

Response to Public Comments on Draft Regulatory Guide (DG)-5041 “Physical Protection Programs at Nuclear Power Reactors (SGI)” Proposed Revision 1 of Regulatory Guide (RG) 5.76

On September 17, 2020, the NRC transmitted to stakeholders that Draft Regulatory Guide, DG-5041 (Proposed Revision 1 of RG 5.76), was available for stakeholders’ comment. The comment period ended on October 23, 2020. The NRC received comments from the organizations listed below. A combined total of 13 comments were received. The NRC has combined the comments and the NRC staff’s disposition in the following table.

Resolution of PWR Owners Group Comments on DG 5041	
Comment	Resolution
Page 7 – Section B. Discussion (U), 4 th paragraph is missing a word from the last sentence (missing the word “apply”) from Revision 0 of RG-5.76	The word “apply” was added to the end of the sentence.
Page 32 – Section 5 (U) Search Programs should be re-numbers as Section 7.	Paragraph renumbered
Page 32 – Second paragraph is not numbered – throwing off the paragraph numbers from Revision 0 of RG-5.76.	Paragraph numbered
Page 39 – Top full paragraph is not numbered – throwing off the paragraph numbers from Revision 0 of RG-5.76.	Paragraph numbered
Page 46 – Bottom paragraph is not numbered – throwing off the paragraph numbers from Revision 0 of RG-5.76.	Paragraph numbered
Page 48 – Bottom paragraph is not numbered – throwing off the paragraph numbers from Revision 0 of RG-5.76.	Paragraph numbered
Page 67 – Section 13 should be Section 15 and paragraph at bottom not numbered – throwing off the paragraph numbers from Revision 0 of RG-5.76 from there to the end of the document	Numbering issue fixed.

Resolution of PWR Owners Group Comments on DG 5041

Comment	Resolution
<p>Section 1.2 states that to demonstrate ‘reasonable assurance’ that a licensee’s physical protection program must be able to independently defend against the DBT for a minimum of eight hours from the recognition of an attack. While it is understood what is meant by this –this wording could imply a possible new requirement for testing, drills, etc. – when in 1.2.2 it clearly states that a licensee who meets the NRC’s current requirements would not need to implement additional commitments to take advantage of the flexibility provided by the RAPT. Suggest that this be re-worded something like: A licensee who meets the NRC’s current requirements is expected to be able to independently defend against the DBT for a minimum of 8 hours from the recognition of an attack and as such demonstrates ‘reasonable assurance’. This removes any suggestion of some additional action being required and lines up with the language in 1.2.2.</p>	<p>No change. The NRC is not imposing any new requirements through this revision of the RG. As noted by the commenter, the RG already states that:</p> <p>Section 1.2.2 – “...a licensee who meets the NRC's current requirements <u>would not need to implement additional commitments</u> in order to take advantage of the flexibility provided by the RAPT.</p> <p>Additionally, in Sec. 1.2 above, the RG states:</p> <p>...A licensee <u>may</u> demonstrate reasonable assurance by having a physical protection program that allows the site to independently defend against the DBT for a minimum of eight hours from recognition of an attack.</p> <p>Accordingly, the 8-hour RAPT is one acceptable method for meeting NRC requirements and is not itself a new requirement imposed on a licensee.</p>
<p>Section 1.2.3 is quite long and covers several different (but notably related) topics and might be better off split – adversary timelines, operator actions, target sets.</p>	<p>No change. Discussion in paragraph is related to the use of the RAPT.</p>
<p>Section 1.2.3 also provides an example of operators moving FLEX equipment. Suggest that be expanded to say “FLEX or other committed too equipment” so that sites committing to additional protections or equipment (such as those doing so to improve core damage frequencies, for example) can credit those protections.</p>	<p>Added footnote to clarify equipment that can be considered for operator actions:</p> <p>Licensees may also consider the equipment that is used for Emergency Operating Procedures (EOPs) as this is equipment that prevents fuel damage (rather than equipment used to mitigate consequences of fuel damage). This may include equipment for the site-specific integrated use of FLEX Support Guidelines, Station Blackout and Advanced Accident Mitigation equipment, and some equipment for Extensive Damage Mitigation Guidelines as long as the operator action is proceduralized (i.e. in an emergency operating procedure). This should not include equipment specific to Severe Accident Mitigation Guidelines.</p>

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Section 1.2.5 (not numbered but should be) discusses consideration of supporting equipment – does not address accessibility but says ‘all’. Not consistent with what is said in 1.2.3 where accessibility is mentioned.	Section number added. Added footnote on accessibility of target set element.
(Section 5) Paragraph numbering and classification markings not consistent.	Numbering and designation fixed.
(Section 5) Section 1.2.3 discusses 2 scenarios for adjustments to target sets whereas the last paragraph in Section 5 only discusses the second of those two scenarios. Seems a little bit disconnected.	Clarifying sentence added: In development of target sets, credit can be taken for operator actions that could be performed after the RAPT such as those accomplished with the support of additional security assistance from law enforcement.