

Response to Public Comments on Draft Regulatory Guide (DG)-5043
TRAINING AND QUALIFICATION OF SECURITY PERSONNEL AT NUCLEAR POWER
REACTOR FACILITIES
Proposed Revision 1 of Regulatory Guide (RG) 5.75

A notice that Draft Regulatory Guide, DG-5043 (Proposed Revision 1 of RG 5.75) was published for comment in the *Federal Register* on December 29, 2015 on page 80 *FR* 81376. The public comment period ended February 29, 2016. A combined 290 comments were received with 280 of these comments coming from the Nuclear Energy Institute (NEI). Of the 280 comments received from NEI, 188 suggested that certain paragraphs should be “stricken” because they repeated the regulation in whole or in part or provided no implementation guidance, and 36 NEI comments stated that a paragraph should be replaced in whole or in part because guidance of a similar nature could be found in an NEI guidance document. Comments were received from the organizations listed below

Comments were received from the following:

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R. J. Speer (NEI)	Systematic Approach to Training	<p>The guidance offered in DG-5043 has several flaws and is very limiting in providing guidance beyond what is already available for Nuclear Power Reactor Security. The flaws with the SAT information in DG-5043, include, but are not limited to:</p> <p>1) The reference to 10 CFR 55.4, “Definitions,” Systems [or Systematic] in any way is inappropriate for use in this DG, as it is not applicable to Part 73 of 10 CFR; the definitions in § 55.4; specifically states; “As used in this part:” followed by the list of terms and definitions. Additionally, Part 55 in whole clearly relates to licensed operators, not security personnel; therefore, it is inappropriate to impose these terms and conditions outside of the rulemaking process through Regulatory Guidance.</p> <p>2) Reference to INPO-AP-21 (Ref. 7) is inconsistent with the reference on p. 84, References, which is listed as INPO-AP-921. Also, a search of the INPO website did not identify this document as being currently available and contact with a representative at INPO resulted in finding that the document has been “retired and is no longer available to industry.”</p> <p>3) The addition of “Trainee and instructor performance is evaluated. These evaluations serve two purposes; verify that trainees have achieved the learning objectives, and detect and solve instructor performance problems. Key records are maintained to support management information needs and to document the performance of both trainees and instructors” to the description of “Evaluation” description as written imposes specific requirements, on the security training program; specifically, 1) evaluating instructor performance and 2) maintaining “key records” to</p>	
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		<p>support management information needs and performance of instructors.</p> <p>4) There is a subheading for “Feedback”; however, no substantive guidance follows.</p>	
R. J. Speer (NEI)	Harmonization with International Standards	<p>Industry challenges the imposition of international best practices through the regulatory guidance process. If the NRC believes that this harmonization is necessary, the proper course would be to undertake rulemaking.</p> <p>DG-5043 references IAEA Nuclear Security Series, No. 13, “Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/255/Revision 5). The correct reference in this case would be 225, not 255. In addition, this publication does NOT contain “recommended training guidance for nuclear security personnel.” The entire publication contains the word “training” six times, and in all cases the term is used generically and does not provide specific training guidance.</p>	
R. J. Speer (NEI)	General Requirements and Introduction Section 1, 4th Paragraph	Change to read as “(d) duty and on the job training as described in regulation”	
R. J. Speer (NEI)	General Requirements and Introduction Section 1, 4th Paragraph	<p>Evaluation of employment suitability (item (a) in the paragraph above) is accomplished via an initial background investigation or reinvestigation conducted on a three year periodicity in accordance with 10 CFR 73.56(i)(1)(v)(B), not an annual requirement.</p> <p>Evaluation of psychological qualification (item (c) in the paragraph above) is conducted on a five year periodicity</p>	

		<p>in accordance with 10 CFR 73.56(i)(1)(v)(B). This is not an annual requirement.</p> <p>On-the-job training (item (d) in the paragraph above) is conducted concurrent with initial training in accordance with Section VI, Paragraph C.2 of Appendix B to 10 CFR 73. This is not an annual requirement.</p> <p>“Readiness of individuals to perform assigned duties and responsibilities” (item (g) in the paragraph above) is not a criterion that lends itself to the development of an annual qualification. The perceived intent of this item is accomplished through the completion of tasks associated with item (f) in the paragraph above.</p> <p>Proposed language “Requalification is required annually as described in regulation and committed to in commission approved Physical Security Plans.”</p>	
R. J. Speer (NEI)	Section 1, 5th Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 1.1, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 1.2, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 1.2, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 1.2, 3rd Para	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p> <p>Additionally, Section VI, paragraphs A.(7) and C.(2) do not address requalification requirements. Requalification, in the context written, is addressed in Section VI, paragraph D.(2).</p>	
R. J. Speer (NEI)	Section 1.3, 1st Paragraph	<p>The industry does not understand the intent in adding the word “enhanced” with regard to determining appropriate training frequencies.</p> <p>This paragraph should be revised to read “When determining appropriate training frequencies, the licensee should consider the perishable nature of each task 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.”</p>	
R. J. Speer (NEI)	Section 1.3, 2nd Paragraph	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p> <p>Additionally, the requirements regarding record keeping is not isolated to the topic of this section.</p>	
R. J. Speer (NEI)	Section 1.4, 1st Paragraph	<p>The Critical Task Matrix in NEI 03-12 focuses at the appropriate level for developing a Training and Qualification Plan. Individual knowledge, skills, and abilities associated with specific tasks are attributes that should be left to the implementing procedures.</p>	

		Revise this paragraph to read “In developing their Training and Qualification Plans, licensees should include within this plan the Critical Task Matrix provided in NEI 03-12, “Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, [and Independent Spent Fuel Installation Security Program],” as a means to ensure that all of the requirements in Section VI of Appendix B are satisfied. This matrix is composed of critical tasks upon which all individuals who perform physical protection and/or armed response duties must be trained and qualified. Each task is described in detail through sub-tasks found in this guidance and it is these sub-tasks that make up the complete task and upon which each person identified must maintain qualification and proficiency.”	
R. J. Speer (NEI)	Section 1.5, 1st Paragraph	<p>The 4th sentence states “Note that knowledge, skills or abilities that are specified in 10 CFR Part 73 to be completed annually and that must actually be performed successfully to be credited are not subject to change using the SAT process.”</p> <p>Revise sentence to read, “Note that tasks that are identified in Section VI of Appendix B to 10 CFR Part 73 as being required to be completed within a specified periodicity are not subject to change using the SAT process.”</p>	
R. J. Speer (NEI)	Section 1.5, 2nd Paragraph	Sub-paragraph (d) “D-Discuss: The individual must be orally examined to determine the adequacy of knowledge to perform the indicated task.” Verbal examinations are not necessarily the best method of conducting knowledge based examinations in all	

		<p>circumstances; therefore, written examinations are an appropriate alternative that should be included.</p> <p>This item should be revised to state’ “D-Discuss: The individual must be administered a written or verbal examination to determine the adequacy of knowledge to perform the indicated task.”</p>	
R. J. Speer (NEI)	Section 1.7	<p>Except as otherwise specified by regulation, licensees should determine specific tasks associated with a duty position, the periodicity, and method of evaluation appropriate to their site specific conditions via the SAT process.</p> <p>Revise the second sentence to read “The “X” (unbracketed) identifies the responsible duty position/function and assigns the critical task to that duty position/function as identified in the Commission approved licensee Security Plan.”</p>	
R. J. Speer (NEI)	Section 1.8, 1st Paragraph	<p>This paragraph is ambiguous in meaning.</p> <p>Recommend revising this paragraph to read “All licensee identified critical tasks should be assigned to at least one duty position/function in the Commission-approved Training and Qualification plan.”</p>	
R. J. Speer (NEI)	Section 1.8, 2nd Paragraph	<p>Delete this paragraph as it both redundant and misleading. Not all training requirements are required to be scheduled on an annual basis.</p>	
R. J. Speer (NEI)	Section 2, 1st Paragraph	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p>	

R. J. Speer (NEI)	Section 2, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.1,	Section 2.1 in its entirety simply restates various sections of the regulations and does not provide any implementation guidance; therefore, this section should be stricken in its entirety.	
R. J. Speer (NEI)	Section 2.1.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.1.2	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.1.3	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.1.4	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.1.5	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.1.6	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 2.1.7	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.2	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.3	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p> <p>Additionally, revised language is more restrictive than rule language. If the intent is to disallow certain licensed health professionals this should be addressed through rulemaking.</p>	
R. J. Speer (NEI)	Section 2.3.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.3.2	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p> <p>Additionally, revised language is more restrictive than rule language.</p> <p>Licensed health professionals are by definition limited to practicing medicine only within the scope of their license; therefore, further restriction to eliminate unqualified personnel from performing these activities is unnecessary. If the intent is to disallow certain licensed</p>	

		health professionals this should be addressed through rulemaking.	
R. J. Speer (NEI)	Section 2.3.3	<p>This is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p> <p>Additionally, the 1st sentence states that “Licensees and licensed physicians should consider the physical demands associated with the specific security duties of security personnel when certifying the individual’s physical capability to perform them.” This conflicts with the rule that requires a “licensed physician” make the final determination of the individual’s physical capability to perform the duties.</p>	
R. J. Speer (NEI)	Section 2.4, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.4, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.4, 3rd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.4.1,	This is a restatement of the regulation (Section VI, Paragraph B.2.(c)(3)) and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 2.4.2	Revise section to read “Personnel who exhibit a mild color vision defect or minor hearing loss may be subject to a performance-based evaluation to determine if they can meet the required performance standards. The results of this evaluation should be documented.”	
R. J. Speer (NEI)	Section 2.5	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.6	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.7	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.7.1	<p>Revised language is more restrictive than rule language. If the intent is to disallow certain licensed health professionals from making this determination, this should be addressed through rulemaking.</p> <p>Proposed language “A licensed health professional familiar with the specific physical demands of security-related duties and responsibilities at a nuclear facility should concur that the individual is able to perform assigned duties before these individuals are allowed to return to a duty status.”</p>	
R. J. Speer (NEI)	Section 2.8	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 2.9, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.9, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.9.1, 1st Paragraph	<p>Revised language is more restrictive than rule language. If the intent is to disallow certain licensed health professionals from making this determination, this should be addressed through rulemaking.</p> <p>Proposed language “This examination may be administered by a licensed health professional with the final determination being made by a licensed physician to verify the individual’s physical capability to perform assigned duties and responsibilities.”</p>	
R. J. Speer (NEI)	Section 2.9.1, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.9.1, 3rd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 2.9.2, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.9.2, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.9.2, 3rd Paragraph	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p> <p>Further, the placement of this item in the document suggests that it is only applicable to this narrow scope of training documentation contrary to the scope defined in the regulation.</p>	
R. J. Speer (NEI)	Section 2.9.2, 4th Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.9.3	Licensees already describe the elements of their physical fitness test in their Commission Approved Training & Qualification plans in accordance with the Commission endorsed Security Plan template, NEI 03-12. This appears to be an attempt to introduce a new requirement against an already endorsed document.	
R. J. Speer (NEI)	Section 2.9.4	This paragraph is a restatement of the regulation (Section VI, Paragraph B.4.(b)(1)) and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 2.10	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.11	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 2.11.1	Revise section to read “Certification of the physical fitness and physical requalification record should be based on personal observation or input from (1) other qualified training organization personnel; (2) subject matter experts or field training officers; or (3) a medical, psychological, or other professional who is qualified to make such determinations consistent with NRC regulations and applicable local, state, and federal laws to provide suitability and qualification determinations for the category of information addressed by the record.”	
R. J. Speer (NEI)	Section 3, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 3.1.1	This is a restatement of the regulation (Section VI, Paragraph C.1.) and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.1.2	This is a restatement of the regulation (Section VI, Paragraph C.1.(a)) and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.1.4, 1st Paragraph	This section should be revised to read “The licensee’s Commission- approved training and qualification plan should reflect the 30 critical tasks listed in Table 1 of the attachment, unless the task is not applicable to the security program at a specific facility. Licensees may consider adding additional tasks to their Commission- approved training and qualification plan based on site- specific duties (e.g., spent fuel transfer to an independent spent fuel storage installation).”	
R. J. Speer (NEI)	Section 3.1.4, 2nd Paragraph	This is a restatement of the regulation (Section VI, Paragraph C.1.(a)) and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.1.5	This paragraph establishes a new requirement on licensees with no direct relevance to the purpose of this document; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.1.6	This paragraph simply restates guidance already addressed, expresses a regulatory requirement, and provides no implementing guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 3.1.7	This paragraph simply restates guidance already addressed, expresses a regulatory requirement, and provides no implementing guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.1.8	This paragraph simply restates guidance already addressed, expresses a regulatory requirement, and provides no implementing guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.2	This paragraph is a restatement of the regulation (Section VI, Paragraph C.1.(a)) and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.2, 2nd Paragraph	This paragraph is a restatement of the regulation (Section VI, Paragraph C.1.(d)(3)) and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.2.1	<p>“KSAs” should be changed to “tasks”.</p> <p>Additionally, the documented list is derived from Section II of Appendix B to 10 CFR 73 which as of March 27th, 2009, is no longer applicable to Nuclear Power Reactor Training and Qualification Programs which are governed by Section VI, of Appendix B.</p> <p>The introduction to Appendix B to 10 CFR Part 73 states “Applicants and power reactor licensees subject to the requirements of § 73.55 shall comply only with the requirements of section VI of this appendix. All other licensees, applicants, or certificate holders shall comply only with sections I through V of this appendix.”</p>	

		Licensees should determine the tasks to be included in the sites security training program based on the site specific conditions using the SAT process.	
R. J. Speer (NEI)	Section 3.3	This paragraph is a restatement of the regulation (Section VI, Paragraph C.1.) and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 3.3.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 4	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 4, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 4.1	Replace ‘KSAs’ with ‘tasks’. Tasks are composed of elements which are made up of a variety of knowledge, skills, and abilities. Individuals are trained to perform tasks, not KSAs.	
R. J. Speer (NEI)	Section 4.2, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 4.2, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 4.5, 2nd Paragraph	<p>Replace “KSAs” with “tasks”. Tasks are composed of elements which are made up of a variety of knowledge, skills, and abilities. Individuals are trained to perform tasks, not KSAs.</p> <p>Revise paragraph to read “Each duty position should include applicable job tasks or functions, to ensure that the trainee understands the knowledge, skills, and abilities required for effective implementation of the Commission-approved physical security plan, the safeguards contingency plan, and the licensee implementing procedures.”</p>	
R. J. Speer (NEI)	Section 4.5, 2nd Paragraph	<p>The information in the paragraph is both unnecessary and overly prescriptive language.</p> <p>Paragraph should be deleted.</p>	
R. J. Speer (NEI)	Section 4.5, 3rd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 4.7	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 4.7.1	<p>Replace “KSAs” with “tasks”. Tasks are composed of elements which are made up of a variety of knowledge, skills, and abilities. Individuals are trained to perform tasks, not KSAs.</p> <p>Paragraph should be revised to read “OJT trainers and evaluators conducting the training should implement a methodology that ensures each task has been completed satisfactorily. Licensees should ensure the trainee's</p>	

		completion of each task of the OJT documentation. The OJT trainers and evaluators conducting the training should document on the form that the trainee has completed the OJT for that section and has achieved the knowledge standard. Once completed, the form would typically be submitted to the qualified security training instructor for final assessment and documentation and a security supervisor must attest to the training.”	
R. J. Speer (NEI)	Section 4.7.2	<p>Replace “KSAs” with “tasks”. Tasks are composed of elements which are made up of a variety of knowledge, skills, and abilities. Individuals are trained to perform tasks, not KSAs.</p> <p>Paragraph should be revised to read “Licensees may consider creating OJT documentation that identifies the critical attributes associated with each task required to perform the duties and responsibilities of all duty positions. A duty position may comprise multiple tasks, and its description should indicate the appropriate level of knowledge standard required for each task. The OJT documentation for individuals who are assigned duties and responsibilities related to implementing the safeguards contingency plan may apply any documented process to log time associated with the performance of OJT to ensure that the trainee has met the program minimum OJT time (40 hours).”</p>	
R. J. Speer (NEI)	Section 5, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 5, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.1.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.1.2	This is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.2	This is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.2, 2nd Paragraph	This does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.2, 3rd Paragraph	This is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.2.1	This does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.2.2, 1st Paragraph	Retain current language “Tabletop drills are performed to demonstrate the protective strategy using a mockup of the facility. Tabletop drills allow security force members	

		<p>to demonstrate their understanding of the protective strategy and their individual response requirements. This type of drill may also be used as an evaluation tool for the protective strategy.”</p> <p>Retain current language “Timeline drills are performed to demonstrate the response timelines established for the protective strategy. Drills can be used to test either the validity of the timelines established for the protective strategy or to test the ability of the security response personnel to respond to their assigned response position within the established timeline.”</p> <p>Retain current language “Limited- scope tactical response drills are performed to evaluate the ability of one or more security response force members to effectively implement their protective strategy responsibilities. These drills are conducted as needed for each individual, group, or shift to validate and test the protective strategy.”</p>	
R. J. Speer (NEI)	Section 5.2.3	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.2.4	Retain current language “FOF exercises are an integrated response exercise that includes the participation of the licensee’s response force executing the protective strategy against an opposing force with the characteristics and attributes of the DBT. FOF exercises are designed to train and/or evaluate response force personnel on the complete implementation of the licensee’s protective strategy and the evaluation and improvement of that strategy against the characteristics and attributes of the DBT.”	

R. J. Speer (NEI)	Section 5.2.5, 1st Paragraph	<p>Change this section to read: “(a) Fully integrated FOF exercises. These exercises consist of a planned response effort across various plant disciplines involving one or more of the following local law enforcement agency (LLEA), security, plant operations, or any other disciplines to help mitigate or minimize the threat.”</p> <p>Change the last sentence in the first paragraph to match 5.3.3. should read “The limited scope exercise is applicable only to those few individuals not able to participate in fully integrated or security response exercises because of illness, family leave, military deployment, or other circumstances keeping the individuals from fulfilling the requirements of Section 5.3 of this guide, which further discusses player participation in these drills.” Leave 5.2.6 as currently written.</p>	
R. J. Speer (NEI)	Section 5.3 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.3, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.3, 3rd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.3.1	<p>Shift Supervisor is new language in this section.</p> <p>If the Shift Supervisor does not have actions associated with Appendix Charlie and or implementation of the</p>	

		<p>Protective Strategy they would not need to meet the participation requirement.</p> <p>Persons who would participate should be determined by the licensee based on the requirements as identified in the defensive strategy.</p>	
R. J. Speer (NEI)	Section 5.3.2	<p>The following new language is vague and confusing:</p> <p>“An armed security officer (who is also qualified as an armed responder) who has participated in the quarterly response drills and annual force-on- force exercise has met the requirements and need not participate in separate drill and exercises as an armed responder.”</p>	
R. J. Speer (NEI)	Section 5.4.1	<p>Section (d) is new language made up of part of Key Element 1 and 5 that causes (d) to be overly prescriptive.</p> <p>Section (f) is a new Key Element which is unnecessary as it is a part of the total of the other 5 Key elements</p> <p>The current NEI 03-12 template only has 5 Elements addressed and the addition of an additional element will require a change to the Template.</p> <p>There should be a reference to the rule language that supports the determination of what the key elements are as stated in 5.4.1</p>	
R. J. Speer (NEI)	Section 5.4.2	<p>The Security Plans and NEI 03-12 Security Plan Template only list 5 Key Elements the new language in this section will require changes to the Security Plans and the NEI 03-12 Template.</p>	

R. J. Speer (NEI)	Section 5.5, 1st Paragraph	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p> <p>Guidance on the development should be captured in a separate guidance document.</p>	
R. J. Speer (NEI)	Section 5.5, 2nd Paragraph	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p>	
R. J. Speer (NEI)	Section 5.5.1	<p>Guidance on the development should be captured in a separate guidance document.</p>	
R. J. Speer (NEI)	Section 5.5.2	<p>This is new language and pushes to the development and conduct of drills and exercises in different modes of operation.</p> <p>The level of simulation for the plant conditions, additional manning for compensatory measures, and changes in plant environment with Safety Security Interface inferences all involved.</p> <p>Guidance on the development should be captured in a separate guidance document.</p>	
R. J. Speer (NEI)	Section 5.6.1	<p>Guidance on the development should be captured in a separate guidance document.</p>	
R. J. Speer (NEI)	Section 5.6.2	<p>Guidance on the development should be captured in a separate guidance document.</p>	

R. J. Speer (NEI)	Section 5.7.1	Simulation and Artificialities should be captured in the current NEI 05-05	
R. J. Speer (NEI)	Section 5.7.2	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.7.3	Simulation and Artificialities are captured in the current NEI 05-05	
R. J. Speer (NEI)	Section 5.7.4	This is captured currently in NEI 03-11 and should be in a separate guidance document	
R. J. Speer (NEI)	Section 5.7.5	Simulation and Artificialities are captured in the current NEI 05-05	
R. J. Speer (NEI)	Section 5.8.1	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.9.1	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.10	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 5.10.1	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.10.2	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.10.3	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.10.4	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.11.1	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.11.2, 1st Paragraph	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force	

		Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.11.2, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.11.3	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.11.4	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.11.5	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.12, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.12, 2nd Paragraph	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force	

		Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.12.1	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.13	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.13.1	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.13.2	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.14, 1st Sentence	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.14, 2nd Sentence	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 5.14.1	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.14.2	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.14.3	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.14.4	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.14.5	This section provides no actionable guidance. This section should be stricken.	
R. J. Speer (NEI)	Section 5.14.6	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.15	Section 5.15 should be deleted in its entirety. 10 CFR Part 73 is silent on the composition and qualifications of	

		the mock adversary force. This should be addressed by industry guidance if deemed necessary.	
R. J. Speer (NEI)	Section 5.15.1	This section describes general objectives but no guidance and therefore should be stricken.	
R. J. Speer (NEI)	Section 5.15.2, 1st Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.15.2, 2nd Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.15.2, 3rd Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.15.2, 4th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.15.2, 5th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not	

		supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 1st Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 2nd Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 3rd Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 4th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 5th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	

R. J. Speer (NEI)	Section 5.16.1, 6th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 7th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance. NEI believes the desired adjective is “topographical”, not “topical”. If not, please clarify intent.	
R. J. Speer (NEI)	Section 5.16.1, 8th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance. The intent of this objective is unclear. For example, how does one demonstrate the effective range of a weapon? Without understanding the intent of this objective it is not possible to offer alternative language.	
R. J. Speer (NEI)	Section 5.16.1, 9th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	

		The intent of this objective is unclear. Without understanding the intent of this objective it is not possible to offer alternative language.	
R. J. Speer (NEI)	Section 5.16.1, 10th Paragraph	<p>10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.</p> <p>Proposed alternative language, if retained – “(j) Demonstrate the tactical use of hand-carried explosive devices and grenades on equipment and personnel and describe their effects upon detonation. This should include the placement of door charges and equipment charges.”</p>	
R. J. Speer (NEI)	Section 5.16.1, 11th Paragraph	<p>10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.</p> <p>Proposed alternative language, if retained – “(k) Demonstrate knowledge of the effectiveness of body armor employed by players and its ballistic protection capabilities.”</p>	
R. J. Speer (NEI)	Section 5.16.1, 12th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	

		Proposed alternative language, if retained - (l) Demonstrate individual and small-unit movement, maneuver, and attack techniques.	
R. J. Speer (NEI)	Section 5.16.1, 13th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance. The industry does not believe the mock adversaries need to be equipped with this knowledge to complete their objectives and additionally, the industry does not believe that it is in the best interest of the industry to widely disperse potential system vulnerabilities.	
R. J. Speer (NEI)	Section 5.16.1, 14th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 15th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance. How does one understand a gas mask?	
R. J. Speer (NEI)	Section 5.16.1, 16th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not	

		<p>supported by regulation. This paragraph should be stricken from the regulatory guidance.</p> <p>The industry does not believe the mock adversaries need to be equipped with this knowledge to complete their objectives. Mission planning is accomplished by other individuals.</p>	
R. J. Speer (NEI)	Section 5.16.1, 17th Paragraph	<p>10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.</p> <p>The industry does not believe the mock adversaries need to be equipped with this knowledge to complete their objectives.</p>	
R. J. Speer (NEI)	Section 5.16.1, 18th Paragraph	<p>10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.</p>	
R. J. Speer (NEI)	Section 5.16.1, 19th Paragraph	<p>10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.</p>	

R. J. Speer (NEI)	Section 5.16.1, 20th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 21st Paragraph	<p>10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.</p> <p>This section effectively requires licensees apply for enhanced weapons and preemption authority under 10 CFR 73.18 and 73.19 (not yet published) to acquire an FFL license and to purchase and maintain fully automatic weapons for the sole purpose of training mock adversaries with no measurable benefit to the licensee or the licensees program.</p> <p>Acquisition of Enhanced Weapons and Preemption Authority would also require licensees to conduct additional, unwarranted background investigations.</p>	
R. J. Speer (NEI)	Section 5.16.1, 22nd Paragraph	<p>10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.</p> <p>Proposed alternative language, if retained - “(v) Understand function, design, and capabilities of applicable site-specific delay barriers.”</p>	

R. J. Speer (NEI)	Section 5.16.1, 23rd Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.16.1, 24th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.17	<p>Section 5.17 should be deleted in its entirety. 10 CFR Part 73 is silent on the composition and qualifications of the mock adversary force. This should be addressed by industry guidance if deemed necessary.</p> <p>If this guidance is to remain, then licensees training should develop their training programs following the SAT process.</p>	
R. J. Speer (NEI)	Section 5.17.1	Section should be deleted in its entirety. 10 CFR Part 73 is silent on the composition and qualifications of the mock adversary force. This should be addressed by industry guidance if deemed necessary.	
R. J. Speer (NEI)	Section 5.17.2, 2nd Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	

		If this guidance is to remain, then licensees training should develop their training programs following the SAT process.	
R. J. Speer (NEI)	Section 5.17.2, 3rd Paragraph	<p>10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.</p> <p>If retained, 3rd sentence should be revised to read, “To ensure currency of MAF knowledge and familiarity with industry and station controller issues, MAF members should complete documented initial training, refresher training, or exercise participation on an annual basis.”</p> <p>If retained, 4th sentence should be revised to read, “Additionally, MAF members should maintain proficiency by routine participation in industry FOF exercises.”</p>	
R. J. Speer (NEI)	Section 5.17.2, 4th Paragraph	10 CFR 73.55 and Appendix B to 10 CFR 73 are silent on the composition and qualifications for a mock adversary force; therefore this requirement is not supported by regulation. This paragraph should be stricken from the regulatory guidance.	
R. J. Speer (NEI)	Section 5.18	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force-on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.18.1	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for	

		the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.18.2, 1st Paragraph	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.18.2, 2nd Paragraph	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.18.2, 3rd Paragraph	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.18.2, 4th Paragraph	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.18.3	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	

		<p>If retained, revise section to read, “(e) All participants should follow controller commands and requests.</p> <p>Participants should maintain contact with their assigned controller. If during the conduct of the drill or exercise the participant identifies that there is no longer a controller monitoring drill or exercise activity, they should stop, call time out, and contact the lead controller.”</p>	
R. J. Speer (NEI)	Section 5.18.4	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.18.4, 20th Paragraph	Restatement of rule.	
R. J. Speer (NEI)	Section 5.18.4, 22nd Paragraph	Guidance for the preparation and conduct of force-on-force exercises is captured in NEI 03-11, Guidance for the preparation and Conduct of Force- on-Force Exercises. Control of drill and exercise simulations is addressed in NEI 05-05 Control of Force-on- Force Exercise Simulations. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.18.4, 23rd Paragraph	Control of drill and exercise simulations is addressed in NEI 05-05 Control of Force-on-Force Exercise Simulations. This paragraph is unnecessary and should be deleted.	
R. J. Speer (NEI)	Section 5.19	Critique and evaluation of Force-on- Force exercises is addressed in NEI 03-11, Guidance for the Preparation	

		and Conduct of Force-on-Force Exercises and therefore should not be included in this document.	
R. J. Speer (NEI)	Section 5.19.1	<p>2nd sentence, “The licensee may take credit for operator actions that protect a target set component or components from destruction or disablement only if that operator action meets all six criteria of a credible operator action as identified in RG 5.81.” is specific to the development of target sets which is the topic of RG 5.81 and therefore should not be addressed in this RG.</p> <p>3rd sentence, “A licensee may not take credit for actions or equipment that are 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.” is simply paraphrasing the previous sentence and should be stricken.</p> <p>4th sentence, “Pursuant to 10 CFR 73.55(b)(10), the licensee shall enter identified drill or exercise programmatic deficiencies that adversely affect or decrease the protective strategy and physical protection program into the plant’s corrective action program or training program and correct the identified deficiencies.” paraphrases rule requirement, provides no implementing guidance, and therefore should be stricken.</p>	
R. J. Speer (NEI)	Section 5.19.3	Critique and evaluation of Force-on- Force exercises is addressed in NEI 03-11, Guidance for the Preparation and Conduct of Force-on-Force Exercises and therefore should not be included in this document.	

R. J. Speer (NEI)	Section 5.20, 1st Paragraph	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p> <p>Furthermore, critique and evaluation of Force-on-Force exercises is addressed in NEI 03-11, Guidance for the Preparation and Conduct of Force-on-Force Exercises and therefore should not be included in this document.</p>	
R. J. Speer (NEI)	Section 5.20, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.20.1	Critique and evaluation of Force-on- Force exercises is addressed in NEI 03-11, Guidance for the Preparation and Conduct of Force-on-Force Exercises and therefore should not be included in this document.	
R. J. Speer (NEI)	Section 5.20.2, 1st Paragraph	Critique and evaluation of Force-on- Force exercises is addressed in NEI 03-11, Guidance for the Preparation and Conduct of Force-on-Force Exercises and therefore should not be included in this document.	
R. J. Speer (NEI)	Section 5.20.2, 2nd Paragraph	Paragraph 5.20.2(a) repeats verbatim paragraph 5.20.2 and therefore should be stricken.	
R. J. Speer (NEI)	Section 5.20.2, 3rd Paragraph	This section should be deleted. The critique process described in this section corresponds with critique process employed by the industry from approximately 2005 through 2013. A revised critique process was developed and implemented in 2014 based on feedback from the NRC. This new guidance was incorporated in Revision 3 of NEI 03-11 which was issued in January 2015.	

R. J. Speer (NEI)	Section 5.21	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.21.1	This paragraph is effectively a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.21.3, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.21.4, 1st Paragraph	This paragraph provides no implementing guidance and therefore should be stricken.	
R. J. Speer (NEI)	Section 5.21.4, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.21.7, 1st Paragraph	This is a restatement of the regulation with the exception that it includes a final exercise report that is not identified by regulation. This section does not provide any implementation guidance; therefore, this section should be stricken.	
R. J. Speer (NEI)	Section 5.21.7, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.21.7, 3rd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 5.21.8	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 6, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 6, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 6.1, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 6.1, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 6.2	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 6.2.1	This paragraph is directly contrary to the language provided in section 6.4.1 and should be revised to read, "With the exception of elements or critical tasks categorized as M (Must Perform), the SAT process should be used to determine appropriate periodicity and method of requalification."	

R. J. Speer (NEI)	Section 6.3	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 6.3.1	This section is overly prescriptive and implies requirements more onerous than the rule. This section should be revised to state, “The licensee should use the SAT or similar process to determine the appropriate content for the written examination.”	
R. J. Speer (NEI)	Section 6.4	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 6.4.2	The term requalified at the end of the first sentence has been replaced with remediated. This changes the context of the sentence potentially leading to a violation of Section VI, paragraphs D.2.(a) & (b). This language introduces a new term which constitutes a new requirement not addressed in regulation.	
R. J. Speer (NEI)	Section 6.4.3, 1st Paragraph	To properly conform with the rule, this paragraph should be revised to read, “The requalification of each individual to perform assigned duties and responsibilities must be documented by a qualified training instructor and attested to by a security supervisor.” However, this is just a restatement of the regulation and does not provide any implementation guidance; therefore, this section should be stricken.	
R. J. Speer (NEI)	Section 7	The specified rule references do not describe establishment of a “formal program for training and qualifying security instructors; therefore, are used out of	

		<p>context here. Specifically, Section VI, paragraphs D.2.(b) states; “The results of requalification must be documented by a qualified training instructor and attested by a security supervisor.” This is subsequent to D. “Duty Qualification and Requalification” 2. Requalification, to which the entire section including D.2.(a) describes training and qualification of “Armed and unarmed individuals”, and tying back to Section VI, Introduction paragraph of Appendix B to 10 CFR Part 73, which states in part; “Security personnel who are responsible for the protection of special nuclear material on site or in transit and for the protection of the facility or shipment vehicle against radiological sabotage should, like other elements of the physical security system, be required to meet minimum criteria to ensure that they will effectively perform their assigned security-related job duties.” ... “These general criteria establish requirements for the selection, training, equipping, testing, and qualification of individuals who will be responsible for protecting special nuclear materials, nuclear facilities, and nuclear shipments.” Security Training Instructors do not provide protection of the facility and may or may not be members of the site security organization. Section VI, paragraph E.1.(b) of Appendix B to 10 CFR Part 73 is specific to “weapons training and firearms instructor, not “Security Training Instructor,” which may or may not be one in the same or similar positions.</p>	
R. J. Speer (NEI)	Section 7.1	<p>This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.</p>	

R. J. Speer (NEI)	Section 7.5	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 7.5.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 7.6	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.2	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.3	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.4	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 5.8, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 8.6	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.7	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.7.1	Revise this paragraph to read “The following are examples of elements that can be introduced into the weapons training environment to induce stress and meet the requirements of Section VI, paragraph E.1.(d)(6) of Appendix B to 10 CFR Part 73.”	
R. J. Speer (NEI)	Section 8.8	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.8.1	The paragraph, while offering reasonable guidance for ensuring equipment is in a state to perform its intended function, does not address the topic suggested by the referenced section of the regulation and should be stricken.	
R. J. Speer (NEI)	Section 8.9	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.10	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 8.11, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.11.2	Although this paragraph provides reasonable and generally accurate discussion on the topic of cover and concealment, it provides no actionable implementing guidance and therefore should be stricken.	
R. J. Speer (NEI)	Section 8.12	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.12.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.13 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.13, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.13.1	The portion of this section that actually offers guidance is simultaneously too generic, suggesting one size fits all, and too vague, suggesting given situations “could” be justification for the use of deadly force. 10 CFR 73.55(k)(3) and Section VI, Paragraph C.2.(c) of 10 CFR Part 73 require training of the security force on the use of deadly force. This topic should be left to licensees to determine how best to meet the requirements of these	

		sections of the rule within the bounds of their individual state laws.	
R. J. Speer (NEI)	Section 8.14, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 8.14.1	Upon deleting the above paragraph, this paragraph has no contextual meaning, offers no actionable guidance, and should be deleted.	
R. J. Speer (NEI)	Section 9, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 9.3	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 9.5	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 11.1, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11.2, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11.3, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11.5, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11.5.2, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11.6, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11.9	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 11.10	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 12	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 12.1.2	<p>The information presented in this section derives from Section V, Paragraph A.1. – A.4. of Appendix B to 10 CFR Part 73 which is not applicable to applicants and power reactor licensees subject to the requirements of 10 CFR 73.55.</p> <p>Power reactor licensees have committed in their commission approved Physical Security Plans to the type and quantity of ammunition to be provided to their security personnel. This section should be stricken.</p>	
R. J. Speer (NEI)	Section 12.1.3	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 12.2, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 12.2, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 12.5.1	The second sentence of this section could be interpreted to prohibit the use of reloaded, reprocessed, or military surplus ammunition with no justification for the prohibition being provided. This should either be rephrased as a recommendation with justification or be addressed through rulemaking.	

R. J. Speer (NEI)	Section 12.6	This section is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 13, 1st Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 13.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 13.1.3, 2nd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 13.2	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 13.2.2	<p>The purpose of cleaning a firearm is to maintain serviceability, not operability. Operability is maintained through inspection and maintenance.</p> <p>Paragraph should be revised to read “Cleaning procedures should be designed to ensure that all licensee owned firearms are maintained in a serviceable condition.”</p>	
R. J. Speer (NEI)	Section 13.3	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	

R. J. Speer (NEI)	Section 13.3.1	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 13.4	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 13.5	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 13.6	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Section 14	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	
R. J. Speer (NEI)	Glossary	The following terms are never used in the body of the document: therefore, these terms should be deleted from the glossary: barricade, bore, breech, cartridge, charge, close-quarter battle, draw, hammer, other items, pistol, print, string, and zero.	
R. J. Speer (NEI)	“action”	The term “action” is used throughout this document (e.g., operator action, correction action, regulatory action, etc.; however rarely (1–3 times) in the context as defined here.	

		Provide clarity as to the context as to when the term “action” is used in the context as defined or delete the term and associated definition from the glossary.	
R. J. Speer (NEI)	“automatic”	The term “automatic” is only used in conjunction with “semi-automatic” throughout the body of the document and never independently; therefore this term should be deleted from the glossary.	
R. J. Speer (NEI)	“mock adversary force (MAF)”	The definition of “mock adversary force (MAF)” inappropriately uses the word “terrorist”. The attacking force may or may not be considered “terrorist” activities.	
R. J. Speer (NEI)	“player”	The definition for the term “player” is not a definition as written.	
R. J. Speer (NEI)	“physician assistant”	The term “physician assistant” is problematic as a physician assistant requires a specific level of training and qualification within the medical field as compared to other trained and qualified medical professionals who would be suitable for performing physical examinations of security personnel (e.g., nurse practitioner).	
R. J. Speer (NEI)	“scope”	The term “scope” is used several times within the body of the document where it does not align with this definition (e.g., scope of drills and exercises, limited scope, etc.).	
D. Del Vecchio (CB&I, AREVA, MOX)	—	As a Category I site, the MOX Fuel Fabrication Facility (MFFF) is required under 10 CFR 73.46 to comply with the security qualifications and training requirements of Appendix B to Part 73. MOX Services is concerned that the Commission may create unintended consequences	

		<p>for Category I facilities from interpretations of Appendix B to Part 73 with only power reactors in mind.</p> <p>Accordingly, MOX Services asks the Commission and staff to amend the proposed guidance to clarify the differences in interpretation of Part 73 Appendix B for a) power reactors and b) Category I facilities.</p>	
Anonymous	—	<p>As it relates to the revised Draft Regulatory Guide 5.75, the addition of “mock adversary training standards” (such as knowledge, skills, and abilities) is essential to ensure the commercial nuclear industry is defending against a representative threat as defined in 10 CFR 73.1.</p> <p>The NRC, as the regulator of the commercial nuclear industry, should provide this guidance to ensure a common understanding and to prevent potential conflicts of interest.</p>	