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**To:** [Valliere, Nanette](#); [Reed, Beth](#)  
**Cc:** [Atack, Sabrina](#); [Prasad, Stacy](#); [Cubellis, Louis](#); [Andrukat, Dennis](#); [NICHOL, Marcus](#); [Lee, Pete](#)  
**Subject:** [External\_Sender] ML#'s for previous comments on topics discussed yesterday + 2 comments  
**Date:** Friday, September 17, 2021 2:10:39 PM

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Nan and Beth,

Good afternoon.

As I mentioned in my closing remark during yesterday's meeting, here are the links to our previous comments on proposed Criterion A:

- <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML21175A043>
- <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML21175A036>

Also, here are the two overarching comments we made during yesterday's meeting:

1. We intended the eligibility criteria to be performance-based facility design criteria and not criteria for applying a graded approach to security. The goal was to provide criteria that advanced reactor vendors could use to guide their design decisions, particularly with respect to features that could obviate the need for a dedicated onsite armed response force. As we said in our 2016 [white paper](#):

"In light of the above, the industry is proposing new physical security requirements for advanced reactor technologies. It is recognized that no design has yet been submitted to the NRC for review; therefore, **the proposed requirements are grounded in a set of "performance capabilities" that serve as criteria for identifying facilities with designs that can prevent radiological sabotage primarily through engineered safety and security features.** This approach allows new regulations to be established generically in advance of a design- or site-specific application. **By demonstrating that a proposed facility can meet a performance capability, an applicant could obtain a license through compliance with a set of physical security requirements developed specifically for advanced reactor technologies.** These same requirements would continue to apply to the licensee during operation of the facility."

**Note:** The term "performance capabilities" evolved into "eligibility criteria."

Also, we previously responded to NRC staff questions about developing a graded approach – see [here](#) (ML17263B142), the responses to staff questions #5 and #7. Our responses indicate that we were not supportive of that approach.

2. We believe it is critically important for technical/consequence analysis guidelines to allow realistic credit for all engineered safety and security features described in the facility licensing basis. Tangential guideline goals expressed by the staff such as "ease of analysis" and "analysis flexibility" should not preclude the first-order goal of driving realistic security assessments. The staff's presentation yesterday, which described an approach that would, in some cases, not provide realistic credit for

certain features in order to achieve benefits in analysis space, is concerning because the resulting eligibility criteria could lead to outcomes that are unnecessarily burdensome and exceed the “reasonable assurance of adequate protection” threshold. For example, it’s unclear why some features required by regulations (e.g., delay requirements) cannot be credited in an analysis for Criterion A. Advanced reactor vendors are expending significant resources to incorporate enhanced safety and security features with a reasonable expectation that those features will provide a rationale for a commensurate reduction in regulatory burden for a facility operator.

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