

# **Public Meeting to Address NEI Comments on Revision 1 to Regulatory Guide 5.75, “Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities”**

U.S. Nuclear Regulatory Commission  
Office of Nuclear Security and Incident Response  
Thursday, July 15, 2021

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# Meeting Agenda

TIME	TOPIC	LEAD
9:00 a.m. – 9:15 a.m.	Introductions and Opening Remarks	NRC/NEI
9:15 a.m. – 10:15 a.m.	Discussion: <ol style="list-style-type: none"><li>1. Commitment to RG 5.75, Rev. 0 vs. Rev. 1</li><li>2. Critical Task List</li><li>3. Mock Adversary Force</li><li>4. Conflicts with RG 5.81—Adversary Interference</li></ol>	NRC/NEI
10:15 a.m. – 10:45 a.m.	Questions and Answers	ALL
10:45 a.m. – 11:00 a.m.	Wrap Up	NRC
11:00 a.m.	Adjourn	NRC

# RG 5.75, Rev. 0 vs. Rev. 1

## NEI Question/Comment:

If a site does not commit to Revision 1, what will the regional inspectors inspect to?

# RG 5.75, Rev. 0 vs. Rev. 1

## NRC Staff Response:

- The use of a regulatory guide (RG) is voluntary. Current licensees may continue to use RG 5.75, Rev. 0, if they do not wish to commit to RG 5.75, Rev. 1.
- RG 5.75, Rev. 1, describes one method that NRC staff considers acceptable for implementing the agency's regulations.
- NRC does not verify compliance to RGs during inspections. Licensees are inspected for compliance to NRC regulations; however, if a licensee commits to a RG, they are expected to satisfy the guidance as outlined in that RG.

# RG 5.75, Rev. 0 vs. Rev. 1

## NEI Question/Comment:

Industry would like clarity on how NRC intends to use the guidance in Revision 1 during inspections.

# RG 5.75, Rev. 0 vs. Rev. 1

## NRC Staff Response:

- During regulatory discussions on plant specific issues, as one acceptable means of meeting the NRC's security requirements, the staff may discuss with licensees' various actions consistent with staff positions in RG 5.75, Rev. 1.
- However, unless RG 5.75, Rev. 1, is part of the licensing basis for a particular facility, the staff may not represent to the licensee that failure to comply with the positions in RG 5.75, Rev. 1, constitutes a violation.

# RG 5.75, Rev. 0 vs. Rev. 1

## NEI Question/Comment:

While licensees may not receive violations (e.g., during 71130.05 or 71130.07 inspections that use RG 5.75), they will likely receive “observations,” that ultimately drive increased burden and costs.

# RG 5.75, Rev. 0 vs. Rev. 1

## NRC Staff Response:

- An **observation** is a factual detail noted during an inspection (see [IMC 0612](#)). An NRC observation does not require a licensee to take any actions or result in any increased burden or costs.
- Only when the NRC identifies a violation associated with a performance deficiency (or a traditional enforcement violation) would a licensee be required to take action. All violations, including minor violations, must be corrected.



# Critical Task List

## NEI Question/Comment:

The “must performs” added to the Critical Task/Duty Function/Site Specific Duty Functions section of RG 5.75, Revision 1, are new from the previously applicable staff position, and a regulatory analysis was not performed justifying the change in agency position. The two new “must performs” should be removed until such time as a regulatory analysis can be performed.

# Critical Task List

## NRC Staff Response:

- NRC conducted a Regulatory Analysis for Rev. 1 to RG 5.75 in December 2015, which can be found in ADAMS under Accession No.: [ML14297A274](#).
- The objective for revising RG 5.75 was to update training and qualification guidance to incorporate lessons learned and reflect changes that were made in associated rules and guidance documents since the original publication of RG 5.75 in July 2009.
- The Regulatory Analysis concluded that revision of RG 5.75 was warranted and would greatly enhance a licensee's or applicant's access to the most current information available since the guide's original issuance.

# Critical Task List

## NEI Question/Comment:

The Critical Task List is referenced in the security plan template and is, therefore, contained in a site's licensing basis. As the plan describes how a licensee meets the 10 CFR 73.55 requirements, the functions listed as "must performs" are additional requirements and/or changes in agency position.

- Understand in plant areas where communications are difficult or non-existent.
- Establish alternate communications where communications are difficult or non-existent.

# Critical Task List

## NRC Staff Response:

- The two functions described (challenges in communication and alternate means) are consistent with existing regulatory requirements at 10 CFR 73.55(j)(6).
- Section 1.4 of RG 5.75, Rev. 1 states:  
*“In developing their Training and Qualification Plans, licensees should include within this plan the Knowledge, Skills, and Abilities Matrix (Attachment 1) or Critical Task Matrix provided in staff endorsed NEI 03-12, “Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, as a means to ensure that all of the requirements in Section VI of Appendix B are satisfied.”*
- As stated in Attachment 1 of RG 5.75, Rev. 1, *“The minimum critical task(s) required for each duty position are identified in the most current revision of NEI 03-12, Appendix B, Critical Task Matrix.”*

# Mock Adversary Force

## NEI Question/Comment:

Does the NRC plan to revise the 71130.05 IP and/or 71130.07 IP to address changes made in RG 5.75, revision 1?

# Mock Adversary Force

## NRC Staff Response:

No. At this time, the NRC does not intend on revising IP 71130.05 or IP 71130.07 to reflect changes to RG 5.75, Rev. 1. NRC inspectors do not verify compliance to RG's during inspections, licensees are inspected for compliance to NRC regulations.

# Mock Adversary Force

## NEI Question/Comment:

Is there an NRC expectation on aspects of training, weapons, and/or equipment pertaining to the changes in revision 1? Specifically, the language in Appendix B to Part 73, Section VI, C.3.(I)(2), that states:

*“The mock adversary force replicates, as closely as possible, adversary characteristics and capabilities of the design basis threat described in 10 CFR 73.1(a)(1), and is capable of exploiting and challenging the licensees protective strategy, personnel, command and control, and implementing procedures.”*

# Mock Adversary Force

## NRC Staff Response:

- NRC expectations on aspects of training, weapons, and/or equipment pertaining to the mock adversary force can be found in 10 CFR Part 73, App. B, Sec. VI, A.5.
- Inspection and operating experience has shown a wide variation in how licensees train their personnel to perform mock adversary force duties; therefore, NRC provided guidance on meeting training and qualifications requirements in RG 5.75, Rev. 1, Sections 5.15, 5.16, and 5.17.
- The mock adversary force training program should build upon the following learning objectives: adversary force training, knowledge, and skills consistent with 10 CFR 73.1(a); rules of engagement; and adversary characteristics consistent with 10 CFR 73.1 and the Adversary Characteristics Document.



# Mock Adversary Force

## NEI Question/Comment:

Part 73, Appendix B, Section VI, F.2, describes what licensees are required to meet pertaining to tactical weapons qualification. Licensees meet the rule and are inspected to RG 5.75 per the 71130.05 and 71130.07 Inspection Procedures. As revision 1 has expanded the expectations for tactical weapons qualification, licensees are concerned they will receive violations.

# Mock Adversary Force

## NRC Staff Response:

- RG 5.75, Rev. 1, describes one method that NRC staff considers acceptable for implementing the agency's regulations. The use of this guidance is voluntary unless the licensee makes a change to its licensing basis.
- NRC does not verify compliance to RGs during inspections. Licensees are inspected for compliance to NRC regulations; however, if a licensee commits to a RG, they are expected to satisfy the guidance as outlined in that RG.

# Mock Adversary Force

## NEI Question/Comment:

If a licensee/site were to commit to revision 1 of RG 5.75, what is the periodicity of the “should” within the MAF?

# Mock Adversary Force

## NRC Staff Response:

As stated in Section 1.3 of RG 5.75, Rev. 1,

*“When determining appropriate training frequencies to ensure knowledge retention of frequently used knowledge, skills, or abilities, the licensee should consider the perishable nature of each knowledge, skill, or ability and give the greatest attention to those that are not used for long periods of time (i.e., between training cycles) but are critical when needed and are most likely to be necessary under high stress conditions.”*

As stated in Section 6.4.1 of RG 5.75, Rev. 1,

*“The periodicity of task requalification may be determined by applying an analysis of the training program similar to the SAT process. Personnel may demonstrate and be evaluated on knowledge, skills, and abilities during routine performance as part of normal duties or by requalification in a manner similar to the initial qualification....”*

# Adversary Interference

## NEI Question/Comment:

Section 5.6.2 of RG 5.75 conflicts with the guidance in Section 5.5.3 of RG 5.81, Revision 1, with respect to adversary interference.

# Adversary Interference

## NRC Staff Response:

- Staff has not identified any conflict between RG 5.75 and RG 5.81.
- Section 5.6.2 of RG 5.75, Revision 1, “Identification of Target Sets” states that a licensee may take credit for operator actions consistent with RG 5.81. Further, RG 5.75 states that:  
*“A licensee may not take credit for actions or equipment outside of the predetermined target set for the purpose of determining the effectiveness of the protective strategy or the capability of security personnel to carry out their assigned duties and responsibilities.”*
- While RG 5.81 does allow for additional flexibilities when determining how the third criteria is applied, adversary interference is precluded, it is specific to the identification of a credible operator action which would then be considered a target set element. In accordance with RG 5.81, licensees do not get credit for actions outside of the predetermined target sets to prevent significant core damage.

# Drills and Exercises

## NEI Question/Comment:

Section 5.3.4 of RG 5.75 states that, “when planning drills and exercises, personnel should be identified to fill each of the roles and response team duty positions and duty functions required to support the selected scenario and the type of drill or exercise being conducted.” Given this statement, it is unclear what type of activity would satisfy the annual participation requirement for an individual filling a response position deemed as “not required” in an annual exercise. For example, would a “not required” individual’s participation in a tabletop exercise suffice to meet the annual participation requirement? The NRC should consider clarifying the intent of the guidance.



# Drills and Exercises

## NRC Staff Response:

- Consistent with 10 CFR 73.55(d)(3), licensees may not permit any individual to implement any part of the physical protection program unless the individual has been trained, equipped, and qualified to perform their assigned duties and responsibilities consistent with Appendix B of 10 CFR Part 73 and the licensee's Training and Qualification Plan.
- Consistent with Section VI, paragraph C.3.(I)(1) of Appendix B to 10 CFR Part 73, each member of each shift who is assigned duties and responsibilities required to implement the safeguards contingency plan and licensee protective strategy must participate in at least one tactical response drill quarterly and one FOF exercise annually.
- Individuals designated as a component of the protective strategy should participate in one of the following roles to satisfy the participation requirement as a player: security shift supervisor, response team leader, alarm station operator, armed responder, or armed security officer.



# Questions?

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