

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

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 291 comments were received with 281 of these comments coming from the Nuclear Energy Institute (NEI). Of the 281 comments received from NEI, the majority suggested that certain paragraphs should be “stricken” because they repeated the regulation in whole or in part or provided no implementation guidance, and several other 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. The NRC has combined the comments and the NRC staff dispositioned the comments in the following table. Five comments were included in a transmittal memo from Richard Speer. These comments are comments 292 through 296.

Comments were received from the following:

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Commenter	Section of DG-5043	Specific Comments	NRC Resolution
1. R. J. Speer (NEI)	Systematic Approach to Training	<p>The guidance offered in DG-5043, specifically regarding information on Systematic Approach to Training (SAT), has several flaws and is very limiting in providing guidance beyond what is already available for Nuclear Power Reactor Security. NEI-13-07, Guidance on a Systematic Approach to Training for Nuclear Security, was developed, published, and made available to the Nuclear Industry Fleet in December 2013. This document provides a detailed and tailored Systematic Approach to Training, specifically for Nuclear Security programs. 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;</p>	<p>The NRC agrees in part with these comments and disagrees in part with these comments.</p> <p>1) The NRC agrees that the regulations in 10 CFR Part 55 describe the requirements for Operator Licensing. The NRC further agrees that 10 CFR 55.4 applies to licensed operators and not security personnel. The NRC in 10 CFR 55.4 describes the composition of an acceptable systems approach to training by identifying the elements that should be addressed in the training. The NRC, in 10 CFR 55.4, established a regulatory foundation for an effective systems approach to training of licensed operators. The NRC disagrees that it is imposing 10 CFR 55.4 on Part 73 licensees. As DG-5043 makes clear, licensees may wish to look at 10 CFR 55.4 as an example of the process used to develop an acceptable systems approach to training. However, licensees are not required to use or even consider 10 CFR 55.4 as they develop an acceptable systems approach to training of security personnel. No change has been made to DG-5043 in response to this comment.</p> <p>2) The NRC agrees that the reference to INPO-AP-921 was incorrect. The NRC also agrees that INPO-AP-921 has been retired by INPO. While INPO has canceled the document and it may no longer be available for further distribution, the NRC staff believes that the reference to the document still has historical value because the</p>

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		<p>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 support management information needs and performance of instructors.</p> <p>4) There is a subheading for “Feedback”; however, no substantive guidance follows.</p>	<p>document was used as an information resource in the development of the initial application of the Systematic Approach to Training as described in the original RG. The NRC has corrected the typographical error in the reference to INPO-AP-921. The NRC has made no other changes to DG-5043 in response to this comment.</p> <p>3) The NRC disagrees with the comment. As noted above, DG-5043 is not imposing the language in 10 CFR 55.4 on Part 73 licensees. As DG-5043 makes clear, licensees may wish to consider the information in 10 CFR 55.4, including the information relevant to the evaluation stage of the systematic approach to training process, if they elect to develop a similar process for the training of security personnel. No change has been made to DG-5043 in response to this comment.</p> <p>4) The NRC disagrees with the comment. The graphic chart that follows <u>Feedback</u> describes the feedback process, as labeled on the right-hand portion of the graphic. No change has been made to DG-5043 in response to this comment.</p>
2. 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. 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).</p>	<p>The NRC agrees with this comment in part and disagrees with this comment in part. The NRC does not agree that DG-5043 imposes international best practices on NRC licensees through the regulatory guidance process. The NRC staff in the Office of Nuclear Regulatory Research responsible for the structure and format of regulatory guides has included this category of information in all regulatory guides. Inclusion of</p>

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		<p>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>	<p>this category of information in DG-5043 does not require NRC licensees to comply with international best practices or impose any regulatory requirements on NRC licensees based on this information.</p> <p>The NRC further disagrees with the portion of the comment that states that the IAEA document does not contain training guidance for security personnel. The IAEA document states in Section 3.13, “The State [Licensee] should ensure that evaluations include exercises to test the physical protection system, including the training and readiness of guards and/or response forces.” In addition, in Section 4.19, the IAEA document states, “Contingency plans should be prepared to counter malicious acts effectively and to provide for appropriate response by guards or response forces. Such plans should also provide for the training of facility personnel in the proper completion of security related functions.”</p> <p>The NRC agrees that DG-5043 references an IAEA Nuclear Security Series document. The NRC further agrees that the reference to this document is incorrect and has corrected the typographical error in the reference to INFCIRC/225/Revision 5.</p> <p>No other change has been made to DG-5043 in response to this comment</p>
3. R. J. Speer (NEI)	General Requirements and Introduction Section 1,	Change to read as “(d) duty and on the job training as described in regulation”	The NRC disagrees with the comment. Adding the commenters proposed “as described in regulation” would be redundant to the

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	4th Paragraph		introductory sentence that makes clear that the enumerated items (a) through (k) are regulatory requirements. No change has been made to DG-5043 in response to this comment.
4. 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 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. Proposed language “Requalification is required annually as described in regulation and committed to in commission approved Physical Security Plans.”</p>	The NRC agrees with the comment. The commenter is correct that attributes (a), (c), (d) and (f) do not require annual requalification. Accordingly, the text has been rewritten to indicate which attributes are required on an annual basis. “Requalification is required annually on attribute (b) regarding physical qualifications and the performance attributes identified in (e) and (f) above.”
5-8. R. J. Speer (NEI)	Section 1, 5th Paragraph; Section 1.1, 2nd Paragraph; 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.	The NRC agrees with this comment in part and disagrees with this comment in part. The NRC agrees that this paragraph restates regulatory requirements. The NRC disagrees that the paragraph should be stricken from DG-5043.

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	Section 1.2, 2nd Paragraph		The NRC has structured DG-5043 in a manner that restates the applicable regulatory requirement to provide licensees and applicants with context for the related guidance.
9. R. J. Speer (NEI)	Section 1.2, 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>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>	<p>The NRC notes that the first part of this comment provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043. In response to this portion of the comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.</p> <p>In addition, the NRC agrees that Section VI, paragraphs A.(7) and C.(2) do not address requalification requirements and therefore discussion of these paragraphs is deleted from this section of tDG-5043.</p>
10. 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>	<p>The NRC agrees with the comment that wording is needed to reinforce the concept of placing emphasis on those activities that are infrequently utilized. The NRC has deleted the word “enhanced” and replaced it with the term ‘knowledge retention’ to more clearly articulate the consideration for the frequency of training that may be desired for the retention of perishable skills.</p> <p>The NRC has not accepted the comment regarding the proposed re-wording of the first paragraph in Section 1.3 of draft DG-5043.</p>
11. R. J. Speer (NEI)	Section 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.	In response to the first portion of the comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

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		Additionally, the requirements regarding record keeping is not isolated to the topic of this section.	With respect to the remaining portion of the comment, the NRC agrees with the commenter that documentation and record retention are not isolated to this section of the document but has structured DG-5043 in a manner that restates the applicable regulatory requirement to provide licensees and applicants with context for the provided related guidance. Accordingly, no change has been made to draft DG-5043 in response to this comment.
12. 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> <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.”</p>	The NRC has renamed the matrix in RG 5.75 to make the language consistent with the use of the term “knowledge, skills, and ability” used in the regulations. However, the NRC agrees with the commenter that the “Critical Task Matrix” description should remain intact. The paragraph will be revised to state: “In developing their Training and Qualification Plans, licensees should include within this plan the knowledge, skills and abilities identified within the Critical Task Matrix provided in NEI 03-12, ...”
13. R. J. Speer (NEI)	Section 1.5, 1st Paragraph	The 4th sentence states “Note that knowledge, skills or abilities that are specified in 10 CFR Part 73 to be	The NRC agrees with this comment in part and disagrees with this comment in part. NRC agrees

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		<p>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>	<p>that DG-5043 should be modified to clarify language with respect to Section VI of Appendix B. However, the NRC does not agree to change “knowledge, skills or abilities” to “tasks.” The term “knowledge, skills, and abilities” is used repeatedly in the NRC’s regulations. Using the same term in DG-5043 will ensure consistency and enhance clarity with respect to regulatory requirements. As previously stated these knowledge, skills and abilities are not subject to change using the SAT process.</p>
14. R. J. Speer (NEI)	Section 1.5, 2nd Paragraph	<p>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 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>	<p>The NRC agrees with the comment. Section 1.5(d) of DG-5043 has been revised to allow written exams as an alternative to oral exams.</p>
15. 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>	<p>The NRC disagrees with the comment in part and agrees with the comment in part. The NRC does not agree to change “knowledge, skills, or abilities” in the second sentence of Section 1.7 to “critical tasks.” As discussed above in response to Comment 13, the term “knowledge, skills, and abilities” is used repeatedly in the NRC’s regulations. Using the same term in DG-5043 will ensure consistency and enhance clarity with respect to regulatory requirements. As previously stated these knowledge, skills, and</p>

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			<p>abilities are not subject to change using the SAT process. Therefore, the NRC does not agree to the deletion of this term.</p> <p>With respect to the remaining portion of the comment, the NRC agrees with the comment that restating, “in the Commission approved licensee Security Plan.” is appropriate. DG-5043 will be revised accordingly.</p>
16. 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>	The NRC agrees with the comment and has accepted it with a minor variation to make clear that all critical tasks should be assigned to a duty position/function. The proposed revision provides additional clarity. Sentence revised to “Critical tasks identified in the matrix should be assigned to at least one duty position/function in the Commission approved Training and Qualification plan.”
17. R. J. Speer (NEI)	Section 1.8, 2nd Paragraph	Delete this paragraph as it both redundant and misleading. Not all training requirements are required to be scheduled on an annual basis.	The NRC disagrees with the comment. This paragraph is not stating that all training requirements need to be scheduled on an annual basis. It states that annual training requirements must be scheduled at a nominal 12-month periodicity as required by Appendix B, Section VI Paragraph A.7. Therefore, the NRC disagrees that this paragraph should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.
18-27. R. J. Speer (NEI)	Section 2, 1st Paragraph; Section 2, 2nd Paragraph; Section 2.1;	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

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	Section 2.1.1; Section 2.1.2; Section 2.1.3; Section 2.1.4; Section 2.1.5; Section 2.1.6; Section 2.1.7		
28. R. J. Speer (NEI)	Section 2.2	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above. However, in order to provide clarity and emphasize the performance standards related to this section, the NRC has chosen to revise the last sentence of section 2.2 to read, "... adversely affect their performance of assigned security duties and responsibilities with required performance standards."
29. 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>	<p>The NRC notes that the first part of this comment provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.</p> <p>With respect to the remaining portion of the comment, the NRC agrees that the guidance in 2.3 is more restrictive than the language in the rule. DG-5043 will be revised to reflect the wording "licensed health professional" to be consistent with the regulatory language.</p>
30. R. J. Speer (NEI)	Section 2.3.1	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

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31. 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. 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 health professionals this should be addressed through rulemaking.</p>	<p>The NRC notes that the guidance states that the licensed health professional administering the examination of the should have knowledge of the individual's assigned security duties. The NRC staff further notes that the guidance provides examples of the types of medical professionals a licensee may wish to utilize to serve as an acceptable licensed health professional for the purpose of complying with the regulation. There is no mention in this section of restricting or eliminating unqualified persons from administering an examination. The NRC staff has determined that the guidance provided in this section is consistent with regulatory requirements. Accordingly, no change has been made to DG-5043 in response to this comment.</p>
32. 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>	<p>The NRC disagrees with this comment in part and agrees with this comment in part. In response to the first part of this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.</p> <p>In response to the second part of the comment, the NRC agrees with the commenter and has revised the first sentence of this paragraph to remove the term "Licensees." No other changes have been made to DG-5043 in response to this comment.</p>
33-36. R. J. Speer (NEI)	Section 2.4, 1st Paragraph; Section 2.4, 2nd Paragraph; Section 2.4, 3rd Paragraph;	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

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	Section 2.4.1		
37. 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.”	The NRC does not agree with the commenter’s proposed edit. Individuals who exhibit a mild color vision defect must be subject to an on-the-job evaluation per the regulation. However, this section has been renumbered as 2.4.1. and will state: “The evaluation of a mild vision defect should be documented in determining whether the individual can meet the required performance standards.” The regulations do not require an on-the-job evaluation for a minor hearing loss. However, the NRC recommends that licensees document an evaluation of the minor hearing loss in determining whether the individual can meet the required performance standards.
38-40. R. J. Speer (NEI)	Section 2.5; Section 2.6; Section 2.7	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
41. R. J. Speer (NEI)	Section 2.7.1	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. 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.”	The NRC agrees with this comment but has revised the commenter’s suggested re-wording of this section of DG-5043. Wording in DG-5043 has been revised to state: “Prior to resumption of duties and responsibilities due to injury, operation, etc., an individual must provide medical evidence of recovery. Evidence of recovery may be provided by a licensed health professional familiar with the specific physical demands of the individual’s duties and responsibilities at a nuclear facility.”
42-44. R. J. Speer (NEI)	Section 2.8; Section 2.9, 1st Paragraph;	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
	Section 2.9, 2nd Paragraph		
45. 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>	The NRC agrees with this comment but has revised the commenter’s suggested re-wording of this section of DG-5043. Text in DG-5043 has been revised as follows: “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. The examination and final determination should be conducted by individuals suitable to verify the individual’s physical capability to perform assigned duties and responsibilities.”
46-47. R. J. Speer (NEI)	Section 2.9.1, 2nd Paragraph; Section 2.9.1, 3rd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
48. R. J. Speer (NEI)	Section 2.9.2, 1st Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	<p>In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.</p> <p>However, the NRC has revised Section 2.9.2 to remove “protection” and replace it with “fitness” in keeping with the subject discussed.</p>
49. R. J. Speer (NEI)	Section 2.9.2, 2nd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
50. R. J. Speer (NEI)	Section 2.9.2, 3rd Paragraph	This paragraph is a restatement of the regulation and does not provide any implementation guidance; therefore, this paragraph should be stricken.	In response to the first part of the comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

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		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.	With respect to the remaining portion of the comment, the placement of this paragraph is to remind licensees and applicants that the documented qualification, attested to by the security supervisor, is a record and must be retained as such. Therefore, the NRC disagrees that this paragraph should be removed from DG-5043. Accordingly, no change has been made to DG-5043 in response to this comment.
51. R. J. Speer (NEI)	Section 2.9.2, 4th Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
52. 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.	The NRC disagrees with the comment. Section 2.9.3 is guidance and does not impose any requirements on licensees. However, to make this clear, the language in Section 2.9.3 has been revised to remove the term “sets forth” and replace it with language that suggests that an acceptable Training and Qualification plan “should describe” how strength, endurance, and agility are demonstrated.
53-55. R. J. Speer (NEI)	Section 2.9.4; Section 2.10; Section 2.11	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
56. 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	The NRC agrees with the comment. The NRC finds the suggested comment to replace the word “This” with “Certification of the physical fitness and physical requalification” as an acceptable change to DG-5043. DG-5043 has been revised to incorporate the proposed change.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		for the category of information addressed by the record.”	
57-60. R. J. Speer (NEI)	Section 3, 1st Paragraph; Section 3.1; Section 3.1.1; Section 3.1.2	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
61. 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).”	The NRC disagrees with the comment. The NRC has in this section, directed the reader to Attachment 1 of DG-5043. This attachment contains a detailed description of 30 specific KSAs. There is no Table 1 in the Attachment and any reference to 30 tasks would be confusing to anyone using DG-5043. Therefore, the NRC disagrees that this section should be revised in DG-5043. No change has been made to DG-5043 in response to this comment.
62-68. R. J. Speer (NEI)	Section 3.1.4, 2nd Paragraph Section 3.1.5; Section 3.1.6; Section 3.1.7; Section 3.1.8; Section 3.2; Section 3.2., 2 nd 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.	In response to this comment, the NRC reiterates its response to the comment provided in Comment Number 5 above.
69. R. J. Speer (NEI)	Section 3.2.1	“KSAs” should be changed to “tasks”. 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.	The NRC disagrees with the comment. The NRC has used the term KSA in the guidance as an acronym for knowledge, skills and abilities. As stated in Comment 13 above, the term “knowledge, skills and abilities” is used repeatedly in the NRC’s regulations. Using the same term in DG-5043 will ensure consistency

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		<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> <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.</p>	<p>and enhance clarity with respect to regulatory requirements.</p> <p>The NRC agrees that Section II of Appendix B to 10 CFR 73 is not applicable to Nuclear Power Reactor Training and Qualification Programs. Section 3.2.1 does not make it applicable to those programs. The NRC reviewed that attributes in Section II D. of Appendix B and determined that the 71 identified attributes are directly relevant to power reactors and that licensees and applicants may wish to consider these attributes in developing site specific KSAs. They are not required to do so. Section 3.2.1 further states that licensees are not limited to considering only these attributes. Therefore, the NRC disagrees with the changes suggested in this comment for DG-5043. No change has been made to DG-5043 in response to this comment.</p>
70-73 R. J. Speer (NEI)	Section 3.3 Section 3.3.1; Section 4 Section 4, 2 nd paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
74. 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.	In response to this comment, the NRC reiterates its response to the comment provided in Comment Number 13 above.
75-76. R. J. Speer (NEI)	Section 4.2, 1st Paragraph; Section 4.2, 2nd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

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77. 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>	In response to this comment, the NRC reiterates its response to the comment provided in Comment Number 13 above.
78-80 R. J. Speer (NEI)	Section 4.5, 2nd Paragraph Section 4.5, 3rd Paragraph Section 4.7	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
81-82 R. J. Speer (NEI)	Section 4.7.1 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 “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 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.”</p>	In response to this comment, the NRC reiterates its response to the comment provided in Comment Number 13 above.

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83-91. R. J. Speer (NEI)	Section 5, 1st Paragraph; Section 5, 2nd Paragraph; Section 5.1; Section 5.1.1; Section 5.1.2; Section 5.2; Section 5.2, 2nd Paragraph; Section 5.2, 3 rd Paragraph; Section 5.2.1	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
92. R. J. Speer (NEI)	Section 5.2.2, 1st Paragraph	<p>Retain current language “Tabletop drills are performed to demonstrate the protective strategy using a mockup of the facility. Tabletop drills allow security force members 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</p>	The NRC agrees with the comment and has retained the language in this section as suggested.

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		each individual, group, or shift to validate and test the protective strategy.”	
93. R. J. Speer (NEI)	Section 5.2.3	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
94. 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.”	The NRC agrees with the comment and has retained the language in this section as suggested with slight modifications for purposes of clarity
95. 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.”</p> <p>Leave 5.2.6 as currently written.</p>	<p>The NRC agrees with the comment in part and disagrees with the comment in part. The NRC does not agree with adding the commenter’s suggested language “...involving one or more...” as such language may unnecessarily limit the exercise.</p> <p>The NRC agrees with changing the language of the last sentence of paragraph 5.2.5 as suggested, with minor edits for clarification. Additionally, the NRC retained paragraph 5.2.6 with minor edits for clarification.</p>

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96-98. R. J. Speer (NEI)	Section 5.3 1st Paragraph; Section 5.3, 2nd Paragraph; Section 5.3, 3rd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
99. 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 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>	<p>The NRC agrees with the comment in part and disagrees with the comment in part. The commenter is correct that this is new language that has been added to this section. The NRC added the term “security shift supervisor” not “shift supervisor” as the position is listed in Appendix 1 of this RG as having certain security responsibilities.</p> <p>The NRC does not agree that the term should be removed. However, the response is being modified to accurately state the title and emphasize that participation is only required if the individual is a component of the exercise.</p>
100. 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> <p>It is vague and confusing.</p>	The NRC agrees with the comment that the sentence can lead to confusion. The language was used to recognize that some licensees identify armed security officers and armed responders as different job classifications. If an individual with a particular job classification has participated in drills and exercises that qualify for another position, that individual need not participate in additional activities as they have already met the conditions for the second job classification. The sentence will be rewritten to state: “For example, an armed security officer who may also be designated as an armed responder that has participated in the quarterly

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			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.”
101. 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. 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>	<p>The NRC agrees with the comment in part and disagrees with the comment in part. The NRC agrees that a reference to rule language should be used to support a determination as to what key elements are required to support an effective protective strategy as stated in 5.4.1.</p> <p>NRC disagrees that the current NEI-03-12 would require a change unless it is determined that the licensee does not meet regulatory requirements, as DG-5043 only provides guidance for consideration of an acceptable plan.</p> <p>In response to this comment, the NRC will rewrite 5.4.1 to incorporate the language in Appendix C, Section II, B.3.c(v).</p>
102. R. J. Speer (NEI)	Section 5.4.2	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.	The NRC disagrees with the comment. Section 5.4.2 provides guidance and not requirements. No security plan changes will be required based on language in Section 5.4.2 The NRC provides guidance for licensees and applicants without constraint from industry documents. Therefore, no change has been made to DG-5043 in response to this comment.
103. 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>	<p>In response to the first part of this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.</p> <p>With respect to the remaining portion of the comment, the NRC believes it is appropriate to discuss this information within the context of this</p>

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			RG and not in a separate guidance document. The regulatory requirements for a Performance Evaluation Program are located within 10 CFR Part 73 Appendix B and are logically placed to describe methods to evaluate the training and qualification of security personnel. The NRC does not believe that separate guidance is necessary.
104. R. J. Speer (NEI)	Section 5.5, 2nd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
105. R. J. Speer (NEI)	Section 5.5.1	Guidance on the development should be captured in a separate guidance document.	The NRC disagrees with the comment. The NRC believes it is appropriate to discuss this information within the context of this RG and that the paragraph proves additional clarity for licensee and applicant consideration related to scenario development. The regulatory requirements for a Performance Evaluation Program are located within 10 CFR Part 73 Appendix B and are logically placed to describe methods to evaluate the training and qualification of security personnel. Therefore, the NRC does not believe that separate guidance is necessary.
106. 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>	The NRC disagrees with the comment. The NRC believes it is appropriate to discuss this information within the context of this RG and that the paragraph proves additional clarity for licensee and applicant consideration related to scenario development. The paragraph is guidance and does not establish new requirements. The regulatory requirements for a Performance Evaluation Program are located within 10 CFR Part 73 Appendix B and are logically placed to

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		Guidance on the development should be captured in a separate guidance document.	describe methods to evaluate the training and qualification of security personnel. Therefore, the NRC does not believe that separate guidance is necessary.
107-108. R. J. Speer (NEI)	Section 5.6.1; Section 5.6.2	Guidance on the development should be captured in a separate guidance document.	The NRC disagrees with this comment. Sections 5.6.1. and 5.6.2 provide guidance on the role of target sets in the development of drill and exercise scenarios. Given the important role that protecting target sets plays in a licensee's protective strategy, the NRC has determined providing this guidance is appropriate. Accordingly, no change has been made to the RG based on this comment.
109. R. J. Speer (NEI)	Section 5.7.1	Simulation and Artificialities should be captured in the current NEI 05-05.	<p>The NRC does not control what NEI chooses to put in its guidance documents. The NRC has determined that it is appropriate to address the issue in this RG. The NRC provides guidance for licensees and applicants without constraint from industry documents. While older versions of NEI 05-05 have been endorsed by the NRC there are licensees that have withdrawn from NEI and may not follow NEI 05-05. Therefore, the NRC disagrees that the only place that guidance on simulation and artificialities should be captured is in NEI 05-05.</p> <p>However, the NRC has added guidance on firearms training simulators (FATS) to DG-5043 in Section 7.5 to better address simulations and artificialities.</p>
110. 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	The NRC disagrees with this comment. The NRC provides guidance for licensees and applicants without constraint from industry documents. NEI 03-11 has not been endorsed by

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		Exercises. This paragraph is unnecessary and should be deleted.	the NRC and there are licensees that have withdrawn from NEI and may not follow NEI 03-11. Therefore, the NRC disagrees that this paragraph should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.
111. R. J. Speer (NEI)	Section 5.7.3	The commenter provides the same comment provided in Comment Number 109 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 109 above.
112. R. J. Speer (NEI)	Section 5.7.4	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the comment provided in Comment Number 110 above.
113. R. J. Speer (NEI)	Section 5.7.5	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
114-115. R. J. Speer (NEI)	Section 5.8.1; Section 5.9.1	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
116. R. J. Speer (NEI)	Section 5.10	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
117-122. R. J. Speer (NEI)	Section 5.10.1; Section 5.10.2; Section 5.10.3; Section 5.10.4; Section 5.11.1; Section 5.11.2, 1st Paragraph	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
123. R. J. Speer (NEI)	Section 5.11.2, 2nd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

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124-126. R. J. Speer (NEI)	Section 5.11.3; Section 5.11.4; Section 5.11.5	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
127. R. J. Speer (NEI)	Section 5.12, 1st Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
128-129. R. J. Speer (NEI)	Section 5.12, 2nd Paragraph; Section 5.12.1	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
130. R. J. Speer (NEI)	Section 5.13	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
131-132. R. J. Speer (NEI)	Section 5.13.1; Section 5.13.2	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
133-134. R. J. Speer (NEI)	Section 5.14, 1st Sentence; Section 5.14, 2nd Sentence	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
135-138. R. J. Speer (NEI)	Section 5.14.1; Section 5.14.2; Section 5.14.3; Section 5.14.4	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
139-140 R. J. Speer (NEI)	Section 5.14.5 Section 5.14.6	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the comment provided in Comment Number 5 above.
141. 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.	The NRC disagrees with this comment. As noted in 10 CFR Part 73, Appendix B, Section VI, paragraph C.3(l)(2), the mock adversary force is to replicate as closely as possible the adversary characteristics and capabilities of the design basis threat as described in 10 CFR 73(1)(a)(1).

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			Therefore, the NRC has determined that it is appropriate to provide licensees with guidance on the composition and qualifications of the mock adversary force. This section of RG 5.75 provides an overview of an acceptable process to ensure consistent development and implementation of MAF training and qualification. Therefore, the NRC disagrees that this section should be deleted from DG-5043. No change has been made to DG-5043 in response to this comment.
142. R J. Speer (NEI)	Section 5.15.1	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the comment provided in Comment Number 5 above.
143-153. R. J. Speer (NEI)	Section 5.15.2, 1st Paragraph; Section 5.15.2, 2 nd Paragraph; Section 5.15.2, 3 rd Paragraph; Section 5.15.2, 4 th Paragraph; Section 5.15.2, 5 th Paragraph Section 5.16.1, 1st Paragraph; Section 5.16.1, 2nd Paragraph; Section 5.16.1, 3rd Paragraph; Section 5.16.1, 4th Paragraph; Section 5.16.1, 5th Paragraph;	The commenter provides similiarl the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.

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	Section 5.16.1, 6th Paragraph		
154. R. J. Speer (NEI)	Section 5.16.1, 7th Paragraph	<p>The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.</p> <p>NEI believes the desired adjective is “topographical”, not “topical”. If not, please clarify intent.</p>	<p>The NRC notes that the first part of this comment provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043. With respect to this portion of the comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.</p> <p>The NRC agrees with the comment that the word “topical” in this paragraph of RG 5.75 should be replaced with the word “topographical.”</p> <p>Therefore, this change has been incorporated into the RG. Additionally, the NRC has also changed the language in the paragraph from “must replicate” to “replicates” to be consistent with regulatory language in 10 CFR 73.55.</p>
155. R. J. Speer (NEI)	Section 5.16.1, 8th Paragraph	<p>The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.</p> <p>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.</p>	<p>The NRC disagrees with this comment in part and agrees with the comment in part. In response to the first part of this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.</p> <p>With respect to the second part of this comment, the effective range of a weapon is demonstrated through the training provided by licensees on that specific functional component of the weaponry implemented at the licensee site. Therefore, the NRC disagrees that this paragraph should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.</p>

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156-159 R. J. Speer (NEI)	Section 5.16.1, 9th Paragraph Section 5.16.1, 10th Paragraph Section 5.16.1, 11th Paragraph; Section 5.16.1, 12th Paragraph	The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.
160. R. J. Speer (NEI)	Section 5.16.1, 13th Paragraph	<p>The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.</p> <p>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.</p>	<p>In response to the first part of this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.</p> <p>The NRC also disagrees with the second part of this comment. The purpose of tactical response drills and exercises utilizing a mock adversary force is to realistically challenge to the maximum extent practicable a licensee's protective strategy. The information identified in Section 5.16.1 of RG 5.75 sets forth the basic knowledge, skills, and abilities that members of a mock adversary force should have to help ensure that the mock adversary force can develop realistic scenarios that effectively challenge the response force's ability to implement the site protective strategy and protect against the DBT. The NRC further notes that the members of the mock adversary force are required to protect any sensitive information that they obtain or otherwise learn during the conduct of drills and exercises in accordance with appropriate laws and regulations. Based on this fact, and past operational experience, any potential vulnerabilities identified by the mock adversary</p>

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			force during the conduct of these drills and exercises are not likely to be widely dispersed. Accordingly, no change has been made to DG-5043 based on this comment.
161. R. J. Speer (NEI)	Section 5.16.1, 14th Paragraph	The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.
162. R. J. Speer (NEI)	Section 5.16.1, 15th Paragraph	The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043. How does one understand a gas mask?	In response to the first part of this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above. With respect to the second part of this comment, the statement in actually states, "Understand the features of any gas mask being used and its limitations..."
163-164 R. J. Speer (NEI)	Section 5.16.1, 16th Paragraph Section 5.16.1, 17th Paragraph	The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.
165. R. J. Speer (NEI)		The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043. The industry does not believe the mock adversaries need to be equipped with this knowledge to complete their objectives.	In response to the first part of this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above. The NRC disagrees with the second part of this comment. Licensee and applicant programs should provide the mock adversary force participants with knowledge equal to the knowledge that would be required to be fundamentally successful in staging a mock

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			<p>attack. Furthermore, licensees and applicants are required to treat information in accordance with 10 CFR 73.21 and 10 CFR 73.22 to ensure that safeguards information is not widely dispersed. The NRC disagrees that this paragraph should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.</p>
166-168. R. J. Speer (NEI)	Section 5.16.1, 18th Paragraph; Section 5.16.1, 19th Paragraph; Section 5.16.1, 20th Paragraph	The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.
169. R. J. Speer (NEI)	Section 5.16.1, 21st Paragraph	<p>The first portion of this comment provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.</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>	<p>The NRC agrees with this comment in part and disagrees with this comment in part. To the extent that the first portion of this comment reiterates Comment Number 141 above, the NRC reiterates its response to Comment Number 141.</p> <p>The NRC does not agree that the referenced paragraph requires licensees to apply for enhanced weapons and preemption authority. Applying for such authority is voluntary at the discretion of the licensee. Absent such authority licensees would not have to demonstrate proficiency on enhanced weapons.</p> <p>Licensees choose whether to apply for and employ enhanced weapons. In seeking such authority, licensees accept the imposition of requirements associated with the use of enhanced weapons.</p> <p>For these reasons, the NRC disagrees that this paragraph should be removed from DG-5043.</p>

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			No change has been made to DG-5043 in response to this comment.
170. R. J. Speer (NEI)	Section 5.16.1, 22nd Paragraph	<p>The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.</p> <p>Proposed alternative language, if retained - “(v) Understand function, design, and capabilities of applicable site-specific delay barriers.”</p>	<p>The NRC agrees with this comment in part and disagrees with the comment in part. To the extent that the comment reiterates Comment Number 141 above, the NRC reiterates its response to Comment Number 141. Therefore, the NRC disagrees that this section of RG 5.75 should be deleted.</p> <p>The NRC agrees with the commenter’s suggested wording changes and has revised DG-5043 by adding, “the function, design, and capabilities of” to the paragraph.</p>
171-172. R. J. Speer (NEI)	Section 5.16.1, 23rd Paragraph; Section 5.16.1, 24th Paragraph	The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.
173. 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>	<p>In response to this portion of the comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.</p> <p>With respect to the second part of the comment, licensees are free to use the SAT process in the development of the training programs. Accordingly, no change has been made to the RG based on this comment.</p>
174-177 R. J. Speer (NEI)	Section 5.17.1 Section 5.17.2, 2nd Paragraph Section 5.17.2, 3rd Paragraph	The commenter provides the same comment provided in Comment Number 141 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 141 above.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
	Section 5.17.2, 4th Paragraph		
178-183. R. J. Speer (NEI)	Section 5.18; Section 5.18.1; Section 5.18.2, 1st Paragraph; Section 5.18.2, 2nd Paragraph; Section 5.18.2, 3rd Paragraph; Section 5.18.2, 4th Paragraph	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
184. R. J. Speer (NEI)	Section 5.18.3	<p>The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.</p> <p>If retained, revise section to read, “(e) All participants should follow controller commands and requests. 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>	<p>In response to the first part of this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.</p> <p>With respect to the additional comment, the NRC also disagrees with the proposed edit. The proposed edit would add “call a time-out.” A time-out is redundant to the stoppage of the drill or exercise and adds no value here. Therefore, the NRC disagrees that this paragraph should be removed from DG-5043 or revised. No change has been made to DG-5043 based in response to this comment.</p>
185. R. J. Speer (NEI)	Section 5.18.4	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
186. R. J. Speer (NEI)	Section 5.18.4, 20th Paragraph	(t) As described in Section VI, paragraph C.3.(l)(2) of Appendix B to 10 CFR Part 73, during the conduct of drills/exercises, the MAF is required to carry mock	In response to this comment, the NRC reiterates its response to the comment provided in Comment Number 5 above.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		equipment with them similar in size, shape, and weight to the equipment indicated within the scenario matrix. Restatement of rule	
187. R. J. Speer (NEI)	Section 5.18.4, 22nd Paragraph	The commenter provides the same comments provided in Comment Numbers 109 and 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comments provided in Comment Numbers 109 and 110 above.
188. R. J. Speer (NEI)	Section 5.18.4, 23rd Paragraph	The commenter provides the same comment provided in Comment Number 109 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 109 above.
189. R. J. Speer (NEI)	Section 5.19	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
190. R. J. Speer (NEI)	Section 5.19.1	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. 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. 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	The NRC has structured the guidance document in a manner that assists licensees and applicants with maintaining continuity of thought while transitioning between regulatory requirements and associated guidance. While there is no associated guidance for this specific requirement, the NRC believes that there is value in restating these requirements in DG-5043. Therefore, the NRC disagrees that identified items in Section 5.19.1 should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		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.	
191. R. J. Speer (NEI)	Section 5.19.3	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
192. R. J. Speer (NEI)	Section 5.20, 1st Paragraph	The commenter provides the same comments provided in Comment Numbers 5 and 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comments provided in Comment Numbers 5 and 110 above.
193. R. J. Speer (NEI)	Section 5.20, 2nd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comments provided in Comment Numbers 5 above.
194-195. R. J. Speer (NEI)	Section 5.20.1; Section 5.20.2, 1st Paragraph	The commenter provides the same comment provided in Comment Number 110 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 110 above.
196. 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.	The NRC disagrees with the comment. The two paragraphs in question are not verbatim copies of one another. Therefore, the NRC disagrees that this paragraph should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.
197. 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	The NRC disagrees that this section should be deleted. First, the NRC notes that it provides guidance for licensees and applicants without constraint from industry documents. NEI 03-11 has not been endorsed by the NRC and there are licensees that have withdrawn from NEI. With

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		Revision 3 of NEI 03-11 which was issued in January 2015.	respect to the portion of the comment that the industry has revised its critique process based on feedback from NRC, the NRC agrees that industry incorporated additional guidance in its revisions to NEI 03-11. NRC has added language to emphasize the importance of the adversary mission briefing being part of the post-exercise debrief. Licensees may take additional or alternative measures for critique of drills/exercises as long as regulatory requirements or commitments are met.
198-211. R. J. Speer (NEI)	Section 5.21; Section 5.21.1; Section 5.21.3, 2nd Paragraph; Section 5.21.4, 1st Paragraph; Section 5.21.4, 2nd Paragraph; Section 5.21.7, 1st Paragraph Section 5.21.7, 2nd Paragraph; Section 5.21.7, 3rd Paragraph; Section 5.21.8; Section 6, 1st Paragraph; Section 6, 2nd Paragraph; Section 6.1, 1st Paragraph; Section 6.1, 2nd Paragraph;	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
	Section 6.2		
212. 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.”	The NRC disagrees with the comment. Section 6.2 addresses hands on performance demonstrations while section 6.4 addresses requalification generally and does not specifically include hands-on performance demonstrations. Therefore, the NRC disagrees that this section should be revised in DG-5043. No change has been made to DG-5043 in response to this comment.
213. R. J. Speer (NEI)	Section 6.3	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
214. 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.”	The NRC disagrees with this comment. Specifically, the guidance uses the word “should” and therefore does not imply these are requirements and are instead only recommendations. This section provides guidance to licensees and applicants for the development of a comprehensive training and qualification plan. A regulatory guide only provides guidance in a method that could be used to address regulation and does not impose any new requirements. Therefore, the NRC disagrees that this paragraph should be rephrased in DG-5043. No change has been made to DG-5043 in response to this comment.
215. R. J. Speer (NEI)	Section 6.4	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
216. 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	The NRC agrees with the comment that the word change incorrectly revises the context of the sentence. Therefore, the NRC has replaced the

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		Section VI, paragraphs D.2.(a) & (b). This language introduces a new term which constitutes and new requirement not addressed in regulation.	word remediated with requalified in DG-5043 in response to this comment.
217. R. J. Speer (NEI)	Section 6.4.3, 1st Paragraph	<p>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.”</p> <p>However, this is just a restatement of the regulation and does not provide any implementation guidance; therefore, this section should be stricken.</p>	<p>The NRC agrees with the comment in part and disagrees with the comment in part. The NRC agrees the wording needs to be revised and has incorporated the change proposed by the commenter in the first sentence of the comment.</p> <p>With respect to the second sentence of the comment, the NRC notes that the commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043. In response to this portion of the comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.</p>
218. R. J. Speer (NEI)	Section 7	<p>The specified rule references do not describe establishment of a “formal program for training and qualifying security instructors; therefore, are used out of 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</p>	<p>The NRC agrees with the comment. The word “formal” has been deleted from the text.</p>

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		<p>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.”</p> <p>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>	
219-229. R. J. Speer (NEI)	Section 7.1; Section 7.5; Section 7.5.1; Section 7.6; Section 8.1; Section 8.2; Section 8.3; Section 8.4; Section 8.5, 1st Paragraph; Section 8.6; Section 8.7	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
230. 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 Party 73.”	The NRC disagrees with this comment. The commenter’s suggested revision repeats the previous paragraph and does not improve clarity. Therefore, the NRC disagrees that this paragraph should be revised in DG-5043. No change has been made to DG-5043 in response to this comment.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
231. R. J. Speer (NEI)	Section 8.8	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
232. 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 therefore be stricken.	The NRC disagrees with the comment. The guidance provided in this section provides reasonable direction to ensure that licensee and applicant programs consider the weapons inspection alternatives associated with weapons sighting mechanisms. Therefore, the NRC disagrees that this paragraph should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.
233-235. R. J. Speer (NEI)	Section 8.9; Section 8.10; Section 8.11, 1 st Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
236. 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.	The NRC disagrees with the comment. This paragraph provides licensees and applicants with considerations for determining the potential effectiveness of available site-specific cover and concealment options. Therefore, no change has been made to DG-5043 in response to this comment.
237-240. R. J. Speer (NEI)	Section 8.12; Section 8.12.1; Section 8.13, 1 st Paragraph; Section 8.13, 2 nd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
241. 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	The NRC disagrees with the comment. This paragraph serves to remind licensees of the

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		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.	applicability of Information Notice Number 89-05. Licensees and applicants must determine the means to ensure that the regulatory requirements are being met. The NRC believes that there is value in retaining this guidance in DG-5043. Therefore, the NRC disagrees that this section should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.
242-257. R. J. Speer (NEI)	Section 8.14, 1st Paragraph; Section 8.14.1; Section 9, 1st Paragraph; Section 9.3; Section 9.5 Section 11, 1st Paragraph; Section 11, 2nd Paragraph; Section 11.1, 1st Paragraph; Section 11.2, 1st Paragraph; Section 11.3, 1st Paragraph; Section 11.5, 1st Paragraph; Section 11.5.2, 2nd Paragraph; Section 11.6, 1st Paragraph; Section 11.9; Section 11.10;	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
	Section 12		
258. R. J. Speer (NEI)	Section 12.1.2	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. 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.	The NRC agrees that this paragraph is derived from Appendix B Section V, paragraphs A.1-A.4. The NRC further agrees that the information contained in these paragraphs is no longer applicable to NRC power reactor licensees or applicants. Finally, the NRC notes that current licensee security plans typically contain the information set forth in this guidance unless a licensee has formally amended its security plan by providing for alternative weaponry. Therefore, the NRC has deleted a portion of Section 12.1.2 in response to this comment. Additionally the NRC deleted Sections 12.1.3 and 12.1.4.
259-261. R. J. Speer (NEI)	Section 12.1.3; Section 12.2, 1st Paragraph; Section 12.2, 2nd Paragraph	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
262. 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.	The NRC disagrees with this comment. Specifically, the guidance uses the word “should” and therefore establishes no prohibition and is instead only a recommendation. The NRC has used the word “should” because reloaded, reprocessed and surplus ammunition have in many cases, been found to be defective. A regulatory guide only provides guidance in a method that could be used to address regulation and does not impose any new requirements. Therefore, the NRC disagrees that this paragraph should be rephrased in DG-5043. No change has

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			been made to DG-5043 in response to this comment.
263-267. R. J. Speer (NEI)	Section 12.6; Section 13, 1st Paragraph; Section 13.1; Section 13.1.3, 2nd Paragraph; Section 13.2	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
268. R. J. Speer (NEI)	Section 13.2.2	The purpose of cleaning a firearm is to maintain serviceability, not operability. Operability is maintained through inspection and maintenance. Paragraph should be revised to read “Cleaning procedures should be designed to ensure that all licensee owned firearms are maintained in a serviceable condition.”	The NRC disagrees with the comment. The NRC has concluded that a firearm that is not operable (will not operate) if it is not serviceable (ready to use or able to be used). Therefore, the NRC disagrees that this section should be revised in DG-5043. No change has been made to DG-5043 in response to this comment.
269-274. R. J. Speer (NEI)	Section 13.3; Section 13.3.1; Section 13.4; Section 13.5; Section 13.6; Section 14	The commenter provides the same comment provided in Comment Number 5 above with respect to this portion of DG-5043.	In response to this comment, the NRC reiterates its response to the identical comment provided in Comment Number 5 above.
275. 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.	The NRC disagrees that these terms identified in the comment should be deleted from DG-5043. The word barricade is used in the plural in Section 11.6.5. The word bore is used in several definitions and provides clarity within those various definitions. The word breech is used within the definition of bolt and provides clarity within that definition. The word cartridge is used in the plural in Section 12.5.1, and 13.2.5. The term charge is used in the plural in Section

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			5.16.1(j). The term close quarter battle is used to support the term close-quarter firing in Section 8.4.5(d)(15). The term draw(n) has been used in Section 11.7(g)(2). The word hammer is used within the definition of revolver and provides clarity within that definition. The term other items is used with the definition of contraband and provides clarity within that definition. The word pistol is used in the plural in Section 12.1.2(3). The word string is used within the definition of firearm course and stage and provides clarity within those definitions. The term zero is used within the TOC, Section 8.1, Section 8.8 and Section 8.8.1. Therefore, the NRC has not made any further changes to the glossary in response to this comment.
276. R. J. Speer (NEI)	“action”	<p>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.</p> <p>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.</p>	The NRC disagrees with the comment. The term action as defined is specific to the functional parts of a firearm. Therefore, the NRC disagrees that this definition in the glossary should be revised or removed from DG-5043. No change has been made to DG-5043 in response to this comment.
277. 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.	The NRC disagrees with the comment. The term as defined is specific to the function of a firearm. Therefore, the NRC disagrees that this definition in the glossary should be removed from DG-5043. No change has been made to DG-5043 in response to this comment.
278. 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.	The NRC disagrees with the comment. The term MAF appropriately uses the phrase, “role play as terrorist adversaries” because any attack on a nuclear power facility by a determined violent

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			external assault, attack by stealth, or deceptive actions, including diversionary actions, by an adversary force would likely be considered a terrorist act. Therefore, the NRC disagrees that this definition in the glossary should be revised in DG-5043. No change has been made to DG-5043 in response to this comment.
279. R. J. Speer (NEI)	“player”	The definition for the term “player” is not a definition as written.	The NRC agrees with the comment and has determined the definition does not need to be retained. The term “player” has been deleted from DG-5043.
280. 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).	NRC agrees with this comment that the guidance in 2.3.2 is more restrictive than the language in the rule. DG-5043 will be revised to reflect the wording “licensed health professional” to be consistent with the regulatory language.
281. 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.).	The NRC disagrees with the comment. The NRC has determined that the term as defined is appropriately specific. Therefore, the NRC disagrees that this definition in the glossary should be revised in DG-5043. No change has been made to DG-5043 in response to this comment.
282. D. Del Vecchio (CB&I, AREVA, MOX)	General	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 for Category I facilities from interpretations of Appendix B to Part 73 with only power reactors in mind. Accordingly, MOX Services asks the Commission and staff to amend the proposed guidance	The NRC disagrees with the comment. As stated in the 'Applicability' Paragraph in Section A, the guide is specific to nuclear power reactor facilities and throughout the document, specifically refers the reader to Section VI of Appendix B. Therefore, the NRC disagrees that DG-5043 needs to be revised to reflect differences between power reactors and Category

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		to clarify the differences in interpretation of Part 73 Appendix B for a) power reactors, and b) Category I facilities.	1 facilities. No change has been made to DG-5043 in response to this comment.
283. Anonymous	General	<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>	The NRC agrees with the comment. No changes were presented in this comment. Therefore, the NRC has not made any changes to DG-5043 in response to this comment.
284. Willie Vogt, et. al.	Section 3.2.1	DG-5043 does not mention Cyber Security Training for Security Personnel. Request to insert Cyber Security as a topic area.	The NRC disagrees with the comment. Cyber Security training is a requirement in 10 CFR 73.54 and is covered in RG 5.71. Therefore, the NRC disagrees that Cyber Security Training for Security Personnel needs to be added to DG-5043. No change has been made to DG-5043 in response to this comment.
285. Willie Vogt, et. al.	Section 4.5	DG-5043 does not include Cyber Attacks as an hand-on application of knowledge, skills, and abilities. Request to add Cyber tampering as a hands-on KSA.	The NRC disagrees with the comment. Cyber Security training is a requirement in 10 CFR 73.54 and is covered in RG 5.71. Therefore, the NRC disagrees that Cyber Attacks or Cyber tampering need to be added to DG-5043. No change has been made to DG-5043 in response to this comment.
286. Willie Vogt, et. al.	Glossary	DG-5043 does not define Cyber Attacks or threats. Request to add Regulatory Guide 5.71 "Cyber Security Programs for Nuclear Facilities" definition of Cyber Attack and threat.	The NRC disagrees with the comment. Cyber Security training is a requirement in 10 CFR 73.54 and is covered in RG 5.71. Therefore, the NRC disagrees that the definitions of Cyber Attack and threat need to be added to DG-5043.

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			No change has been made to DG-5043 in response to this comment.
287. Willie Vogt, et. al.	Attachment 1	DG-5043 does not include Cyber Attacks as an hand-on application of knowledge, skills, and abilities. Request to change "Check for obvious indications of tampering during rounds" to "Check for obvious indications of cyber or physical tampering during rounds" listed in Item 8 Conduct Security Patrols.	The NRC disagrees with the comment. Cyber Security training is a requirement in 10 CFR 73.54 and is covered in RG 5.71. Therefore, the NRC disagrees that a check for cyber tampering needs to be added to DG-5043. No change has been made to DG-5043 in response to this comment.
288. Chris Newton	General Comment	There are utilities in the industry that have full time adversary force members. Duke Energy would propose that language should be added to the Drill and Exercise portion so that participation in FOF activities may be fulfilled by participation as an adversary.	The NRC disagrees with the comment. Licensees are not restricted in who they employ to conduct their Mock Adversary Force participation. The regulation in Appendix B, Section VI.C.3.(l)(2) describes the Mock Adversary Force requirements. Licensees are not limited in the construct of their mock adversary force. Therefore, the NRC disagrees that DG-5043 needs to be revised to reflect this comment and no change has been made to DG-5043 in response to this comment.
289. Chris Newton	General Comment	We need a definition of "full security response force" for the definition of FOF exercises. The fully integrated exercise limits this to the minimum committed numbers. We would propose that the full security response would include all members assigned to a specific team or platoon that may be on duty at one time. There is currently not a definition and is left to individual interpretation.	The NRC disagrees with the comment. Appendix B Section VI.C.3.(k) specifically describes the requirement for the total number of armed responders and armed security officers that may be used in tactical response drills and force-on-force exercises. However, this does not prevent a licensee from responding with more than the minimum number of responders, if available. The NRC does not agree with the commenter that the regulation limits a licensee to the minimum number. The licensee is limited to the "...total number of armed responders and armed security officers documented in the security plans."

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
290. INPO Ramon Martinez	Systematic Approach to Training, Page 7, 1 st Paragraph	Typographical error: Institute of Nuclear Power Operations, INPO-AP-21 should be INPO-AP-921	The NRC agrees with this comment and has corrected the reference in DG-5043 to reflect the correct INPO document number.
291. INPO Ramon Martinez	References, Page 84, Reference 7, footnote 5.	Copies of Institute of Nuclear Power Operations (INPO) documents are available at Website http://www.inpo.info/ or by contacting the headquarters of Institute of Nuclear Power Operations, 700 Galleria Parkway, SE, Suite 100, Atlanta, GA 30339-5943	The NRC agrees with this comment and has edited the footnote in DG-5043 to read: Copies of Institute of Nuclear Power Operations (INPO) documents are only available by contacting the headquarters of Institute of Nuclear Power Operations, 700 Galleria Parkway, SE, Suite 100, Atlanta, GA 30339-5943
292. Speer letter, 2-26-2016, Item 1	Sections 5.15, 5.16 and 5.17	Sections 5.15, 5.16, and 5.17 address training and qualification of a mock adversary force. The industry fails to see the regulatory basis supporting the extremely prescriptive training and qualification requirements laid out in this draft guide. Furthermore, Section 5.16 (u) specifically requires qualification of the mock adversary force with weapons that require special licenses to authorize possession. This item would require all licensees to apply for combined enhanced weapons authority and preemption authority under, yet to be published, 10 CFR 73.18(e). Additionally, the proposed justification for seeking the enhanced weapons authority seems to be outside the scope of the intended purposes addressed in the proposed 10 CFR § 73.18(e)(3)(iii). Individual licensees have developed sound procedures for the selection, training, and qualification of mock adversary teams appropriate to their facility. NEI has expressed openness to discussion with the staff regarding the scope and content of an industry (NEI) guidance document addressing this issue.	<p>The NRC disagrees with this comment. As noted in 10 CFR Part 73, Appendix B, Section VI, paragraph C.3(l)(2), the mock adversary force is to replicate as closely as possible the adversary characteristics and capabilities of the design basis threat as described in 10 CFR 73(1)(a)(1). Therefore, the NRC has determined that it is appropriate to provide licensees with guidance on the composition and qualifications of the mock adversary force. Sections 5.15, 5.16 and 5.17 of of RG 5.75 provide appropriate guidance on an acceptable process to ensure consistent development and implementation of MAF training and qualification. They do not establish regulatory requirements.</p> <p>Furthermore, the NRC disagrees with the commenters interpretation of the language in Section 5.16(u) of Rg 5.75. That language states that appropriate licensee personnel should have the knowledge, skills, and abilities to demonstrate proficiency with all types of weapons that might reasonably be employed during FOF drills or exercises. The NRC does</p>

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
			not agree that this language forces licensees to apply for enhanced weapons authority. Unless a licensee has applied for and received enhanced weapons authority from the NRC, it cannot reasonably be expected to use such weapons during FOF drills or exercises. Therefore, its personnel would not have to demonstrate proficiency in the use of such weapons. No change has been made to DG-5043 in response to this comment.
293. Speer letter, 2-26-2016, Item 2	Section 2.3.2	Section 2.3.2 addresses medical qualifications. Section VI, Paragraph B.2.(a)(3) of Appendix B to 10 CFR Part 73 states, “This physical examination must be administered by a <u>licensed health professional</u> with the final determination being made by a licensed physician to verify the individual’s physical capability to perform assigned duties and responsibilities” (emphasis added). But paragraph 2.3.2 calls for performance of the required physical by a <u>licensed physician or physician’s assistant</u> . Thus, it appears that Paragraph 2.3.2 is imposing a more stringent requirement for performance of physicals than is required under Appendix B. This revised expectation would place a significant burden on the industry as many licensees rely on licensed nurses and nurse practitioners to conduct the actual physical with a licensed physician performing their regulatory role of reviewing the results of the physical examination and making the actual certification of ability.	This comment is similar to comment #29. The NRC agrees that the guidance in 2.3.2 is more restrictive than the language in the rule. DG-5043 will be revised to reflect the wording “licensed health professional” to be consistent with the regulatory language.
294. Speer letter, 2-26-2016, Item 3	Section 8.13	Section 8.13 addresses use of force. The portion of this section that actually offers guidance is simultaneously too generic, suggesting that one-size-fits-all, and too vague, suggesting given situations “could” be justification for the use of deadly force.	The NRC agrees with this comment in part and disagrees with this comment in part. Consistent with 10 CFR 73, Appendix B, Section VI, Paragraph E.1.(e), “the licensee shall ensure that each armed member of the security organization

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
		<p>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 company policy and individual state laws.</p>	<p>is instructed on the use of deadly force as authorized by applicable State or Federal law.”</p> <p>The NRC agrees that licensees must provide their security personnel with training on applicable State and Federal laws governing the use of deadly force. The NRC further recognizes that State laws may vary widely on the specific situations and circumstances that justify the use of deadly force.</p> <p>The NRC does not agree that the specific situations cited in DG-5043 are vague. On January 19, 1989, the NRC issued Information Notice (IN) 89-05, “Use of Deadly Force by Guards Protecting Nuclear Power Reactors Against Radiological Sabotage” to present NRC responses to questions raised during safeguards inspections and discussions with licensees concerning use of deadly force by guards protecting nuclear power reactors against radiological sabotage.</p> <p>This revision of RG 5.75 incorporates the content described in IN 89-05 regarding situations and circumstances that could justify the use of deadly force. Licensees and applicants must determine the means to ensure that the regulatory requirements are being met.</p> <p>Therefore, the NRC disagrees that DG-5043 needs to be revised to reflect this comment and no change has been made to DG-5043 in response to this comment.</p>

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
295. Speer letter, 2-26-2016, Item 4	Section B	<p>Section B “Discussion,” principally addresses the Systematic Approach to Training or SAT process.</p> <p>This discussion contains several flaws, including references to Institute of Nuclear Power Operators (INPO) documents that have been withdrawn and are no longer available to the industry. Furthermore, NEI has issued a guidance document, NEI 13-07, “Guidance on a Systematic Approach to Training for Nuclear Security.” This section of the regulatory guide provides no additional beneficial guidance and should be removed.</p>	<p>The NRC disagrees with this comment. While INPO-AP-921, “Principles of Training System Development” has been withdrawn by INPO and may no longer be available for further distribution, the document was used as a resource in the development of the initial application of the SAT Process as described in the original RG and still has value. Additionally, the technical content is also available in the two references that are found in the guide:</p> <ol style="list-style-type: none"> 1) Department of Energy (DOE) Handbook, “Training Program Handbook: A Systematic Approach to Training” (DOE-HDBK-1078-94), October 25, 1995 2) International Atomic Energy Agency (IAEA), “Analysis Phase of Systematic Approach to Training for Nuclear Plant Personnel” (IAEA-TECDOC-1170), Vienna, Austria, 2000 <p>Both documents discuss the ADDIE Model, as currently described in DG-5043, in detail.</p> <p>NEI 13-07, “Guidance on a Systematic Approach to Training for Nuclear Security” has not been endorsed by the NRC and the NRC provides guidance for licensees and applicants without constraint from industry documents.</p> <p>Therefore, the NRC disagrees that DG-5043 needs to be revised to delete Section B and no change has been made to DG-5043 in response to this comment.</p>

Commenter	Section of DG-5043	Specific Comments	NRC Resolution
296. Speer letter, 2-26-2016, Item 5	Section 5.19 and 5.20	Sections 5.19 and 5.20 address exercise critiques. NEI 03-11, "Guidance for the Preparation and Conduct of Force-on-Force Exercises," was revised in 2014 to incorporate updated guidance for the conduct of force-on-force exercise critiques. This guidance was developed to enhance the critique process used by licensees from 2004 through 2013. The process described in the draft regulatory guidance is different from the 2013 revision of NEI 03-11 and could cause confusion among licensees as to which guidance to follow. The industry recommends that these sections be deleted from the document.	<p>The NRC staff disagrees with the comment. Force-on-force exercise critiques are required by 10 CFR 73, Appendix B, Section VI, Paragraph C.3.(g) and Paragraph C.3.(i) (Pg. 576 of 10 CFR). As exercise critiques are required, NRC staff has issued violations to licensees for conducting critiques incorrectly. DG-5043, Sections 5.19 and 5.20 offer one acceptable way for licensees and applicants to meet such requirements.</p> <p>NEI 03-11, "Guidance for the Preparation and Conduct of Force-on-Force Exercises," has not been endorsed by the NRC and the NRC provides guidance for licensees and applicants without constraint from industry documents.</p> <p>Therefore, the NRC disagrees that DG-5043 needs to be revised to delete Sections 5.19 and 5.20 and no change has been made to DG-5043 in response to this comment.</p>