructed to meet Commission requirements and all penetrations through this barrier must be secured in a manner that prevents or delays, and detects the exploitation of any penetration.
(e)(7)(iii) The reactor control room, the spent fuel pool, secondary power supply systems for intrusion detection and assessment equipment, non-portable communications equipment, and the central alarm station, must be provided protection equivalent to vital equipment located within a vital area.
(e)(6)(iii) All emergency exits in the protected area must be secured by locking devices that allow exit only and alarmed.
(e)(7)(v) The licensee shall protect all vital areas, vital area access portals, and vital area emergency exits with intrusion detection equipment and locking devices. Emergency exit locking devices shall be designed to permit exit only.
(e)(9)(i) The licensee shall control waterway approach routes or proximity to any area from which a waterborne vehicle, its personnel, or its contents could disable the personnel, equipment, or systems necessary to meet the performance objective and requirements described in paragraph (b) of this section.
(e)(9)(iii) The licensee shall monitor waterway approaches and adjacent areas to ensure early detection, assessment, and response to unauthorized activity or proximity, and to ensure the integrity of installed waterborne vehicle control measures.
(e)(10) Unattended openings in any barrier established to meet the requirements of this section that are 620 cm ² (96.1 in ²) or greater in total area and have a smallest dimension of 15 cm (5.9 in) or greater, must be secured and monitored at a frequency that would

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prevent exploitation of the opening consistent with the intended function of each barrier.
(i)(9)(iv) Unattended openings that are not monitored by intrusion detection equipment must be observed by security personnel at a frequency that would prevent exploitation of that opening.
(f)(4) The licensee shall implement a program for the oversight of plant equipment and systems documented as part of the licensee protective strategy to ensure that changes to the configuration of the identified equipment and systems do not compromise the licensee's capability to prevent significant core damage and spent fuel sabotage.
(g)(1)(iv) Monitor and ensure the integrity of access control systems.
(g)(1)(v) Provide supervision and control over the badging process to prevent unauthorized bypass of access control equipment located at or outside of the protected area.
(g)(1)(vi) Isolate the individual responsible for the last access control function (controlling admission to the protected area) within a bullet-resisting structure to assure the ability to respond or to summon assistance in response to unauthorized activities.
(g)(8)(ii) Individuals assigned to escort visitors shall be provided a means of timely communication with both alarm stations in a manner that ensures the ability to summon assistance when needed.
(g)(8)(iv) Escorts shall be knowledgeable of those activities that are authorized to be performed within the areas for which they are assigned to perform escort duties and must also be knowledgeable of those activities that are authorized to be performed by any individual for which the escort is assigned responsibility.
(h)(5) Vehicle search procedures must be performed by at least two (2) properly trained and equipped security personnel, at least one of whom is positioned to observe the search process and provide a timely response to unauthorized activities if necessary.
(h)(7) Vehicle search checkpoints must be equipped with video surveillance equipment that must be monitored by an individual capable of initiating and directing a timely response to unauthorized activity.
(h)(8)(i) Vehicles and items that may be excepted from the search requirements of this section must be escorted by an armed individual who is trained and equipped to observe

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offloading and perform search activities at the final destination within the protected area.
(i)(1) The licensee shall establish and maintain an intrusion detection and assessment system that must provide, at all times, the capability for early detection and assessment of unauthorized persons and activities.
(i)(2) Intrusion detection equipment must annunciate, and video assessment equipment images shall display, concurrently in at least two continuously staffed onsite alarm stations, at least one of which must be protected in accordance with the requirements of paragraphs (e)(6)(v), (e)(7)(iii), and (i)(8)(ii) of this section.
(i)(8)(v) The licensee implementing procedures must ensure that both alarm station operators are knowledgeable of all alarm annunciations, assessments, and final disposition of all alarms, to include but not limited to a prohibition from changing the status of a detection point or deactivating a locking or access control device at a protected or vital area portal, without the knowledge and concurrence of the other alarm station operator.
(i)(9)(ii) The licensee shall provide continual surveillance, observation, and monitoring of all areas identified in the approved security plans as requiring surveillance, observation, and monitoring to ensure early detection of unauthorized activities and to ensure the integrity of physical barriers or other components of the onsite physical protection program.
(i)(10)(iii) The licensee shall implement controls for personnel assigned to monitor video technology to ensure that assigned personnel maintain the level of alertness required to effectively perform the assigned duties and responsibilities.
(j)(6) The licensee shall identify site areas where communication could be interrupted or can not be maintained and shall establish alternative communication measures for these areas in implementing procedures.

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(c)(6)(iii) Implementing procedures must detail the specific actions to be taken and decisions to be made by each position of the security organization to implement the approved security plans.
(c)(6)(iv)(C) Ensure that changes made to implementing procedures do not decrease the effectiveness of any procedure to implement and satisfy Commission requirements.
(e) Physical barriers. Based upon the licensee's protective strategy, analyses, and site conditions that affect the use and placement of physical barriers, the licensee shall install and maintain physical barriers that are designed and constructed as necessary to deter, delay, and prevent the introduction of unauthorized personnel, vehicles, or materials into areas for which access must be controlled or restricted.
(e)(4) Owner controlled area. The licensee shall establish and maintain physical barriers in the owner controlled area to deter, delay, or prevent unauthorized access, facilitate the early detection of unauthorized activities, and control approach routes to the facility.
(e)(8)(ii) Limit and control all vehicle approach routes
(e)(8)(iv) Deter, detect, delay, or prevent vehicle use as a means of transporting unauthorized personnel or materials to gain unauthorized access beyond a vehicle barrier system, gain proximity to a protected area or vital area, or otherwise penetrate the protected area perimeter.
(e)(8)(vi) Provide surveillance and observation of vehicle barriers and barrier systems to detect unauthorized activities and to ensure the integrity of each vehicle barrier and barrier system.
(g)(1)(i) Control all points of personnel, vehicle, and material access into any area, or beyond any physical barrier or barrier system, established to meet the requirements of this section.
(h)(1) At each designated access control point into the owner controlled area and protected area, the licensee shall search individuals, vehicles, packages, deliveries, and materials in accordance with the requirements of this section and the approved security plans, before granting access.
Access control points must be ... (g)(3)(i) Equipped with locking devices, intrusion detection equipment, and monitoring, observation, and surveillance equipment, as

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appropriate.
(i)(11)(i) The licensee shall ensure that all areas of the facility, to include appropriate portions of the owner controlled area, are provided with illumination necessary to satisfy the requirements of this section.
(i)(9)(ii) The licensee shall provide continual surveillance, observation, and monitoring of all areas identified in the approved security plans as requiring surveillance, observation, and monitoring to ensure early detection of unauthorized activities and to ensure the integrity of physical barriers or other components of the onsite physical protection program.
(e)(3)(i) Clearly delineate the boundaries of the area(s) for which the physical barrier provides protection or a function, such as protected and vital area boundaries and stand-off distance.
(e)(6)(i) The protected area perimeter must be protected by physical barriers designed and constructed to meet Commission requirements and all penetrations through this barrier must be secured in a manner that prevents or delays, and detects the exploitation of any penetration.
(e)(7)(iii) The reactor control room, the spent fuel pool, secondary power supply systems for intrusion detection and assessment equipment, non-portable communications equipment, and the central alarm station, must be provided protection equivalent to vital equipment located within a vital area.
(e)(6)(iii) All emergency exits in the protected area must be secured by locking devices that allow exit only and alarmed.
(e)(7)(v) The licensee shall protect all vital areas, vital area access portals, and vital area emergency exits with intrusion detection equipment and locking devices. Emergency exit locking devices shall be designed to permit exit only.
(e)(9)(i) The licensee shall control waterway approach routes or proximity to any area from which a waterborne vehicle, its personnel, or its contents could disable the personnel, equipment, or systems necessary to meet the performance objective and requirements described in paragraph (b) of this section.
(e)(9)(iii) The licensee shall monitor waterway approaches and adjacent areas to ensure

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early detection, assessment, and response to unauthorized activity or proximity and to ensure the integrity of installed waterborne vehicle control measures.
(e)(10) Unattended openings in any barrier established to meet the requirements of this section that are 620 cm ² (96.1 in ²) or greater in total area and have a smallest dimension of 15 cm (5.9 in) or greater, must be secured and monitored at a frequency that would prevent exploitation of the opening consistent with the intended function of each barrier.
(i)(9)(iv) Unattended openings that are not monitored by intrusion detection equipment must be observed by security personnel at a frequency that would prevent exploitation of that opening.
(f)(4) The licensee shall implement a program for the oversight of plant equipment and systems documented as part of the licensee protective strategy to ensure that changes to the configuration of the identified equipment and systems do not compromise the licensee's capability to prevent significant core damage and spent fuel sabotage.
(g)(1)(iv) Monitor and ensure the integrity of access control systems.
(g)(1)(v) Provide supervision and control over the badging process to prevent unauthorized bypass of access control equipment located at or outside of the protected area.
(g)(1)(vi) Isolate the individual responsible for the last access control function (controlling admission to the protected area) within a bullet-resisting structure to assure the ability to respond or to summon assistance in response to unauthorized activities.
(g)(8)(ii) Individuals assigned to escort visitors shall be provided a means of timely communication with both alarm stations in a manner that ensures the ability to summon assistance when needed.
(g)(8)(iv) Escorts shall be knowledgeable of those activities that are authorized to be performed within the areas for which they are assigned to perform escort duties and must also be knowledgeable of those activities that are authorized to be performed by any individual for which the escort is assigned responsibility.
(h)(5) Vehicle search procedures must be performed by at least two (2) properly trained and equipped security personnel, at least one of whom is positioned to observe the search process and provide a timely response to unauthorized activities if necessary.

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(h)(7) Vehicle search checkpoints must be equipped with video surveillance equipment that must be monitored by an individual capable of initiating and directing a timely response to unauthorized activity.
(h)(8)(i) Vehicles and items that may be excepted from the search requirements of this section must be escorted by an armed individual who is trained and equipped to observe offloading and perform search activities at the final destination within the protected area.
(i)(1) The licensee shall establish and maintain an intrusion detection and assessment system that must provide, at all times, the capability for early detection and assessment of unauthorized persons and activities.
(i)(2) Intrusion detection equipment must annunciate, and video assessment equipment images shall display, concurrently in at least two continuously staffed onsite alarm stations, at least one of which must be protected in accordance with the requirements of paragraphs (e)(6)(v), (e)(7)(iii), and (i)(8)(ii) of this section.
(i)(8)(v) The licensee implementing procedures must ensure that both alarm station operators are knowledgeable of all alarm annunciations, assessments, and final disposition of all alarms, to include but not limited to a prohibition from changing the status of a detection point or deactivating a locking or access control device at a protected or vital area portal, without the knowledge and concurrence of the other alarm station operator.
(j)(6) The licensee shall identify site areas where communication could be interrupted or can not be maintained and shall establish alternative communication measures for these areas in implementing procedures.

From: "RYCYNA, John" <jxr@nei.org>
To: <secy@nrc.gov>
Date: Tue, Mar 27, 2007 10:24 AM
Subject: FW: Part 73

From: WALTERS, Doug
Sent: Tuesday, March 27, 2007 10:14 AM
To: RYCYNA, John
Subject: Part 73

John:

Enclosed is the comment letter. Please do not distribute until we have verified it was received.

Thanks

Doug

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Junk Mail using personal address books is not enabled
Block List is not enabled