

June 27, 2025

Ms. Tara Inverso  
Director, Division of Security Operations  
Office of Nuclear Security and Incident Response  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Industry Suggestions on Revisions to the Baseline Security Significance Determination Process (BSSDP)

**Project Number: 689**

Dear Ms. Inverso:

The Nuclear Energy Institute (NEI)<sup>1</sup>, on behalf of its members, appreciates the NRC staff's sustained engagement and responsiveness throughout the ongoing revision of the Baseline Security Significance Determination Process (BSSDP). We recognize and thank the Division of Security Operations for its efforts to integrate industry feedback, particularly those concepts shared in public meetings throughout 2024 and 2025.

We were encouraged to see many of the industry-proposed enhancements incorporated into the staff's revised framework, as outlined during the June 26, 2025, public meeting. These steps demonstrate a positive alignment with shared goals of improving objectivity, reducing complexity, and ensuring a risk-informed approach to security significance determinations.

However, we remain concerned that the proposed treatment of certain performance deficiencies may not reflect appropriate alignment with the actual risk posed to the security cornerstone. Specifically, we are concerned about:

1. **Subjectivity in the Significance Determination Process:** While we understand the importance of flexibility in security evaluations, the Impact to the Physical Protection Program (IPPP) criteria

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<sup>1</sup> The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

as proposed introduce a level of subjectivity that may hinder consistency in implementation and oversight.

2. Treatment of Human Performance Issues: The draft framework's placement of human performance deficiencies (HPDs) in Tier II and Tier III significance levels suggests a potential overstatement of their exploitability. As previously conveyed in NEI's February 2025 presentation, human performance deficiencies are inherently less exploitable due to their unpredictable nature. We believe it is inappropriate to assess HPDs on the same significance tier as repeatable programmatic issues.
3. Example on Slide 16 of June 26, 2025, Presentation: This example, which is one of the few we have had the opportunity to review, appears to illustrate a shift in significance from previous screenings. Despite NRC staff's statement that scenarios dating back to 2020 screens are similarly or less significant under the revised framework, this example appears to indicate an increase in assessed significance. Such inconsistencies reinforce our concern about subjective interpretation and application of new likelihood level criteria. Moreover, since the full proposed revision of the BSSDP has not been made available to stakeholders, our concern extends to the possibility that other examples may similarly reflect a misalignment with risk significance.
4. Contraband-Related Findings: The revised proposal includes an exception under Tier I criteria for events involving contraband entering the Protected Area (PA). Historically, such events have been treated as low to moderate significance; however, we believe that a more risk-informed perspective is warranted. In many instances, the actual impact is limited due to robust defense-in-depth measures and the absence of malicious intent particularly when the individuals involved are under licensee observation programs. We request the NRC to re-evaluate the true risk impact of contraband-related events, especially those caused by human performance and under licensee observation programs. Furthermore, an exception should be considered when the event involves security officers, who are authorized to be armed once they assume their duties.

We respectfully request the staff to reconsider the current approach to evaluating human performance within the significance determination framework. We strongly recommend excluding HPDs from Tier II and III unless specific, repeatable, and exploitable patterns can be demonstrated.

As the staff finalizes its proposed revisions to the BSSDP for submission to the Commission in the forthcoming SECY paper, we request that the recommendations outlined in this letter be carefully considered and incorporated. Given the compressed timeline and limited opportunities for further

engagement, we believe it is critical that industry feedback is fully reflected in the draft SECY to ensure alignment with risk-informed regulatory principles.

If you have any questions or require additional information, please contact me at [mlw@nei.org](mailto:mlw@nei.org).

Sincerely,

A handwritten signature in black ink that reads "Michael Whitlock". The signature is written in a cursive, flowing style.

Michael Whitlock  
Director, Security & Incident Preparedness

cc: Ms. Desiree Davis, NSIR/DSO/SOSB  
Mr. Jefferson Clark, NSIR/DSO/SPEB  
NRC Document Control Desk