

Considerations for Resuming FOF Inspections during the Public Health Emergency (PHE)

Agenda

Agenda Item	Speaker(s)
Introductory Remarks	NRC/ Industry
NRC Force on Force Program and COVID-19	NRC
Current PHE Protocols at Sites	Industry
Ongoing and Planned Performance-based Activities at Sites	Industry
Open Discussion and Next Steps	NRC
Closed Session	

NRC Force on Force Program

- NRC is mandated to conduct FOF exercises in accordance with the Atomic Energy Act, as amended
 - "Not less often than once every 3 years, the Commission shall conduct security evaluations..."
 - "...The security evaluations shall include FOF exercises."
 - "The FOF exercises shall, to the maximum extent practicable, simulate security threats in accordance with any design basis threat ..."
- NRC FOF inspections include 2 weeks on-site. 1 week for developing exercises and a 2nd week for exercise conduct.
- Inspections are conducted with participation from HQ inspectors, regional inspectors, SOCOM advisors, and DOE contractors (for laser systems).

2020 NRC Force on Force Schedule

Site	Location	Fleet
VC Summer	Jenkinsville, SC	South Carolina Electric
Salem & Hope Creek	Hancocks Bridge, NJ	PSEG
Sequoyah	Soddy Daisy, TN	TVA
HB Robinson	Hartsville, SC	Duke Energy
Farley	Dothan, AL	Southern
Peach Bottom	Delta, PA	Exelon
Millstone	Waterford, CT	Dominion
Callaway	Fulton, MO	Union Electric Company
Seabrook	Seabrook, NH	NextEra
Oconee	Seneca, SC	Duke Energy
St. Lucie	Jensen Beach, FL	NextEra
Nine Mile Point	Oswego, NY	Exelon
Clinton	Clinton, IL	Exelon
Palisades	Covert, MI	Entergy
Davis-Besse	Oak Harbor, OH	FENOC
Fitzpatrick	Lycoming, NY	Exelon
Prairie Island	Welch, MN	Excel
Cooper	Brownville, NE	Nebraska Public Power

NRC Force on Force Program and COVID-19

- In response to the COVID-19 PHE, the U.S. Department of Homeland Security (DHS) has designated the commercial nuclear industry a critical infrastructure industry, in part, because of its important role in supplying safe and reliable electrical power to our Nation.
- NRC has taken action to enable licensees to implement social distancing and assembly recommendations to conform to guidance from the White House, Centers for Disease Control and Prevention, U.S. Department of Labor, and other State and local restrictions, as applicable.
- NRC has deferred FOF inspections to start no sooner than July 2020 and is currently weighing the importance of continued NRC oversight with the potential challenges associated with resumption of inspection activities this Summer.

NRC Force on Force Program and COVID-19

- The regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI require individuals "assigned to perform duties and responsibilities required for the implementation of the Commission-approved security plans, licensee response strategy, and implementing procedures" to meet minimum training and qualification requirements.
- NRC issued EGM 20-002 to allow enforcement discretion for training and qualification requirements in 10 CFR Part 73, Appendix B, Section VI (ML20083K794).
- On April 20, 2020, NRC issued guidance for expedited exemptions (ML20091L385).

NRC Force on Force Program and COVID-19

- If a licensee is granted an exemption from the annual FOF exercise requirement, this does not mean they are not subject to NRC-conducted FOF inspections if the inspection is scheduled during the timeframe that the licensee was granted the exemption.
 - The NRC-conducted FOF inspection is not part of the annual FOF exercise requirement. While 10 CFR Part 73 states that “Force-on-force exercises conducted to satisfy the NRC triennial evaluation requirement can be used to satisfy the annual force-on-force requirement for the personnel that participate in the capacity of the security response organization,” this does not relieve licensees from NRC-conducted inspections, which are mandated by Section 170D of the Atomic Energy Act, as amended.

NRC Force on Force Program and COVID-19

- NRC is considering factors impacting inspections to determine how to proceed with FOF program during the PHE. Possible options being considered are:
 - Resume inspections in a manner that could enable AEA 3-year periodicity to be met
 - Explore alternative means to assess licensee performance during the PHE, such as through a temporary instruction
 - Conduct some inspections depending on site-specific conditions, and use alternative measures to continue to perform meaningful oversight at other sites
- Staff considered attempting to modify FOF program to perform modified performance-based exercises to meet the AEA during the PHE but determined that modified approaches may be hard to plan, implement, and assess licensee performance
- Staff considered the “elevated threat” language in the AEA as part of its assessment activities to date

NRC Force on Force Program and COVID-19

- If inspections are resumed by August 2020, assuming no unexpected delays, AEA periodicity is expected to be met
- NRC staff would work with industry to minimize exposure risks during inspection activities
 - Entrance/Exit Meetings
 - Badging / Dosimetry
 - Tabletops
 - Tours
 - Interaction with insider, and MAF director
 - Briefings
 - Exercises
 - Hot washes
 - Critiques
- Measures would be used to promote protection when social distancing cannot occur

NRC Force on Force Program and COVID-19

- If the NRC determines that deferring traditional FOF exercises is warranted in the coming months, alternative measures would be pursued to assess licensee performance
 - Conduct pre-inspection document review
 - Security plans, defensive strategy, procedures, and any recent 50.54(p)'s
 - Review of licensee limited scope, and annual drill/exercise Data
 - Scenario, controller hot wash sheets
 - Corrective Action Program Review
 - Specific to drill/exercise related entries
 - Supporting documentation to understand what was done, or not done
- Approach would be developed in coordination with regions for appropriate coverage and to delineate extent to which inspections would fall within existing inspection procedures and extent to which temporary instruction would be needed/leveraged

Current PHE Protocols at Sites and Ongoing and Planned Performance-based Activities at Sites

Industry Presentation

Next Steps

- Evaluate the information gathered
- Begin internal alignment

Open Discussion

Closed Session