

**Public/Industry Comments to
Draft Regulatory Guide 5015 (DG-5015)
"Training and Qualification of Security Personnel
at Nuclear Power Reactor Facilities" (RG 5.75)**

Comment: (Section B) Replace the title "guard" with "security officer" throughout the document. The security officer title is consistent with the industry terminology and conveys a more appropriate meaning to the position.

Response: The staff agrees. The word "guard" has been replaced by the phrase "security officer" consistently throughout the final regulatory guide.

Comment: (Section B) The second sentence in the first paragraph should be aligned to the wording in 73.55. Recommend changing this sentence as follows: "This changing threat environment resulted in significant protection and regulatory enhancements to ensure that licensees maintain the capability of providing 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."

Response: The staff agrees in part. The final regulatory guide has been revised to consistently align with the final 10 CFR Part 73 rule text. The staff disagrees with the suggested text.

Comment: (Section C.1) Paragraph 4: "Site specific conditions" is such a broad term as to make compliance unachievable. Replace the word "simulate" with the word "consider." Recommend that the paragraph be replaced with the following: "To ensure that security personnel can effectively perform their assigned duties and responsibilities under the conditions at their facility, Appendix B to 10 CFR Part 73, Section VI, paragraph A.5, requires that armed security personnel be trained and qualified with equipment equivalent to that required to implement the site protective strategy and that site-specific conditions should be considered during development of training programs. The licensee should develop and implement a site-specific process for verifying that each individual who is assigned security duties and responsibilities has received site-specific training pertinent to effective performance of the assigned duties and responsibilities. The conduct of training activities should be consistent with operational and safety considerations. Applicable sections of this regulatory guide contain specific guidance on developing training that meets Commission requirements."

Response: The staff disagrees. The terms "simulate" and "site-specific" are appropriately described and most accurately represent the performance expectation. The term "consider" does not appropriately represent the Commission's expectation. The NRC expects that licensees will make every practical effort needed to ensure that site personnel can and will effectively perform under the conditions that can be expected at each site.

Comment: (NONE) Appendix B to 10 CFR Part 73, Section VI, paragraph A.5 should be revised to be consistent with the wording below.

Response: This comment suggests a change to the "Rule" 10 CFR Part 73, Appendix B text and is not applicable to this regulatory guide. Therefore, this comment is not addressed.

Comment: (Section C.1) In the last paragraph, the sentence “Under no circumstances should annual training be conducted at an interval less than 6 months or more than 18 months” is confusing and appears to conflict with the short cycle language in Reg Guide Sections 6.4.1 and 7.8.

Response: The staff agrees that clarification is needed and has revised the final regulatory guide to clarify Commission expectations for training periodicity and re-establishing those intervals to accommodate administrative and site-specific needs.

Comment: (Section C.1) Replace the wording of this paragraph with the proposed section A.7. rule language below with an added sentence to address training that occurs greater than 3 months prior to the scheduled date. “In accordance with Appendix B to 10 CFR Part 73, Section VI, paragraph A.7, annual requirements must be scheduled at a nominal twelve (12) month periodicity. Annual 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. Under no circumstances should annual training be conducted at an interval of more than 18 months. The licensee should make every effort to conduct annual training on the regularly scheduled date which must be at nominal 12-month intervals.

Response: See response to previous comment above.

Comment: (Section C.2) The words “documented by a qualified training instructor” are too restrictive in all cases. For example, having a qualified training instructor sign off on a medical professional documenting completion of a physical examination seems unnecessary. Therefore we recommend revising the last sentence in the last paragraph of this draft regulatory to read as follows: “The qualification of each individual to perform assigned duties and responsibilities must be documented and the security supervisor must attest to the fact that the required training was administered by qualified personnel and was suitable for qualification.” A corresponding change is also necessary to Appendix B to 10 CFR Part 73, Section VI, paragraph B. 1 .b.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify that a qualified training instructor does not replace determinations that must be made by qualified medical professionals. The staff does not agree with the suggest text. The comment suggesting a change to the "Rule" 10 CFR Part 73, Appendix B text and is not applicable to this regulatory guide. Therefore, this comment is not addressed.

Comment: (Section C.2.1) In the second paragraph, the language in the first sentence is not consistent with the staff draft final rule language in, Section VI, paragraph B.1.a.(3). The word “unarmed” should be removed from the RG language.

Response: The staff disagrees. All personnel to include "unarmed personnel" must meet minimum suitability requirements.

Comment: (Section C.2.2) The rule language (Appendix B to 10 CFR Part 73, Section VI, paragraph B.2,a) states an individual may not have any physical conditions that would adversely affect their performance of assigned security duties and responsibilities. The RG regarding physical and cardiovascular health and strength suggests a more rigorous assessment of cardiovascular stamina such as a stress test. Also, a physical examination of an individual does

not document strength capability. Recommend revising the sentence to read as follows: "Personnel may not have any identified physical conditions that would adversely affect their ability to perform their assigned security duties."

Response: The staff agrees in part. The final regulatory guide has been revised to clarify this information. The staff disagrees with the suggested text.

Comment: (Section C.2.3) In the first paragraph, first sentence, the requirement for a physical examination should only apply to armed and unarmed security personnel. Expanding the scope of this area to cover non-security personnel is not consistent with the order. Physicals should not be required for non-security personnel performing security duties that present minimal physical challenge and stress such as material searches and vehicle and personnel escort. Licensees should make the determination of whether to administer the physical before or after employment. The appropriate requirement is to perform the physical before the individual performs a physical fitness test and is assigned security duties. Replace the first sentence with the following sentence: "Consistent with Appendix B to 10 CFR Part 73, Section VI, paragraphs B.2.a.(1) through (4), before the individual performs a physical fitness test and is assigned security duties, and on a nominal annual basis thereafter, all armed and unarmed security personnel who are performing security functions shall be subject to a physical examination administered by a licensed health professional, with final determination being made by a licensed physician." The last bullet is confusing and we recommend making two separate bullets as follows: "environmental conditions incurred at the facility to include the geographic region of the country actions required to effectively implement the site security plan." The last paragraph should be deleted. Sections 2.5 and 2.6 adequately address conditions that the health professional should consider when conducting medical certifications.

Response: The staff agrees in part. The staff disagrees that that a physical examination should only be applied to security personnel and not to other facility personnel in all cases. The physical examination should be applied as appropriate for the duties and responsibilities assigned to the individual. The purpose is to ensure that the individual is physically able to perform the assigned duties. The final regulatory guide has been revised to clarify this information. The staff disagrees with the suggested text.

Comment: (Section C.2.4) See Comment for Section 2.3 above regarding armed and unarmed individuals. The order only places vision and hearing requirements on armed security personnel. Revise the second sentence in the first paragraph as follows: "The licensee must ensure that armed security officers meet these minimum requirements for vision and hearing to effectively perform their duties and responsibilities." This comment also applies to Appendix B to 10 CFR Part 73, Section VI, paragraphs B.2.b and B.2.c. The second and third paragraphs should be deleted. The rule language is sufficiently detailed and the information in the second and third paragraphs may be construed as new rule requirements. This section should only apply to armed security officers. Last sentence of the second paragraph – "...and indicators on key card readers throughout the facility." Use of key card readers is not specific to security.

Response: See staff response to previous comment above. The staff disagrees with the suggested text and the recommended deletions. The final regulatory guide has been revised to clarify this information.

Comment: (Section C.2.5) See Comment for Section 2.3 & 2.4 above regarding armed and unarmed individuals.

Response: See staff response to previous comment above.

Comment: (Section C.2.6) See Comment for Section 2.3 & 2.4 above regarding armed and unarmed individuals.

Response: See staff response to previous comment above.

Comment: (Section C.2.7) See Comment for Section 2.3 & 2.4 above regarding armed and unarmed individuals. Revise the first sentence to only apply to armed security officers.

Response: See staff response to previous comment above.

Comment: (Section C.2.9) Change “licensed physician” to “licensed health professional” to be consistent with section 2.3. The licensed health professional can perform the examination with sign off by the licensed physician. The proposed Section 2.9 wording implies that regardless of how your physical fitness test (PFT) is simulated, it “should include strenuous activities or physical exertion such as running, climbing stairs, and lifting heavy objects.” Even though the word “simulate” is used several times, the wording above implies that the PFT must include running, climbing stairs, and lifting heavy objects. This would result in a significant burden on licensees. For example, due to personnel injury concerns, some PFTs were developed where such strenuous activities were evaluated and an in-office PFT program was developed based on alternative methods such as a treadmill VO2 test, sit-ups, and arm ergometer criteria. Recommend revising the statement “This should include strenuous activities or physical exertion such as running, climbing stairs, and lifting heavy objects.” to read as follows: “PFT simulation elements should equate to strenuous activities or physical exertion such as running, climbing stairs, and lifting heavy objects.” The proposed Part 73, Appendix B, paragraph B.4.b.(2), as reflected in the third paragraph of Section 2.9, indicates that the PFT must be described in the Training and Qualification Plan. However, as described in this section, the NRC guidance implies that the Training and Qualification Plan description must include the physical attributes and performance objectives that demonstrate the strength, endurance, and agility required. This goes well beyond the current NEI 03-12 template wording and will first require a change to the NEI template followed by changes to each licensee’s Training and Qualification Plans. As such, this would be a significant burden to both the industry and NRC, and would prohibit future changes to the Security Plans without first receiving NRC approval. Modify the first sentence, 3rd paragraph and the proposed Part 73 Appendix B, B.4.b.(2) to state that, “... the licensee shall describe the physical fitness test in facility procedures.” See Comment for Section 2 on training documentation. Replace last sentence with: “The qualification of each individual to perform assigned duties and responsibilities must be documented and the security supervisor must attest to the fact that the required training was administered by qualified personnel and was suitable for qualification.” A corresponding change is also necessary to Appendix B to 10 CFR Part 73, Section VI, paragraph B. 1 .b.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff does not agree with the suggested text. The comment suggesting a change to the "Rule" 10 CFR Part 73, Appendix B, Section VI, text is not applicable to this regulatory guide and therefore, this comment is not addressed.

Comment: (Section C.2.10) See Comment for Section 2.3 above regarding armed and unarmed individuals.

Response: See staff response to comment for section 2.3 above.

Comment: (Section C.3) In the first paragraph the statement "...assigned to perform any security-related duty or responsibility..." is too broad and should be specific to security-related duties or responsibilities, as identified in the security plans. Recommend revision as follows: "...all personnel who are assigned to perform any security-related duty or responsibility as identified in the commission approved security plans, licensee protective strategy, or implementing procedures 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." A corresponding change to Section VI, paragraph C.1, of Appendix B to 10 CFR Part 73 is also necessary. The last portion of this paragraph beginning with the sentence "In addition, the licensee..." should not be part of the reg. guide for training and qualification. This is an area that should be addressed in 10 CFR 73.55 since it involves the needed manning that is expected or desired by the NRC. It is not a training issue it is a manning issue and as such is operationally oriented. to carry out their assigned duties.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff does not agree with the suggested text. The comment suggesting a change to the "Rule" 10 CFR Part 73, Appendix B, Section VI, text is not applicable to this regulatory guide and therefore, this comment is not addressed.

Comment: (Section C.3.1) The lead in paragraph should be revised to clarify the use of security program topic areas in the identification of site-specific critical tasks. Licensees will use a systematic approach to training (SAT) methodology to determine the critical tasks. The training and qualification plan will identify these critical tasks but will not reflect all of the information developed through the task analysis. We recommend referring to NEI 03-09 for the description of the SAT methodology and listing of critical task areas or revising the first paragraph to read: "To satisfy Appendix B to 10 CFR Part 73, Section VI, paragraph C. 1 .a, the licensee must identify through the SAT process, those areas of knowledge, skills, and abilities (critical tasks) required by security personnel to carry out their assigned duties and responsibilities and account for them in the site-specific security training program for security personnel. The licensee should consider, but is not limited to, the following listing of security program topic areas for determining the site-specific critical tasks required for an effective site physical protection program."

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff agrees that the SAT is an acceptable methodology to account for assigned tasks, however, the staff does not agree that the SAT is applicable to all tasks. The staff does not agree with the suggested text.

Comment: (Section C.3.1.1) General Comment: There is an unnecessary level of detail in this list. Recommend turning this into a bulleted list of critical tasks with a similar level of detail found in NEI 03-09, revision 2. Align the titles to match up with existing wording in NEI 03-09 & NEI 03-12. Current site security plans used this terminology. The details for each of these tasks are found in other parts of the regulation or in existing guidance documents.

Response: The staff agrees in part. See staff response to comment above.

Comment: (Section C.3.1.1.b) Visitor Access Control : The first sentence should be revised to include passports for foreign workers. Change the second sentence to add the word "currently".

The sentence should read: "Confirm, in accordance with industry lists and databases, that individuals are not currently denied unescorted access at another site." Add the words "or database" after the word "register" in the sixth sentence. Delete the last sentence since it is sufficiently addressed in Part 73.55. Reword the paragraph as follows: "Verify visitor identification through physical presentation of an identification card issued by a recognized local, State, or Federal Government agency or a passport for foreign workers that includes a photo or describes the physical characteristics of the individual. Confirm, in accordance with industry lists and databases, that individuals are not currently denied unescorted access at another site. Determine access authorization for entry to the protected area in accordance with site procedures. Assign the visitor an appropriate badge and/or key card. Ensure that an escort, who is aware of escort responsibilities, is present before the visitor enters the protected area in accordance with site procedures."

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.3.1.1.d) Personnel Searches: Recommend deleting the last sentence. It does not pertain to training and qualification.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.3.1.1.e) Material Search: Remove the last two sentences. They do not pertain to training and qualification. See comment for section 2.3 regarding physicals.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.3.1.1.f) Vehicle Search : This section implies that vehicle searches are required at the owner-controlled area (OCA) boundary as well as the protected area. To clarify that this only applies to the protected area, add the words "authorizing protected area" before "entry" in the first sentence.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.3.1.1.g) Escort Functions for Visitors or Personnel without Unescorted Access : This task is not a critical task for security personnel and should be eliminated from this list. All individuals granted unescorted access are trained on escort responsibilities in general employee training. No additional training or qualification is necessary. Escorts duties are limited to observation and reporting. Therefore, there are no physical requirements for visitor escorts.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff agrees that "general employee training may be used to satisfy the requirement for escort training, however, the staff disagrees that escort duties associated with observation and reporting do not involve physical requirements. Sight, hearing, and the ability to operate communication equipment all involve some physical attributes that must be verified by the licensee to ensure the individual is capable of performing them.

Comment: (Section C.3.1.1.i) Security Patrols: Change the word “ensure” in the second sentence to “facilitate”. Facilitate would more appropriately represent the task being performed. Security officer cannot “ensure” early detection.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.3.1.1.n) Provision of Compensatory Measures: Change title to Provide Compensatory Measures or Discussion of Compensatory Measures which would be more appropriate for the critical task being described.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.3.1.1.o) Recognition of and Reaction to Discovery of Contraband and Prohibited Items: Since the searches are focused on identifying contraband and prohibited items and not to ensure the positive identification of all items, this first sentence should be revised as follows: “Demonstrate appropriate search techniques through the use of equipment capable of detecting contraband or prohibited items assisted by visual and hands-on physical searches to prevent the introduction of contraband or prohibited items.”

Response: The staff agrees in part. The staff disagrees that the search process, as well personnel conducting the search, is not required to positively identify "all" items. The licensee is responsible to prevent the introduction of items that can be used to commit radiological sabotage and therefore, to accomplish this, "all" must be positively identified prior to granting access. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.3.1.1.p) Response to Protected and Vital Area Alarms: Reword the sentence with the following: “Respond within a specified time frame to an alarm notification, investigate the cause of the alarm using established assessment tools and procedures, and report the assessment findings to the alarm station operators for disposition of the alarm event in accordance with Commission-approved security plans and site procedures.” It may not be appropriate to respond to the area of the alarm.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.3.2) The training in paragraph 1 is not specific to security personnel. It is sufficiently covered in 10 CFR 73.55 and should be addressed in the associated reg. guide. Recommend deleting paragraph 1. Delete the first sentence of the second paragraph and refer to the general comment for section 2.3.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.4) Remove all references to a minimum of 40 hours of training. There is no basis for this number. It should be left up to the licensees to make this determination using a systematic approach to training methodology. The duty position “security supervisor” should be eliminated. It does not show up on any of the current security critical task matrices in NEI 03-09 or NEI 03-12. There are no tasks that are security supervisor specific. This comment applies to

section 4.1 too. In addition, remove the 40 hour requirement from Appendix B, Section VI, paragraph C.2.b.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff agrees that the SAT process is generally applicable to this topic, however, the staff does not agree that the SAT is all inclusive and does not agree with the suggested removal of all reference to 40 hours. The staff believes that this requirement is a common professional standard to all job positions within and outside the security profession. The comment suggesting a change to the "Rule" 10 CFR Part 73, Appendix B, Section VI, text is not applicable to this regulatory guide and therefore, this comment is not addressed.

Comment: (Section C.4.2) This purpose of this section is not clear. As noted in the paragraph, Critical Tasks are discussed in Section 3.1.1. Section 4.2 should be deleted and NEI 03-09 should be referenced. If the section remains, the sentence; "The elements within each critical task..." should not specify the critical tasks. The licensee will determine the critical tasks through the systematic approach to training methodology. Recommend the following revision: "The elements within each critical task should include the knowledge, skills, and abilities required for effective implementation of the Commission-approved security plans and implementing procedures." Also, the last sentence should be deleted because weapons training is not conducted during OJT.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.4.3) The last sentence will have a large impact on the licensees and should be eliminated. OJT personnel are currently trained by on-shift personnel. As written this sentence would require the mentor to be an additional person who is not in the staffing numbers. This is an unnecessary restriction and not consistent with the fact that we allow AR's and ASO's to do different things as long as they can stop doing them to respond – clearly the AR/ASO's can walk away from a trainee. Management of the schedule should be an administrative detail that assures quality training on the required tasks. During certain phases, it may be totally appropriate for the trainee to "shadow" the FTO while performing as a member of the response team. Let the training organization determine the most effective way to conduct the training.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.4.4) Eliminate this section and refer to NEI 03-09 which describes the SAT process that will be used to perform a job task analysis. One aspect of the task analysis is to assess the level of knowledge. The list in this section will be inconsistent with the attributes of the SAT task analysis.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff does not agree with the suggested elimination of this section.

Comment: (Section 4.5) See comment for section for regarding the 40 hours requirement. The term "checklist" is too specific. Replace this term with "documentation" in the title and "document" in the body of the first paragraph. Second paragraph - Describing individual forms,

along with who should sign the form is too much detail. There are many acceptable ways to document training and reviews. For example, the "security supervisor" may have a single cover sheet documenting a review of the entire training package. In addition, this doesn't take into account the use of available technology.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.5) This section appears to be a cut and paste from NEI 03-09, "Security Officer Training Program" which is already endorsed by the NRC. Recommend deleting this section and referring to NEI 03-09.

Response: The staff agrees in part. The staff disagrees with the suggested deletion. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.5.1) See Comment for section 5.

Response: See staff response to comment in Section C.5

Comment: (Section C.5.2) See Comment for section 5.

Response: See staff response to comment in Section C.5

Comment: (Section C.5.3) See Comment for section 5.

Response: See staff response to comment in Section C.5

Comment: (Section C.5.4) See Comment for section 5.

Response: See staff response to comment in Section C.5

Comment: (Section C.5.5) See Comment for section 5. The first paragraph discusses simulations and artificialities. The second and third sentences state: "To accomplish this, it may be necessary to incorporate certain acceptable artificialities into the drill or exercise scenarios to provide a means to replicate these conditions. Plant conditions identified in the scenario may range from operating at power to refueling or other major maintenance activities..." Because of safety/security interface concerns, in-plant drills and exercises may not always be safe and practical. In which case a table top exercise may be used. Revise this sentence to read: "To accomplish this, it may be necessary to incorporate certain acceptable artificialities into the drill or exercise scenarios to provide a means to replicate these conditions. In the event that it is unsafe to incorporate the conditions into the drill or exercise scenario, a table top method may be used. Plant conditions identified in the scenario may range from operating at power to refueling or other major maintenance activities..."

Response: See staff response to comment in Section C.5. The staff disagrees with the suggested text.

Comment: (Section C.5.6) See Comment for section 5.

Response: See staff response to comment in Section C.5

Comment: (Section C.5.7) See Comment for section 5.

Response: See staff response to comment in Section C.5

Comment: (Section C.5.8) See Comment for section 5. The first paragraph states: "Individuals who are trained and qualified to perform contingency duties for multiple-response team duty positions should participate in separate drills and exercises for each position." This is a new expectation that is not addressed in the part 73 rule. As written an individual trained and qualified as alarm station operator, armed responder, and response team leader would have to participate in three separate exercises. This presents an undue hardship which outweighs the minimal benefit derived. Also, allowing officers who participated in exercises as controllers to take credit for the exercise would be discontinued and would require additional exercises to be conducted. Eliminate the requirement to participate in separate drills.

Response: See staff response to comment in Section C.5. The staff disagrees with the suggested text.

Comment: (Section C.5.10) See Comment for section 5.

Response: See staff response to comment in Section C.5.

Comment: (Section C.5.11) See Comment for section 5. In section 5.11.2, first paragraph, second sentence indicates that all participants will summarize their actions at the critiques. If a participant does not see action, they normally do not summarize their actions unless they have lessons learned to share. The critiques should focus on the actions that were actually taken and lessons learned during the drill. Recommend revising the sentence as follows:
"Controllers/evaluators, adversaries, and participants that saw action or who had lessons learned during the exercise would normally provide after action summaries during the critique."

Response: See staff response to comment in Section C.5. The staff disagrees with the suggested text.

Comment: (Section C.5.12) See Comment for section 5.

Response: See staff response to comment in Section C.5.

Comment: (Section C.5.13) See Comment for section 5. The word "consistently" in the second sentence should be "consistent".

Response: The staff agrees and has revised the final regulatory guide as appropriate.

Comment: (Section C.5.13) See Comment for section 5. This section should be numbered: 5.14.

Response: The staff agrees and has revised the final regulatory guide as appropriate.

Comment: (Section C.6) The last sentence of the first paragraph should be deleted. Security supervisor should not be specifically identified because they do not have any unique position specific requirements. See comments for section 4. The intent of the third paragraph is unclear. How does the monitoring activity discussed in this paragraph relate to the qualification /re-qualification program? Programmatic effectiveness and organizational performance should be

monitored and adjustments made in accordance with the SAT process. Revise the first sentence of the last paragraph to read as follows: "The licensee shall ensure that deficiencies identified in the training and qualification program are included in the site corrective action program, as appropriate."

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.6.1.1) The security training instructor may not always be responsible for analyzing, designing, developing, implementing, and evaluating security training. Since other training personnel may perform some of the functions listed in the first sentence of the third paragraph, this paragraph should be revised to reflect a broader group of personnel. The third paragraph should be rewritten as follows: "The role of the organization responsible for security training is to analyze, design, develop, implement, and evaluate security training within the security training program. Additional duties and responsibilities include management and direct oversight of the security training program. The security instructor is responsible for the final documentation of each critical task qualification performed by individuals who are assigned duties and responsibilities identified in the Commission-approved security plans."

Response: The staff agrees in part. The staff disagrees that the training instructor is not always responsible. The staff believes that the training instructor "is always" responsible, however, the training instructor may rely upon information provided by other trained and qualified personnel as it relates to these responsibilities. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.6.1.4) In order to clearly define the appropriate scope for SMEs as being the critical tasks, in the first paragraph insert the word "critical" in front of the word "task." The second paragraph should be deleted. It outlines an expectation that the SME will receive initial instructor training. This contradicts the first sentence in the first paragraph which states the SME may or may not be a qualified security instructor. The requisite skills to perform as an SME are delineated in the first paragraph.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.6.1.5) The regulatory guide and Appendix B to 10 CFR Part 73, Section VI, paragraph E.1.b should be revised to allow recertification at intervals consistent with the criteria set by the certifying agency. The three year expectation is arbitrary and has no scientific or legal basis. The first sentence should be modified by replacing "qualified" with the word "certified." The nationally recognized entities certify the firearms instructors they do not qualify them. The sentence: "Certification must be obtained for each weapon type required in the implementation of the site's protective strategy" could be read to mean that each firearms instructor must be certified on each weapon type used at the site. The certification need only be sought for the weapon type the instructor is teaching on. "Certification must be obtained, for training conducted by the instructor on weapon types required in the implementation of the site's protective strategy."

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The comment suggesting a change to the "Rule" 10

CFR Part 73, Appendix B, Section VI, text is not applicable to this regulatory guide and therefore, this comment is not addressed.

Comment: (Section C.6.1.6) The requirement for armorer certification is a new requirement and is beyond current order requirements. The proposed requirement limits licensee flexibility to use experienced personnel. Licensees should determine the appropriate manner for armorer training and qualification. Manufacturer certification is one method that may be used by the licensee. Delete all of the sentences after the first sentence. Also not all station armorers are station employees. Recommend changing the first sentence to read "...station armorers shall be trained..."

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff believes that it is appropriate and necessary to ensure that all armorers are trained and qualified to the specific weapons they are responsible, therefore, the manufacturer "certification" is the appropriate generic standard.

Comment: (Section C.6.2) The statement regarding 80% as the minimum acceptable score is a new expectation and rule requirement. The order requires that "A minimum score that demonstrates an acceptable understanding of armed security personnel duties. NEI 03-09 requires a 70 percent passing score. The NRC has not provided any basis for the increase other than to say that 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. The NRC should provide more objective evidence as rationale for the change. Revise this section and Appendix B to 10 CFR Part 73, Section VI, paragraph D.1.b to be consistent with the order language described above. This section states the written exam will focus on critical tasks which is inconsistent with the NRC's training order which delineated specific elements for the written exam. [How do we comply with both?] As written the 1st sentence in the second paragraph implies that armed SO will have to take 2 annual written exams which appears to be a change from the order. The section should be clarified to provide the option for a single exam for ASO and USO that includes all the necessary requirements for their respective positions.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff believes that a minimum score of 80% is the appropriate generic standard.

Comment: (Section C.6.3) This section is redundant with section 4 and will cause confusion. "Hands-On Performance Demonstration" is just another way to state OJT. Since OJT is the industry accepted term for this type of training, this section and term should be eliminated.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment

Comment: (Section C.6.4) In the last paragraph, it states that a qualified training instructor will document all training qualification, and requalification. This statement is too specific to the instructor. It should be broadened to allow for other qualified training personnel such as subject matter experts or field training officers. Reword the sentence as follows: "The qualification of each individual to perform assigned duties and responsibilities must be documented and the security supervisor must attest to the fact that the required training was administered by qualified personnel and are sufficient for qualification."

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.7) The last sentence of the first paragraph indicates the ammunition of the same trajectory and recoil must be used during training. This is not required by Section VI, paragraphs E and F, of Appendix B to 10 CFR Part 73. Some licensees use less expensive, non-duty ammunition for training purposes. This new requirement will also create an unnecessary administrative burden for the validation of the ammunition. This change will also result in increased training costs with no identified benefit. This comment applies to sections 7.3 & 7.6. Reword the last sentence as follows: "To satisfy Appendix B to 10 CFR Part 73, Section VI, paragraphs A.5, the licensee should ensure that an individual uses the same type of firearms, model and associated features (i.e., caliber, sighting system) and similar ammunition as the individual would use while on duty."

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.7.1) In the first paragraph, replace "te" after "achieved" with "the".

Response: The staff agrees in part. The staff has revised the final regulatory guide as appropriate.

Comment: (Section C.7.3) The level of detail provided in this section is well beyond what is required by the order to effectively develop an effective weapons familiarization training course and has added several areas of training not required by the order. The basic skills listed in section 7.3.10 "Weapons Familiarization" are in fact the familiarization skills required to be trained to by the 2003 order and these items should have been the focus of section 7.3. The familiarization tasks described in sections 7.3.2, 7.3.3, 7.3.5, 7.3.6, 7.3.7, and 7.3.9 were not included as areas of familiarization training under the order. Suggest that this entire section be rewritten to closely align with the familiarization training requirements of the order and what is currently described in NEI 03-09 and NEI 03-12." The following are some specific examples of new expectations: Sections 7.3.3 and 7.3.5 requires training in day and night conditions. Training at night is a change from the orders. This change will cause the time needed for training to be extended and may present practical problems for licensees that have night-time restriction on the use of the ranges. Section 7.3.3 establishes different categories of shooters based on skill levels. This will result in a complexity well beyond the protective strategy needs. Section 7.3.3 requires "shooting while moving". Some licensees are not permitted to shoot while moving. These licensees accomplish this task by designing their program to move, stop, and fire, then continuing moving. Section 7.3.5 appears to require that a mask be donned for the entire exercise which is contrary to current industry practice. Section 7.3.6 requires all personnel to perform the basic function of re-zeroing all weapons systems. This task would only be required in a controlled environment and not on the job or at the site. Therefore, this function should continue to be the responsibility of the firearms instructor. See Comment for section 7 on non-duty ammunition.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.1) Delete this section. See Comment for Section 7.3.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.2) Delete this section. See Comment for Section 7.3.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.3) Delete this section. See Comment for Section 7.3.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.4) Delete this section. See Comment for Section 7.3.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.5) Delete this section. See Comment for Section 7.3.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.6) Delete this section. See Comment for Section 7.3.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.7) Delete this section. See Comment for Section 7.3.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.8) Delete this section. See Comment for Section 7.3. The requirement described in the second paragraph should not be an absolute. Since “dummy” rounds are distributed randomly, it is impossible for a range instructor to have the student make the shift from the rifle to the handgun without an audible command that the rifle has malfunctioned. Recommend changing the sentence as follows: “Audible commands such as “Malfunction” or “Gun Down” should be minimized to induce weapons malfunctions in training or in the tactical qualification course because they may condition the weapons operator to react to a weapons malfunction via audible stimuli, which is unrelated to an actual weapons malfunction.”

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.9) Delete this section. See Comment for Section 7.3.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.3.10) Rewrite this section as described in the comment for Section 7.3. The basic skills listed in the second paragraph are, in fact, the familiarization skills required by the training order. In the third and fourth paragraphs, the information is out of context for what is required under basic weapons familiarization training as required in the order. The information provided appears to be confused with the information provided in the order relative to the “advance weapons training” and in particular the “tactical qualification course”. The third and fourth paragraphs should be deleted. Delete the last paragraph. There is no requirement to perform all of these exercises with a gas mask donned. Licensees will determine the best way to incorporate this aspect into the training course.

Response: The staff disagrees. The staff has revised the final regulatory guide to clarify the information discussed in this comment.

Comment: (Section C.7.4) This section implies in the last sentence that licensees should train officers on how to retain their weapons in hand-to-hand or when apprehending. Depending on the licensee’s specific protective strategy, this type of training may not be necessary nor justified. Reword the last sentence to state: “In addition, the NRC has determined that to enhance officer safety, each member of the security organization should receive instruction regarding the physiological and psychological effects on the human body during intense or life-threatening situations.”

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.7.6) See comment for section 7 on non-duty ammunition.

Response: See staff response to Section C.7 above.

Comment: (Section C.7.6.1) The title to this section is confusing. Add the word “Course” at the end of the title to clarify.

Response: The staff agrees in part. The staff has revised the final regulatory guidance to reflect the word “programs.”

Comment: (Section C.7.6.2) The training and qualification order allowed for an “equivalent course of fire” option and stated that “A qualification score that demonstrates acceptable proficiency shall be achieved.” This option needs to be included in this section. If it is not included as an option, this section will represent a new requirement. Revise the last sentence of the first paragraph as follows: “Armed personnel shall qualify in accordance with the standards and scores established by a law enforcement course, an equivalent nationally recognized course, or equivalent course of fire. A qualification score that demonstrates acceptable proficiency shall be achieved.” In addition, the first sentence of the third paragraph should be revised to state: “Once designed, licensees should submit their qualification courses to a recognized entity or licensee management for certification or approval before the courses are implemented. The licensee may use current qualification courses developed and certified/approved; however, such courses may only be modified as long as the approved course content is not affected. When using the qualification courses that have been developed and certified by a recognized entity, the weapons operating system shall be similar to that for which the course was designed (i.e., a revolver course shall not be used to qualify operators on the use of a semiautomatic handgun).” In the last paragraph, the second sentence indicates that “... such courses may not be modified”. This statement is too broad and restrictive. Licensees

should have the ability to modify the course as long as the approved course content is not affected. See suggested wording above.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.7.6.3) The list under the second paragraph is unnecessary. Section 7.6.2 sufficiently covers the this information in it's reference to "A law enforcement course or an equivalent nationally recognized course could include the following:". Recommend deleting this list.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested deletion.

Comment: (Section C.7.6.4) The minimum 80% score required in the first paragraph is a new requirement that is not reflected in the orders. No basis has been provided to justify this change. To be consistent with the order, the last sentence of the first paragraph should be replaced with the following sentence: "A qualification score that demonstrates acceptable proficiency shall be achieved." In the second paragraph, it states that armed members should qualify separately on each sighting system. This is an unnecessary requirement and inconsistent with another section of the reg. guide. In section 7.6.7.2, it indicates that sighting systems will be included in the familiarization and marksmanship qualification courses. These are the appropriate courses to address the various sighting systems. Rewrite this paragraph as follows: "For licensees that use multiple sighting systems, all armed members of the security organization should qualify through the familiarization and marksmanship qualification courses on each primary, backup, and alternate sighting system (i.e., optics, thermal scope, iron sights) required to implement the site's protective strategy." See comment for section 7.6.3 regarding the typical qualification courses. Delete the list under the 3rd paragraph. In the seventh paragraph, last sentence, it requires a ratio of three shooters to one instructor during reduced-light range activities. This is a new expectation and appears to be too restrictive. It will require additional instructors to maintain the current training schedule at some licensees without providing a measurable benefit. Recommend revising the wording for this sentence to read: "If possible, firearms instructors should follow a standard ratio of one instructor for every three shooters during reduced-light range activities."

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. See staff response to comment for section C.7.6.3. The staff disagrees with the suggested deletion.

Comment: (Section C.7.6.6) The 80% minimum test score in this section is a new requirement which is not required by the order. No basis has been provided for this change. To be consistent with the order, the last sentence should be replaced with the following sentence: "A qualification score that demonstrates acceptable proficiency shall be achieved."

Response: The staff disagrees.

Comment: (Section C.7.6.7) The 80% minimum test score in this section is a new requirement which is not required by the order. No basis has been provided for this change. To be consistent with the order, the first sentence of the third paragraph should be replaced with the following sentence: "All courses must ensure that the required elements as outlined in the NRC-approved

training and qualification plans are accomplished and that an overall qualification score that demonstrates acceptable proficiency shall be achieved.”

Response: The staff disagrees.

Comment: (Section C.7.6.7.2) There is a typo in the second sentence, first paragraph. “Ceratin’ should be “certain”. In the “Nondominant/Support Hand shooting” objective, the second sentence that reads: “The purpose of this element is for the shooter to gain familiarity with shooting and handling the assigned weapon(s), including reloading and target acquisition, with the support/nondominant hand when aspects of the site's protective strategy or an injury cause the shooter to use this technique to engage a threat.” This is a new expectation. The statement implies that the Tactical Qualification Course should also include reloading with the support-dominant hand. Attempting to load with one hand only is a safety issue that requires critical instructor oversight. This can be trained in the advanced course of instruction and should not be included in a qualification course of fire. Recommend deleting this objective from this section.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested deletion.

Comment: (Section C.8) The requirement to perform daily inspections in the last paragraph is a new expectation. Licensees should determine the appropriate inspection frequency based on the equipments usage and manufacturers recommendations. Rewrite the last sentence as follows: “The security supervisor, or another individual designated by the licensee, should conduct equipment inspections to ensure proper care and serviceability of the equipment.”

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.8.2) Sections 8.2.a – .d should be reduced to a list as stated in 10 CFR Part 73, Section VI, paragraph G.2.a and G.2.b. The additional description listed for each item is unnecessary and imposes new expectations not reflected in 10 CFR Part 73, Section VI, paragraph G.2.a. Rewrite the section as follows:

“8.2 Personal Equipment

As stated in Appendix B, 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 NRC-approved security plans, the licensee's protective strategy, and implementing procedures. Licensees shall provide armed security personnel, at a minimum, with the following:

- o Gas Mask
- o Body Armor
- o Ammunition/Equipment Belt
- o Two-Way Radio

“Licensees shall ensure that the personal equipment or devices are included in the appropriate security programs and/or training to ensure that armed security personnel can effectively implement the NRC-approved security plans, the licensee's protective strategy, and implementing procedures. The programs and training should consider the following elements:

- o Proper selection and use of equipment or device
- o Equipment or device testing, evaluation, and/or quality verification
- o Equipment or device care and maintenance”

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.8.2.1) Consistent with the previous comment, this section should be reduced to a list as stated in 10 CFR Part 73, Section VI, paragraph G.2.c. The additional description listed for each item is unnecessary and imposes new expectations not reflected in 10 CFR Part 73, Section VI, paragraph G.2.c. Rewrite the section as follows: “On the basis of its protective strategy and the specific duties and responsibilities assigned to each individual, the licensee should consider providing the equipment described below.

- Flashlights and batteries.
- Baton or other non-lethal weapons.
- Handcuffs.
- Binoculars.
- Night vision aids (e.g. goggles, weapons sights).
- Hand-fired illumination flares or equivalent.
- Tear gas or other non-lethal gas.

Licensees shall ensure that the personal equipment or devices are included in the appropriate security programs and/or training to ensure that armed security personnel can effectively implement the NRC-approved security plans, the licensee's protective strategy, and implementing procedures. The programs and training should consider the following elements:

- Proper selection and use of equipment or device
- Equipment or device testing, evaluation, and/or quality verification
- Equipment or device care and maintenance”

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.8.3) Delete the second sentence. Licensees will determine the appropriate maintenance program for exercise simulation system equipment. 10 CFR 73.55(o) and Appendix B to 10 CFR Part 73, Section VI, paragraph G.3 does not require this program for this equipment.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested deletion.

Comment: (Section C.8.3.1.a) In the second sentence, first paragraph, it states that “A qualified armorer should conduct or observe the test fire ...”. A qualified officer or instructor can sufficiently perform this function. If an armorer is required for this function, many licensees may have to obtain the services of multiple armorers or hire an armorer for little or no additional benefit. Reword this sentence to replace “armorer” with “officer or instructor”. The six month test firing interval in the third sentence of the first paragraph is a new requirement, that was not required by the order. Licensees should determine the appropriate frequency for test firing of firearms. Replace last two sentences, first paragraph with the following sentence: “The test firing should be conducted at an interval to ensure functionality, reliability, and accuracy of each weapon.” The requirement in Appendix B to 10 CFR Part 73, Section VI, paragraph G.3.a should also be revised to correspond with the order. In the first paragraph, last sentence, the requirement to discharge 10 or more rounds is a new requirement that is not reflected in Appendix B. The sentence should be rewritten as follows: “Test firing should include a sufficient amount of rounds to determine the functionality, reliability, and accuracy of each weapon.” The

last two sentences of the last paragraph should be deleted. The first sentence sufficiently addresses the issue. Licensees should determine the appropriate method to incorporate seasonal effects into the assessment.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text. The comment requesting revision to 10 CFR Part 73, Appendix B, Section VI is not appropriate for this regulatory guidance and is therefore not addressed.

Comment: (Section C.8.3.1.b) The last sentence in the first paragraph is a new requirement and should be rewritten as follows: "If maintenance is performed, a certified armorer should determine if a new test fire should be completed." The third sentence of the second paragraph states: "A monthly cleaning schedule should be implemented to ensure that all licensee firearms are maintained in a reliable operating condition". The monthly frequency is a new requirement and is not required by the orders. Following the manufacturer's recommendations, as stated in the previous sentence, should be sufficient to maintain the weapons in a reliable operating condition. Recommend deleting this sentence. The fifth sentence, second paragraph states: "Firearms that are stored or carried in a high humidity environment or firearms that are exposed to the weather elements (i.e., rain, snow, heavy fog) should be cleaned and lightly lubricated to eliminate the possibility of rusting". Licensees should determine the appropriate method for maintaining firearms after they are exposed to weather elements to ensure the method sufficiently addresses the conditions. This sentence should be removed.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested deletion.

Comment: (Section C.8.3.1.c) The last two sentences in the first paragraphs should be deleted. The documentation of this section should only apply to equipment required by the protective strategy. Licensees should determine how maintenance on other weapon support gear should be documented. The second and third sentences in the second paragraph should be deleted. Record retention is addressed in section 8.3.1.g.

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested deletion.

Comment: (Section C.8.3.1.d) In the first paragraph, it states that "Licensees should account for all in-service and out-of-service firearms once each shift". The once-per-shift accounting for out-of-service firearms appears to be a new requirement that will impose an additional, unnecessary burden on the licensee. The third sentence should be rewritten as follows: "Licensees should account for all in-service firearms and duty ammunition daily and periodically account for out-of-service firearms and additional ammunition." The licensee should determine the appropriate frequency, through their site procedures, for out-of-service firearms and additional ammunition. In the last paragraph, it states that: "The licensee should account for additional ammunition (i.e., training ammunition and blank ammunition) once every 6 months". The six month frequency and accounting for blank ammunition are new requirements. The first sentence of the last paragraph should be rewritten as follows: "The licensee should periodically account for additional ammunition (i.e., training ammunition)."

Response: The staff agrees in part. The staff has revised the final regulatory guide to clarify the information discussed in this comment. The staff disagrees with the suggested text.

Comment: (Section C.8.3.1.f) This section does not appear to add any value since it simply refers to a previous section. Recommend deleting the section.

Response: The staff agrees. The staff has revised the final regulatory guide as appropriate.