

May 11, 2012

MEMORANDUM TO: Ho K. Nieh, Director
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

FROM: Robert J. Lewis, Director **/RA/**
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

SUBJECT: INSPECTION PROCEDURES IP71114.07, "EMERGENCY
PREPAREDNESS COMPONENT OF THE FORCE-ON-FORCE
EXERCISE," AND IP71130.03, "CONTINGENCY-RESPONSE –
FORCE-ON-FORCE TESTING"

The Office of Nuclear Security and Incident Response (NSIR) is responsible for the development of overall agency policy and provides management direction for evaluation and assessment of technical issues involving security and emergency preparedness (EP) at nuclear facilities. In this role, NSIR implemented an inspection program for licensed nuclear power reactors to evaluate the EP aspects of a force-on-force (FOF) event during the conduct of triennial FOF exercises as described in the subject inspection procedures. Based on the discussion below, NSIR has decided to cease evaluating the EP aspects of a FOF exercise as described in the subject inspection procedures and replace it with a more effective measure of licensee performance now enabled by the issuance of an amendment to the Commission's emergency preparedness regulations.

Accordingly, NSIR will:

1. Retract the current version (12/02/09) of IP71114.07 as of the date of this memorandum. The regions no longer have to perform this inspection activity and no further samples will be recorded for the current version of IP71114.07 in Reactor Programs System (RPS) after this date.
2. Suspend performance of the EP aspects, only, of IP71130.03 as of the date of this memorandum. No further samples will be recorded for the EP aspects of IP71130.03 in RPS after this date.
3. Issue a new version of IP71114.07, re-titled, "Exercise Evaluation – Hostile Action (HA) Event" by the end of May 2012. This procedure, rather than IP71114.01, will be completed whenever the licensee uses a hostile action scenario in a scheduled biennial EP exercise.
4. Issue a revision of IP71130.03 eliminating the EP aspects by the end of May 2012.

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Discussion

NSIR initiated the evaluation of EP aspects during FOF testing as an interim measure following issuance of Interim Compensatory Measures (ICM) Nos. 5.a and 5.d in 2002 and the issuance of Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events." Generally, the ICMs and supporting guidance required licensees to review procedures and staffing to ensure an adequate response to terrorist events. After reviewing the licensee responses requested by Bulletin 2005-02, the staff identified the need to evaluate the licensees' EP readiness and performance with regard to a hostile action directed at the plant site (henceforth, "hostile action"). Specifically, a new inspection procedure, IP71114.07, "EP Component of the Force-on-Force Exercise," was developed and the existing FOF inspection procedure IP71130.3, "Contingency Response – Force-on-Force Testing," was revised to call for the performance of IP71114.07 by the site's resident inspector(s). Both of these procedures were issued in December 2005. This new inspection requirement was incorporated as an interim measure until the staff issued rulemaking that would require licensees to periodically use an exercise scenario involving a hostile action in its biennial exercise program required by Title 10 of the *Code of Federal Regulations* (10 CFR) 50.47(b)(14) and 10 CFR Part 50, Appendix E, §§IV.F.2.b and j. This rulemaking was initiated in 2006 and the rules became effective on December 23, 2011.

Section IV.F.2 of Appendix E of 10 CFR Part 50 requires a licensee to conduct an exercise of its onsite emergency plan every two years. This biennial exercise includes the full participation of the licensee's emergency response organization (ERO) and, with few exceptions, participation of State and local offsite response organizations (OROs). The new Section IV.F.2.j that became effective on December 23, 2011 requires that these exercises provide opportunities for the ERO to demonstrate key skills specific to emergency response duties in the control room, technical support center, operations support center, emergency operations facility, and the joint information center. Section IV.F.2.j also requires the biennial exercise to include certain scenario elements over an eight calendar year exercise planning cycle, including the element "hostile action directed at the plant site." Licensees are required to conduct their first hostile action exercise at each site prior to December 31, 2015.

The EP aspects of the FOF exercise were implemented as a tabletop exercise with only on-shift ERO members responsible for emergency classification and notification participating. These exercises generally yielded minimal useful information regarding the adequacy of a licensee's EP response during a hostile action. Since 2005, only one finding has been identified using IP71114.07. Conversely, a biennial exercise involving a hostile action is expected to be a far more effective measure of licensee performance given the full ERO participation, activation and use of actual emergency response facilities and equipment, larger inspection team, and a significant reduction in simulation of the EP aspects. Since the licensee is required to conduct biennial exercises, the use of a hostile action scenario for one of these required exercises does not represent an increase in inspection resources. The elimination of the EP components from the FOF exercise would eliminate an inspection requirement for the site's resident inspector.

The frequency of inspection oversight of the licensee's ability to implement its emergency plan in response to a hostile action would decrease from every three years to once every eight-year biennial emergency exercise planning cycle. One of the staff's primary rulemaking objectives was to require licensees to provide diverse and varied scenarios to avoid preconditioning of the

exercise participants (see §IV.F.2.i and j). Although the licensee's ability to respond to hostile actions is a regulatory concern, increasing the frequency of such scenarios could detract from other scenario elements, which also warrant regulatory attention. The key skills necessary to implement the primary functional areas of emergency response are largely independent of the exercise scenario. For example, the ability to make emergency classifications exists regardless of the initiating event. Additionally, licensees are required to take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities (see §IV.F.2.b). The staff believes that the new frequency of oversight will be appropriate in that hostile action exercises will have inspection oversight, inspection resources will be used more effectively, and unnecessary regulatory burden will be reduced.

A licensee could conceivably schedule hostile action based exercises at the beginning of an eight-year cycle and the end of the next exercise cycle. The Nuclear Regulatory Commission guidance in NSIR/DPR-ISG-01, "Emergency Planning for Nuclear Power Plants," provides that the licensee consider the period between hostile action exercises when scheduling biennial exercises. The guidance also states, "licensees should not plan to conduct a hostile action exercise at the beginning of an exercise cycle and wait to conduct the next hostile action exercise at the end of the subsequent exercise cycle." Because the scheduling of biennial exercises is a cooperative effort involving the licensee, the State and local OROs, other licensees within those jurisdictions, one or more NRC regions, and one or more Federal Emergency Management Agency regions, the NRC believes that the scheduling would be adequately distributed.

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