

**RESPONSE TO PUBLIC COMMENTS ON DRAFT STANDARD REVIEW PLAN
SECTION 13.6.1, PHYSICAL SECURITY – COMBINED LICENSE AND OPERATING REACTORS**

On May 5, 2017, a Notice of Opportunity for Public Comment was published in the *Federal Register* (82 FR 21269) on the proposed revision to NUREG-0800, Standard Review Plan (SRP), Section 13.6.1, Physical Security – Combined License and Operating Reactors. Comments were received from one (1) organization.

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The comments can be found in ML17298B589.

The NRC’s staff review and disposition of the comments are provided in the following table.

No.	Reference	Comment Submission	NRC Resolution/ NSIR RSB
1	General	<p>There are numerous instances where the term “high assurance” appears in the document. The proposed revision does not clarify the term as compared to “reasonable assurance” consistent with SRM-SECY-16-0073 where the commission stated that “the staff should be mindful that the concept of “high assurance” of adequate protection found in our security regulations is equivalent to “reasonable assurance” when it comes to determining what level of regulation is appropriate.”</p> <p>Recommendation: The revision should clearly reference and reflect the commission direction provided in SRM-SECY-16-0073 and state that “high assurance” of adequate protection found in security regulations is equivalent to “reasonable assurance”.</p>	<p>The comment was considered, and the recommendation is accepted.</p> <p>Add the following as the last sentence to Section II, Item 10 (Page 13.6.1-9):</p> <p style="padding-left: 40px;">In addressing the requirement for “high assurance,” the staff should adhere to the Commission’s direction in SRM-SECY-16-0073, “Staff Requirements – SECY-16-0073 – Options and Recommendations for the Force-on-Force Inspection Program in Response to SRM-SECY-14-0088,” (ADAMS ML16279A345) which states that “[i]n implementing the NRC’s regulatory program, either in developing new regulations, inspecting licensee compliance with regulations, or executing the FOF program, the staff should be mindful that the concept of “high assurance” of adequate protection found in our security regulations is equivalent to “reasonable assurance” when it comes to determining what level of regulation is appropriate.” (Reasonable assurance is a sliding scale depending on the significance of the abnormal event or</p>

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			<p>accident. “High assurance” is a spot on that sliding scale comparable to the degree of assurance for protection against severe postulated accidents having potential consequences similar to the potential consequences from radiological sabotage).</p>
2	General	<p>The document is repetitive in several areas; for example, it states in several places, and with several variations, that the review should ensure the design or application “meets the applicable performance and prescriptive regulatory requirements.”</p> <p>Recommendation: Suggest an editorial review to avoid repetition, which also should provide for making the document shorter and more efficient to implement.</p>	<p>The comment was considered, but the recommendation was not accepted based on the following:</p> <p>The SRP is a guidance document for the staff to conduct reviews of license applications, including amendments to a license, to ensure an applicant or licensee describes how the applicable performance and prescriptive regulatory requirements are met. The staff guidance addresses performance and prescriptive requirements as stated in 10 CFR 73.55 and Appendix B and C to 10 CFR Part 73 that are applicable to nuclear power reactors. On that basis that the compliance of prescriptive requirements may not necessarily result in findings of compliance with the performance requirements stated in Section 73.55(b), the guidance provided to the staff to review both the performance and prescriptive regulatory requirements are met. The guidance reflects the variations and repetitiveness that appear in the requirements for the thorough review and assurance of compliance of all requirements.</p> <p>No action required.</p>
3	General Item 1 Page 13.6.1-4	<p>“Detection, assessment, communication, and response, i.e., interdiction and neutralization of threats up to and including the design basis threat of radiological sabotage to prevent significant core damage and spent fuel sabotage” is an appropriate criterion that comports with 10 CFR 73. However, the SRP section should acknowledge the possibility that design features may effectively preclude significant core damage and spent fuel sabotage, or the dose consequences</p>	<p>The comment was considered, but the recommendation was not accepted based on the following:</p> <p>The SRP provides guidance to the staff on existing regulatory requirements. However, the SRP does not serve as vehicle to promulgate new requirements or alternatives to existing requirements or acknowledge possible reactor design features that may or may not be relied on for physical protection against the DBT.</p>

		<p>thereof, and provide guidance for how such an application may be reviewed.</p> <p>Recommendation: Incorporate guidance recognizing that design performance capabilities could obviate the requirement for onsite response capability. In lieu of the onsite response capability, rapid response of local law enforcement could be required when acceptable design performance capabilities such as the following are demonstrated:</p> <ul style="list-style-type: none"> • Technology is not susceptible to significant core damage and spent fuel sabotage, or • Does not have achievable target set, or • Design features allow implementation of mitigation strategies to prevent significant core damage and spent fuel sabotage 	<p>The recommendations to “acknowledge the possibility that design features may effectively preclude significant core damage and spent fuel sabotage, or dose consequence thereof, and provide guidance for how such application may be reviewed,” and the recommendation to “[i]ncorporate guidance recognizing that design performance capabilities could obviate the requirement for onsite response capability. In lieu of the onsite response capability, rapid response of local law enforcement could be required when acceptable design performance capabilities such as the following are demonstrated:</p> <ul style="list-style-type: none"> • Technology is not susceptible to significant core damage and spent fuel sabotage, or • Does not have achievable target set, or • Design features allow implementation of mitigation strategies to prevent significant core damage and spent fuel sabotage” <p>These are outside of the scope and the intended purpose of this SRP or any other SRP.</p> <p>The criteria stated (i.e., technology is not susceptible to significant core damage and spent fuel sabotage, or does not have achievable target set, or design features allow implementation of mitigation strategies to prevent significant core damage and spent fuel sabotage) and the alternative requirements (e.g., reliance on the capability, rapid response of local law enforcement, in lieu of the onsite response) are proposed requirements in NEI letter dated December 14, 2016, “Proposed Physical Security Requirements for Advanced Reactors.” The proposed set of rules, an alternative to those currently found in 10 CFR Part 73, are not regulatory requirements, and therefore not addressed in either a regulatory guide as method acceptable for meeting requirements or NUREG 0800 SRP guidance for the staff.</p>
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			No actions required.
4	General	<p>In various places in the SRP section, the application is referred to by part number (e.g., Part 2 = FSAR). The part designators are not always used consistently from one application to the next, and there is no associated requirement.</p> <p>Recommendation: To avoid confusion, eliminate discussion of application “parts,” or at a minimum, refer to parts is “typically” or “e.g.” (not “i.e.”).</p>	<p>The comment was considered, and the recommendation is accepted</p> <p>Revise Section I, Item 2 (Page 13.6.1-3) to indicate:</p> <p style="padding-left: 40px;">“The staff reviews include reviews of the FSAR (e.g., Part 2 of the license application) and other parts of the application (e.g., Parts 1, 7, 8, 10, etc.) . . .”</p>
5	Sec. I, Areas for Review, section beginning with “The NRC staff’s review consists of the following,” Item 2.	<p>Here and elsewhere, RG-1.70 is cited, but NRC staff have announced their intent to supersede RG-1.70 with a combination of revisions to NUREG-0800 and RG-1.206.</p> <p>Recommendation: Clarify here so that an SRP revision is not required when the other guidance documents are amended.</p>	<p>The comment was considered, but the recommendation was not accepted based on the following:</p> <p>The proposed revision to SRP 13.6.1 refers to RG 1.70, “Standard Format and Content of Safety Analysis Report for Nuclear Power Plants (LWR Edition),” in Item 2 and a footnote in Section 1, “Areas of Review.” RG 1.70 is current guidance for plants licensed under 10 CFR Part 50. For those facilities licensed under 10 CFR Part 52, RG 1.206 is the current guidance. No action required.</p>
6	Sec. I, Areas for Review, Scope of the Technical Review for Physical Security Item 2 (Page 13.6.1-4)	<p>The discussion including, “...sufficiently detailed to demonstrate how regulatory requirements for <u>procurement</u>, construction, and installation of PSS...” implies regulatory requirements associated with procurement, construction, and installation.</p> <p>Recommendation: Clarify applicable regulatory requirement(s) or rephrase to avoid</p>	<p>The comment was considered, and the recommendation is accepted as follows:</p> <p>Item 2 (Scope of the Technical Review for Physical Security):</p> <p>Delete “procurement, construction, and installation of” in Item 2, “Scope of the Technical Review for Physical Security, (Page 13.6.1-4) to state the following:</p>

		<p>implication that there are specific requirements associated with how PSS are procured, constructed, and installed (i.e., as opposed to requirements associated with what the design does and how it is operated).</p>	<p>“The application must provide information that is sufficiently detailed to describe how regulatory requirements for PSS are met and how operational requirements . . . “</p> <p>Section III (Review Procedures), Item 5: Revise the last sentence in Item 5 (Page 13.6.1-40) to indicate the following:</p> <p style="padding-left: 40px;">“Where applicable, the system design margins must be reviewed and captured as a part of the design and licensing bases for procurement, construction, installation of physical security systems and implementation of operational requirements.”</p> <p>Section III (Review Procedures), Item 6: Revise the last sentence in Item 6 (Page 13.6.1-40) to indicate the following:</p> <p style="padding-left: 40px;">Where applicable, the system design margins, as previously discussed, for proposed designs of physical security systems are reviewed and captured as a part of the design basis for detailed designs”</p> <p>The changes above are provided for clarity that the information provided is sufficient in detail design <u>for</u> the procurement, construction, and installation of physical security systems, and not intended for an applicant or a licensee to provide the details on the procurement, construction, and installation.</p>
7	<p>Sec. I, Areas for Review, Scope of the Technical Review for Physical Security</p> <p>Item 3</p>	<p>The applicability of SECY-11-0024 seems incomplete and inconsistent here, where the discussion focuses on “the level of review for a particular [SSC] is derived from both the SSC’s safety importance (i.e., whether the SSC is safety-related or nonsafety-related) and risk significance,” but then “[while NUREG-0800] states that</p>	<p>The comment was considered, but the recommendation was not accepted based on the following:</p> <p>In SECY-11-0024, “Use of Risk Insights to Enhance the Safety Focus of Small Modular Reactor Reviews,” the NRC staff proposed an enhanced approach for the safety review for the licensing of small modular reactors. The enhanced review is based on risk insights or risk-informed review that provides a graded approach</p>

<p>(Page 13.6.1-4)</p>	<p>the risk-informed review framework is applicable to the review of all SSCs...[i]n the case of physical security, the review framework involves performance and prescriptive regulatory requirements that do not incorporate risk significance and address protection (against deliberate acts such as radiological sabotage) and prescriptive design requirements.” The discussion goes on to say that, instead of safety significance factoring into risk-informing the review for physical security, instead “safety significance of adequate technical review for physical security is the assurance of adequate protection against deliberate acts, which are not specifically considered or analyzed in the FSAR.”</p> <p>First, the guidance seems to focus on likelihood as the sole contributor to risk, such that, because many of the physical security requirements are prescriptive, there is no opportunity to risk-inform the review. This is not correct. Limited consequences from even deliberate acts should be taken into account as part of risk-informing the review, as is the case for research and test reactors.</p> <p>Second, “safety significance of adequate technical review for physical security is the assurance of adequate protection” does not make sense and should be clarified.</p> <p>Third, “which are not specifically considered or analyzed in the FSAR” is not</p>	<p>for the staff’s technical review of structures, systems, and components (SSCs), with the most detailed, in-depth review (analogous to the current review process) conducted for SSCs determined to be both safety-related and risk-significant. The staff technical review applies a progressively less detailed review of SSCs determined to be non-safety-related or not risk-significant.</p> <p>The risk insights inform a design or combined license applicant’s determination, and the NRC staff review of what SSCs are vital equipment and what SSCs must be protected. However, the enhanced safety review does not apply to how the designer and/or COL applicant establish a physical protection program (e.g., the design of engineered and administrative controls, management systems, organization, etc.) to protect the identified SSCs, or to the NRC staff’s review thereof. The requirements related to physical security are in 10 CFR Part 73.</p> <p>Compliance with the performance and prescriptive requirements in 10 CFR 73.55, including Appendix B and Appendix C, demonstrates the physical security of the nuclear power plant and its operations, such that the plant operations may be conducted in accordance with the plant’s licensing basis, as analyzed, even in the event of deliberate acts not analyzed or risk-informed by a PRA.</p> <p>Comment No. 1: With respect to this comment, the current security requirements in 10 CFR Part 73 for classes or types of licensees considered the special nuclear material (SNM) and established a graded level of protection that is necessary based on the potential attractiveness and the potential radiological consequences of the SNM. Power reactors are required to demonstrate protection against the DBT for radiological sabotage, due to potential for radiological consequences. In cases involving research and test reactors, fuel fabrication facilities, and many other commercial users of SNM, due to the limited potential for radiological consequences, physical security requirements do not include a DBT for radiological sabotage or a DBT for the theft and diversion. Also, where the material is of strategic special nuclear</p>
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		<p>accurate (as they are evaluated per the requirements of 10 CFR 73).</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. Clarify that consequences of deliberate acts may factor into risk-informing the review, not only in terms of the staff being open to a limited set of target sets, but also the acceptability of engineered barriers that can limit or preclude access to those target sets, and understanding that if the consequence of such deliberate acts may be such that a risk-informed (consequence-oriented) approach is appropriate. 2. If reconsideration is not given to risk-informing the design and review, clarify what “safety significance of adequate technical review for physical security is the assurance of adequate protection” is intended to convey. 3. Clarify “against deliberate acts <u>that may not be specifically considered or analyzed elsewhere in the FSAR</u>”. 	<p>material (e.g., high enriched uranium), the current regulations apply a graded approach to the security requirements by imposing additional requirements to protect against the theft and diversion of material and the rigorous control and accounting of the SNM.</p> <p>For the nuclear power reactors, the requirements for physical security include only the DBT for radiological sabotage, but do not require the same rigor in material and control accounting or require the protection against the DBT for theft and diversion because the SNM is not attractive for strategic use. Therefore, the potential consequences of the material (radiological hazards, the attractiveness, or both) are considered in the resulting graded requirements in 10 CFR Part 73.</p> <p>Comment No. 2: With respect to the second comment, the “safety significance of adequate technical review for physical security” is intended to convey the importance of physical security for the assurance that the facility can be operated as analyzed and licensed, including the assurance of adequate emergency planning.</p> <p>Comment No. 3: As discussed above, the deliberate acts, such as the DBT for radiological sabotage, are not considered, or analyzed in the FSAR, or supporting safety or hazards analyses. These accident/consequence and hazard analyses do not consider failures of safety SSCs caused by deliberate acts, and the accidents/consequences analyzed cannot be assumed to be bounding of deliberate acts. As an example, the design basis accidents and consequences analyzed in the safety basis for operations do not include the hazards and consequences of introducing a DBT small (or large) vehicle bomb inside the reactor containment building, but rely on the adequate physical security measures to stop a vehicle bombs at a safe distance.</p> <p>No action is required.</p>
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8	<p>Sec. I, Areas for Review, Review Interfaces</p> <p>Item 2 (Page 13.6.1-6)</p>	<p>Regarding: “The secondary reviewers provide assurance that the interfaces are addressed when the SSC’s designs, operational requirements, and management systems are intended to perform multiple functions (i.e., safety, security, environmental protection, plant infrastructures, work controls, configuration management, the corrective-action program, etc.)”</p> <p>The parenthetical list of “multiple functions” is confusing and implies all-inclusiveness.</p> <p>Recommendation: Replace parenthetical with: “(e.g., safety, security, environmental protection, administrative controls, etc.)”</p>	<p>The comment was considered, and the recommendation is accepted.</p> <p>Replace parenthetical page 13.6.1-6, Review Interfaces item 2, to indicate the following:</p> <p>“ . . . (e.g., safety, security, environmental protection, administrative controls, etc.)’</p>
9	<p>Sec. II Acceptance Criteria, Requirements, General</p>	<p>Many of these requirements are simply reiterations of the regulation, which in some cases adds no value but adds bulk to the document.</p> <p>Recommendation: Where no additional information is being added to clarify or focus the specific regulatory requirement, simply cite the applicable regulation that conveys a requirement. Do not summarize a regulatory citation if no additional information or clarification is being added.</p>	<p>The comment was considered, but the recommendation was not accepted based on the following:</p> <p>The purpose of this SRP is to provide the staff with a comprehensive or “one book” approach of guidance to the staff for the review of how an applicant or licensee will meet all regulatory requirements during the conduct license applications. The regulations establish the criteria and provide the staff with acceptance criteria that are verified during the staff review, and specific citations represent the regulatory basis for the staff review.</p> <p>No action required.</p>
10	<p>Sec. II Acceptance Criteria, Requirements,</p> <p>Item 9</p>	<p>“10 CFR 73.55, beginning with” seems unnecessary here, as each of the applicable subsections of 73.55 is cited individually.</p>	<p>The comment was considered, and the recommendation is accepted.</p> <p>Revise Page 13.6.1-8 item 9 to indicate the following:</p>

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	(Page 13.6.1-9)	Recommendation: Remove “10 CFR 73.55, beginning with”	Remove “10 CFR 73.55, beginning with” and start sentence with “10 CFR 73.55(a) “Introduction,” which identifies the . . .”
11	Sec. II, Acceptance Criteria, SRP Acceptance Criteria, Figure 1 (Page 13.6.1-15)	Figure 1, “Combined License Application Referencing a Certified Design,” is not labeled. Additionally, the figure, and the paragraph above it, misuse (and therefore confuses) the term “complete” and “completion.” “Complete” in 10 CFR 52 refers to the scope of design in terms of the SSCs included in the plant design, not (as implied here) how far the design has advanced toward readiness for construction. Recommendation: Add “Figure 1” label. Replace “completion” with “finalization” in figure (two places) and in preceding paragraph.	The comment was considered, but the recommendation is partly not accepted because the Figure 1 was removed.
12	Sec. II, Acceptance Criteria, SRP Acceptance Criteria, text following Figure 1 (Page 13.6.1-16)	Past practice and other staff guidance makes it clear that the staff’s findings are expected to be supported by audits and inspections of information maintained by the applicant and not necessarily included in the application itself. In contrast, the text beginning with “In most cases, descriptions provide by the applicant,” and proceeding for the next two paragraphs, implies virtually every detail to support staff’s conclusions must be included in the application, risking a continuation of the trend toward ever-increasing volume in license applications.	The comment was considered, but the recommendation was not accepted based on the following The required Commission’s findings include that all applicable standards and requirements of the Act and the Commission’s regulations have been met, and the issuance of license (or an amendment) will not be inimical to the common defense and security or to the health and safety of the public, and the protection of environment. For a requested licensing action, the Commission findings cannot be based on information that is not found on the docket. The license application submits complete and accurate information to the Commission on the docket that is in accordance with requirements set forth in 10 CFR Parts 50 and 52. The “review of information maintained by the applicant_[or licensee] is acceptable and expected in support of the staff findings” applies

	<p><i>“...descriptions provided by the applicant...that do not provide sufficient descriptions and do not illustrate or demonstrate how the engineered and administrative controls and management systems will satisfy the performance or prescriptive regulatory requirement and conform to SRP acceptance criteria will not be acceptable...”</i></p> <p><i>“...descriptions must provide a sufficient level of detail about the proposed physical security systems within the design for the Commission to determine that all applicable regulatory requirements will be met [including] details of how physical security systems will be designed, constructed, and installed and how operational requirements and management systems will be established, maintained, and implemented...”</i></p> <p><i>“...descriptions must provide sufficient details in the security plans, along with the FSAR, for the Commission to determine that all applicable regulatory requirements will be met...”</i></p> <p><i>“...stating only that detail for how regulatory requirements will be met and will be provided in implementing procedures or can be found in implementing procedures are not acceptable [and] do not provide adequate licensing bases for findings...”</i></p> <p><i>“Although detailed procedures are not required to be submitted... the applicant</i></p>	<p>to activities (e.g., audit, site visit, in-office document review, etc.) that may be performed during the course of a licensing review. An applicant or licensee is not required to submit the detailed information that may found in procedures, calculations, final design, etc. However, the applicant or licensee maintained information is not a substitute for the applicant or licensee obligations to provide sufficient detail and relevant information that establish the licensing and design bases on the docket for the required Commissions’ findings. The NRC staff cannot provide information maintained by the applicant or licensee or provide information on behalf of an applicant or a licensee to justify the Commission’s findings. The requirement that permits an applicant or a licensee to maintain detailed information supporting the requested licensing action does not relieve or provide exceptions to the staff from the obligation to base the Commission’s findings on the information found on the docket.</p> <p>The statement that “[p]ast practice and other staff guidance make it clear that the staff’s findings are expected to be supported by audits and inspections of information maintained by the applicant and not necessarily included in the application itself,” would not allow for the staff to make the Commission findings. The information that is relevant and necessary to make the Commission findings identified during the course of audits is provided on the docket. Most information, however, is not requested to be submitted on the docket and is maintained by the applicant or licensee at their site.</p> <p>No action required.</p>
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		<p><i>[must describe] the licensing bases for how procedures will address regulatory requirements; how procedures will implement management measures and define the conduct of security operations; how those procedures will be established; how those procedures will be maintained and revised and how those revisions will be controlled.”</i></p> <p>Recommendation: Expand on the final statement cited in the comment and clarify that review of applicant-maintained documentation is acceptable (and expected) in support of staff findings.</p>	
13	<p>Sec. II, Acceptance Criteria, Specific SRP Acceptance Criteria, item 4</p> <p>(Page 13.6.1-19)</p>	<p>Recognizing it is cited directly from the regulation, Item 4.E is nonetheless out of date:</p> <p><i>The TVA Watts Bar Nuclear Plant, Unit 2, holding a current construction permit under the provisions of 10 CFR Part 50, shall meet the revised requirements in paragraphs (a) through (r), as applicable to the descriptions of physical security required to meet the requirements for a construction permit under the provision of 10 CFR Part 50 (10 CFR 73.55(a)(5)).</i></p> <p>Recommendation: Clarify or delete from SRP</p>	<p>The comment was considered and the recommendation is accepted.</p> <p>Delete Section II, Item 4-E (Page 13.6.1-19) to recognize that TVA Watts Bar Nuclear Plant, Unit 2 was issued an operating license on October 22, 2015 and the requirement no longer applies.</p>
14	<p>Sec. II, Acceptance Criteria, following “Specific SRP Acceptance</p>	<p>“The acceptable descriptions of designs and specifications of physical security systems in submitted COL applications is a minimum of 30 percent of a final or 100 percent of a detailed design...” is based on</p>	<p>The comment was considered, but the recommendation was not accepted based on the following:</p> <p>The guidance provides an acceptable level of detailed design that is sufficient to satisfy the requirement that an applicant or a</p>

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	<p>Criteria,” in section beginning with “Here is the technical rationale for the application of these acceptance criteria,” item 4 (Page 13.6.1-38)</p>	<p>a subjective metric with no regulatory basis. There is no NRC guidance on what constitutes or defines “final design” or “detailed design.” Recommendation: Restate with objective, defined criteria</p>	<p>licensee describes how regulatory requirements will be met. The design phases, percent completion of a final detail design (e.g., 30%, 60%, 90%, 100%, final), are criteria based on the level of detail of the design, and they are applied here to establish guidance to the staff on the minimum level of detail that is considered sufficient to describe designs of physical security systems that will be acceptable and sufficient, if the detailed design is completed and procured, constructed, and installed as described, to meet regulatory requirements. No action required.</p>
<p>15</p>	<p>Sec. III, Acceptance Criteria, following “Specific SRP Acceptance Criteria,” in section beginning with “The following factors are in the staff’s generic review,” items 3 and 4 (Page 13.6.1-40)</p>	<p><i>The item 3 statement, “The reviewer should evaluate only information that has been submitted by the applicant or licensee on the docket,” is incorrect and has no regulatory basis. Coupled with the statement in item 4, “The review of design descriptions includes drawings (plan and section views), line and block diagrams, system and component schematics, system locations and configurations, performance specifications for material and structural construction, specifications for performance, and intended security functions,” implies a breathtaking level of detail required in the application or otherwise docketed. The increase in level of detail expectations as part of the application, or in docketed submittals that accompany the application, has resulted in the purported obligation for applicants to submit hundreds of thousands of pages of information, in contrast to past practice and staff guidance indicating that review of information maintained by the applicant is</i></p>	<p>The comment was considered, but the recommendation was not accepted based on the following: The required Commission’s findings include that all applicable standards and requirements of the Act and the Commission’s regulations have been met and the issuance of license (or an amendment) will not be inimical to the common defense and security or to the health and safety of the public, and the protection of environment. For a requested licensing action, the Commission’s findings cannot be based on information that is not submitted on the Commission on the docket in accordance with requirements set forth in 10 CFR Parts 50 and 52. The “review of information <u>maintained by the applicant</u> [or the licensee] is acceptable and expected” applies to licensing audits that may be performed during the course of the licensing review. An applicant or licensee is not required to submit the detailed information that may found in procedures, calculations, final design, etc. However, regulation requires, and the applicant or licensee is obligated, to provide on the docket the sufficient detail and relevant information that establish the licensing and design</p>

		<p><i>acceptable and expected. Recent claims by the staff that information “must be on the docket in order to be relied upon,” based in large part by staff’s fears of having to defend findings before the ACRS and/or ASLB, are resulting in excessive and undue regulatory burden.</i></p> <p><i>Recommendation: This sort of guidance conveys the staff’s mistaken belief that no information can be relied upon unless on the docket. The time has long since passed that NRC senior management and the Commission must take up this matter and resolve the “level of detail” issue, balancing the need for transparency in review with the need for regulatory efficiency.</i></p> <p><i>Clarify this guidance to make it unambiguous that staff are expected to review information maintained by the applicant and may rely on findings reached during such reviews.</i></p>	<p>bases, addressing how regulatory requirements will be met and implemented, for the required Commissions’ findings.</p> <p>The NRC staff cannot provide information maintained by the applicant or licensee or provide information on behalf of an applicant or a licensee to justify the Commission’s findings. The requirements that permit an applicant or a licensee to maintain detail information supporting the requested licensing do not relieve or provide exception to the staff from its obligations to base the Commission’s findings on the information found on the docket.</p> <p>Regardless of the assertions of the statement that “recent claims by the staff that information must be on the docket in order to be relied upon, based in large part by staff’s fears of having to defend findings before the ACRS and/or ASLB, are resulting in excessive and undue regulatory burden,” the applicant or a licensee must provide sufficient details of information on the docket necessary for the staff to justify the Commission’s findings.</p> <p>If the information on the docket is not sufficient to describe how regulatory requirements are met, information retained by the applicant cannot be relied on to establish the design and/or licensing bases to justify the Commission’s findings and decisions for licensing.</p> <p>No action required.</p>
16	<p>Section II, Specific SRP Acceptance Criteria, Item 4.E</p> <p>(Page 13.6.1-19)</p>	<p>This paragraph discusses security requirements during construction of Watts Bar 2. That unit is now operating.</p> <p>Recommendation: Remove this paragraph.</p>	<p>The comment was considered, and the recommendation is accepted.</p> <p>Delete Section II, Item 4-E (Page 13.6.1-19) to recognize that TVA Watts Bar Nuclear Plant, Unit 2 was issued an operating license on October 22, 2015 and the requirement no longer applies.</p> <p>Same change as Item 13 above.</p>
17	<p>Section II, Specific SRP Acceptance</p>	<p>Editorial- Double period at the end of this paragraph.</p>	<p>The editorial comment was considered, and the recommendation is accepted.</p>

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	Criteria, Item 5.B.(ii).b (Page 13.6.1-21)	Recommendation: Remove second period.	Remove second period.
18	Section II, Specific SRP Acceptance Criteria, Item 11.D (Page 13.6.1-29)	Editorial- “excepted” appears, where it should be “exempted” Recommendation: Replace “excepted” with “exempted”.	The editorial comment was considered, but the recommendation is not accepted based on the following: The regulatory requirements explicitly states or uses the term “excepted” and do not use the term “exempted.” For example: Section 73.55(h)(3)(vi) states that “. . . excepted material must be positively controlled, . . . “ and Section 73.55(h)(3)(vii) states “Bulk material excepted from . . . “ The SRP guidance apply the term “excepted” as indicated in the regulation.
19	Section II, Technical Rationale, Item 7 (Page 13.6.1-39)	Editorial- Double period and extra space at the end of the second to last sentence. Recommendation: Remove second period and extra space.	The editorial comment was considered, and the recommendation is accepted. Remove second period and extra space from Section II, Technical Rationale, Item 7 on Page 13.6.1-38.
20	Section III, Review Procedure, Item 17 (Page 13.6.1-61)	Editorial- Struck-out words remains in text. Recommendation: Remove struck-out words.	The editorial comment was considered, and the recommendation is accepted. Delete struck-out text in Item 17 on Page 13.6.1-59.
21	Section I, Item 1 (Page 13.6.1-3)		Edit text to change “(1)” to “1” on Page 13.6.1-3.