

**SUSAN H. PERKINS**

*Senior Director, Nuclear Security & Incident Preparedness*

1201 F Street, NW, Suite 1100  
Washington, DC 20004  
P: 202.739.8016  
shp@nei.org  
nei.org



January 9, 2019

Ms. Shana Helton  
Director, Division of Physical and Cyber Security Policy  
Office of Nuclear Security and Incident Response  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Supplemental Responses to NRC Staff Questions Discussed in Public Meeting on December 17, 2018

**Project Number: 689**

Dear Ms. Helton:

As discussed with the U.S. Nuclear Regulatory Commission (NRC) staff during a public meeting on December 17, 2018,<sup>1</sup> the Nuclear Energy Institute (NEI)<sup>2</sup> and its members are submitting the following supplemental responses to the staff's questions provided in the meeting.

- Attachment 1, "NEI Answers to NRC Staff Questions in 12/17/18 Meeting Handout"
- Attachment 2, "Suggested Text Changes to Regulatory Guide 5.81, 'Target Set Identification and Development for Nuclear Power Reactors'"

The information in this letter and the attachments should be reviewed in conjunction with that contained in our presentation made during the December 17 meeting.<sup>3</sup>

Please note that our suggested changes to Regulatory Guide 5.81 address both "operator actions" and the incorporation of a new category of action, "mitigation actions." Either of these actions is taken to prevent radiological sabotage while "damage control measures," an existing category in Regulatory Guide 5.81, are

---

<sup>1</sup> Refer to ADAMS Accession Number ML18348A616.

<sup>2</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

<sup>3</sup> Refer to ADAMS Accession Number ML18348B146.

Ms. Shana Helton

January 9, 2019

Page 2

actions that could be taken after radiological sabotage has been achieved to minimize the significance of the potential adverse effects on public health and safety. While adversary interference must be precluded for an acceptable operator action, performance of a mitigation action or a damage control measure may occur only after adversary interference has been eliminated or contained.

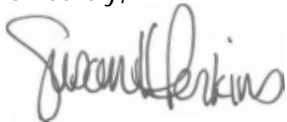
Concerning the suggested changes to Regulatory Guide 5.81, the attached document is not being submitted as "review ready." Rather, our goal was to markup key portions of the document sufficiently to illustrate the credit we are seeking; conforming changes will be needed throughout the document after alignment is achieved on the measures and actions that may be credited. Submittal of this markup was requested during the December 17 meeting.

We ask that the staff consider our supplemental responses during development of the Notation Vote paper being prepared for submittal to the Commission as directed by "Staff Requirements – SECY-17-0100 - Security Baseline Inspection Program Assessment Results and Recommendations for Program Efficiencies," dated October 9, 2018.

As stated during the meeting on December 17, NEI and our members support development of the option to grant Security Bounding Time (SBT) credit based on a "realism" principle (i.e., consideration of 10 CFR 50.47). Should this policy option be approved by the Commission, the resulting bounding time(s) would need to be reflected in Regulatory Guide 5.81 (i.e., in criteria and instructions applicable to development and categorization of target sets). The guidance should also place the focus on protection on target sets with relatively shorter times to radiological sabotage (e.g., a target set could be eliminated if the time to core damage is well beyond the typical times associated with desirable target sets and it can be demonstrated that a mitigation action can be completed prior to core damage).<sup>4</sup>

If you have questions or require additional information, please contact David Young at (202) 739-8127 or [dly@nei.org](mailto:dly@nei.org), or me.

Sincerely,



Susan H. Perkins

Attachment

c: Ms. Marissa Bailey, NSIR/DSO, NRC  
Mr. Andrew Pretzello, NSIR/DSO, NRC  
Mr. David Curtis, NSIR/DPCP, NRC

---

<sup>4</sup> For additional context on this statement, refer to step 7.2 of DG-5035, dated March 2010.