

DAVID R. KLINE
Director, Security

1201 F Street, NW, Suite 1100
Washington, DC 20004
P: 202.739.8174
dk@nei.org
nei.org



NUCLEAR ENERGY INSTITUTE

March 30, 2016

Ms. Cindy K. Bladey
Office of Administration
Mail Stop: OWFN-12-H08
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

3/1/2016
81FR10686

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Subject: Industry Comments on Draft Regulatory Issue Summary, "Clarification of Compensatory Measure Requirements for Physical Protection Program Deficiencies" (81 FR 10686) (Docket ID NRC-2016-0043)

Project Number: 689

Dear Ms. Bladey:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on the Draft Regulatory Issue Summary, "Clarification of Compensatory Measure Requirements for Physical Protection Program Deficiencies." The purpose of the regulatory issue summary (RIS) is to remind addressees of the requirements of compensatory measure implementation to ensure their physical protection program maintains the capabilities to detect, assess, interdict, and neutralize threats, as identified in 10 CFR 73.1, "Purpose and Scope."

The nuclear industry identified a few comments in regards to the draft RIS. Our main overarching comment is that the RIS addresses compensatory measures related to findings, deficiencies, and failures identified during tactical response drills and Force-on-Force exercises, but does not address compensatory measures for the many other aspects of security protection program elements. The industry recommends that the same logic discussed for evaluation of findings, deficiencies, and failures identified during tactical response drills and Force-on-Force exercises be applied to other aspects of security protection program elements. Specifically, compensatory measures should be implemented in accordance with the approved Physical Security Plan.

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

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Ms. Cindy K. Bladey

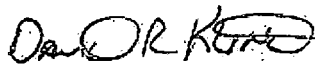
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Additionally, the RIS should clarify that "at all times" as described in 10 CFR 73.55 (b)(3)(i) to detect, assess, interdict and neutralize threats up to and including the design basis threats of radiological sabotage is related to the holistic physical protection program and not each individual program capability.

The industry appreciates the NRC staff's efforts to provide clarity and consistency regarding implementation of compensatory measures and your consideration of these comments. If you have any questions or require additional information, please contact AJ Clore at (202) 739-8025; ajc@nei.org or me.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Kline", with a stylized flourish at the end.

David R. Kline

c: Mr. Michael C. Layton, NSIR/DSO, NRC
NRC Document Control Desk