

**Attachment: Summary of Discussions from the Public Meeting –
Resuming U.S. Nuclear Regulatory Commission-Conducted Force-on-Force Exercises
During the COVID-19
Public Health Emergency**

Opening Remarks

U.S. Nuclear Regulatory Commission (NRC):

- The NRC has taken many actions, both in safety and security, (delayed onsite inspections, developed enforcement guidance memorandums (EGMs), etc.) to minimize potential onsite effects of the public health emergency (PHE).
- However, since the PHE is ongoing, the NRC is looking at two things in parallel: (1) alternative inspection options that can be done safely and still maintain the effectiveness of the NRC's oversight function and (2) criteria for the resumption of major NRC inspections, including force-on-force (FOF).
- The NRC recognizes that one of the main concerns for industry regarding FOFs is the number of players that may be needed in a bullet resistant enclosure (BRE) and the lack of space to facilitate social distancing. NRC staff will be discussing some options for industry to consider and welcomes additional feedback or considerations.

Industry:

- First, industry's view is that conditions have gotten even worse since the last meeting a month ago which needs to be considered.
- We agree that an alternative option or modified inspection that uses safety measures to decrease the risk is an acceptable option in these times.
- NRC's NUREG-2165, "Safety Culture Common Language," discusses safety culture and making prudent choices. We do not believe that the risks associated with utilizing BREs in an FOF or limited scope exercise (three people in a small, enclosed space) is acceptable.
- As always, industry appreciates the continued engagement.

NRC Presentation (found [here](#))

- Overview of the purpose, agenda, and background
- Overview of NRC actions taken regarding FOF inspections during the PHE
- Discussion of the NRC's criteria for resuming FOF inspections
 - NRC believes criteria 1-6 are met; appreciates industry input on status of all but specifically 7-9
- Overview of NRC plan for inspections during the PHE
 - Developing Inspection Manual Chapter (IMC) 2201, Appendix C procedure
 - Infrequently performed inspection that is implemented in response to events (in this case, the PHE)
- Overview of App C inspection procedure activities, including description of limited scope tactical response drills
- Discussion on potential options for social distancing during the Appendix C inspection
- Summary of Path Forward

Open Discussion/Questions

Industry

NRC resumption criteria #8 on Slide 5 states that “social distancing guidance can be achieved while onsite.” I do not believe this can be achieved in a BRE during FOF exercises because three people are needed – the drill player, the controller/safety officer, and the on-duty officer. Although there have been certain times when social distancing could not be achieved (i.e., operator licensing exams and outage work), these are different from NRC FOF exercises. The operators taking the exam were not yet licensed so if they became sick, it would not impact the ability of the site to safely and effectively continue site operations. Outages are imperative to continuing safe operations so certain measures were taken to decrease the potential cross-contamination if someone onsite because sick, including isolating the control room, remote meetings, and keeping security officers contact limited to their work “pods.” Staffing up all BREs with three people requires the potential contamination of a significant amount of site security which could limit the site’s ability to implement its protective strategy. How does the NRC believe they can meet Criteria #8?

NRC

In the opening remarks, industry brought up NUREG-2165 and making prudent decisions. The NRC made a prudent decision when we delayed FOF inspections and we are now trying to figure out how to safely resume inspections. Since industry brought up BREs specifically, let’s go ahead and get into that discussion now since a solution will be needed for both the limited scope tactical response drills in the proposed Appendix C procedure and the full IP 71130.03, “Contingency Response – Force-on-Force Testing,” FOF exercises. For the limited scope tactical response drills, there would be one, maybe two, BREs that would be utilized for a small window of time. Has industry looked into options for possibly getting the number of people needed in the BRE down to two? Could the on-duty officer also be the controller? We are looking at feedback from industry on possible options/considerations.

Industry

Depending on the site and size of BRE, having two people in the BRE could still potentially challenge social distancing measures. Industry has not extensively looked into this because all three people are needed in a BRE during a limited scope tactical response drill and FOF exercise. The on-duty officer is needed in case of a real-world event. The drill player is responsible for responding to an attack from the mock adversary force. The controller is there to ensure the drill player receives necessary communication/information during the action and to ensure safety since there are live weapons available in the BRE for the on-duty officer.

NRC

The NRC recognizes that there are certain difficulties resulting from the PHE that need to be addressed. As such, the NRC is looking for potential options and alternatives that can be discussed, not just reasons why something can’t be done. Also, the Centers of Disease Control and Prevention (CDC) recommendation (and NRC criteria #8 on slide 5) states that face coverings could be used when social distancing measures cannot be met. The NRC is trying to minimize the safety risk while also completing the oversight function and appreciates industry input on how inspections can be conducted in a safe manner while minimizing risk to the safety of all personnel involved.

NEI

Option to consider: Many sites have mock BREs at their training range. The limited scope tactical response drill objectives detailed on Slide 15 could be accomplished by attacking the mock BRE and some of the complications would be negated because it is offsite.

NRC

How do sites normally control quarterly tactical response drills? How many people are needed to control the exercise?

Industry

In normal circumstances, there are three people in each BRE. During this PHE, we are utilizing tabletop drills for BRE positions, as allowed in the regulations.

NRC

It is important to note that the length of each limited scope tactical response drill is significantly shorter than a full FOF exercise. Drill participants in a BRE would require a mask for a limited period.

Industry

Active duty watch standers have specific requirements that prohibit performing concurrent duties that could impact their ability to perform their main function. Making the on-duty officer perform the functions of the controller is against regulations and safety standards. In addition, there is fluid movement of a player throughout an exercise. As a target moves, so would the officer to ensure an effective field of fire. This movement would continually impact the ability of two, let alone three, people in a BRE to socially distance.

NRC

Can the range be set up so that it is an exact representation of the site?

NRC

Also, what if the on-duty officer in the BRE is relocated during the drill and a compensatory measure is put in place? That would get the BRE number down to 2 people.

Industry

I don't believe a site should reduce their security posture just to run a limited scope tactical response drill.

NRC

NRC staff is trying to develop options that can be discussed so that sites can evaluate the level of risk and the ability to implement limited scope tactical response drills, and eventually FOF exercises, safely and effectively.

NextEra

Due to the size of BREs and site configuration for NextEra plants, I believe we can safely support the Appendix C procedure if we have the protocols in place early enough to implement effectively. If changes are being made the week of the inspection, it would be difficult to ensure safety so a couple weeks to plan ahead would be needed.

Industry

I want to point out that the CDC recommends the use of face mask when social distancing cannot be achieved but also states that face masks are not as effective as distancing. In

response to an earlier NRC's question, Duke sites are the same as Exelon - normally have three people in a BRE but are doing tabletop exercises for those positions during this PHE. As for using the BREs at the range idea, sites are required to have the training facilities be a reasonable representation of their site so it shouldn't be too far off actual site conditions.

NRC

Only some sites have applied for exemptions from quarterly tactical drills. How are the sites without an exemption performing quarterly drills?

NextEra

For NextEra sites, certain positions have been tested via tabletop exercises instead, as allowed by regulations for quarterly training.

NEI

The earlier that we can see this new Appendix C procedure, the better. Industry will need time to understand and figure out how to implement the necessary precautions and control measures. Also, an understanding of the schedule would be helpful.

Industry

The NRC has stated that they will limit the number of people needed for each aspect of this new procedure. Will this be detailed in the procedure or up to the Team Lead's discretion? Also, when will this procedure be issued?

NRC

The procedure will not have set numbers for each activity, but each Team Lead will be consistent and will coordinate with the site, making any needed adjustments. The NRC has accelerated the timeline and is aiming to issue this procedure the first week of August. For NEI, the general schedule is as follows: Monday – Travel and badging; Tuesday – Protective strategy brief and tours; Wednesday – Tabletop exercises and limited scope tactical response drill scenarios developed; Thursday – Run limited scope tactical response drills and perform brief hot wash; Friday – Travel. The formal critique and exit will be done in a later week.

Industry

Is there a max amount of people the NRC will allow, or will you follow the site's pandemic plan?

NRC

The inspection team will do what they can to be consistent with the site's pandemic plan. Any deviation will be fully discussed beforehand.

NRC

The Appendix C procedure has been drafted and is moving on to management review. Once that has been completed, the draft procedure will be sent to stakeholders that have the clearance and need-to-know since there is sensitive information. Due to the expedited timeline, stakeholder review will be short. NRC staff will then consider stakeholder input before finalizing the procedure.

Entergy

As with NextEra, Entergy sites' configuration and size of BREs can facilitate this new Appendix C procedure. However, not all sites are the same so that may not be true across the industry. Entergy will work with the NRC to implement this procedure safely and effectively.

Industry

The BREs provide a challenge to social distancing but there are other positions that could as well, including the adversaries. Requiring a player or adversary to wear a mask and run/move in the heat is a safety issue. Masks create an artificiality due to potential difficulties breathing and impeding sight.

NRC

Heat and weather have always been potential concerns for FOF exercises. The Team Leads will take that into account when planning the limited scope tactical response drills for this Appendix C procedure. Some measures that can be taken include running the drills at night, water breaks, etc. Additionally, sites can work with the inspection team to determine potential measures that can be implemented to decrease the need for masks (i.e., increasing distance between adversary and controller). The NRC will coordinate with each site leading up to and during the inspection to minimize the impacts while maintaining safety.

NRC

Another important factor to consider is that the limited scope tactical response drills will not be evaluated and given an outcome (i.e., effective, indeterminate, ineffective) like the IP 71130.03 FOF exercise. These drills are not designed to test the full protective strategy in the same manner as the full scale FOF exercises performed under the 71130.03 procedure. If there are some artificialities due to social distancing measures or masks, the NRC inspection team will include that in their evaluation of the limited scope tactical response drills. In addition, the NRC will be using lessons-learned from these limited scope tactical response drills to inform the resumption of the IP 71130.03 FOF inspections.

Industry

Comments/considerations for the criteria listed on NRC Slide 5. For #7, is there a medical basis for why the NRC chose 10 people being the limit? For #9, industry can maximize the safety of site personnel by confining their interactions to their small “pods.” These criteria seem to increase the possibility/need to cross-pollinate these “pods” which would reduce the safety onsite. Finally, in the last meeting, the NRC stated you were maintaining awareness of other Federal and International regulatory bodies. Any update on that?

NRC

Same status for the Department of Energy (DOE) and International regulatory bodies. Full scope exercises have been deferred. We will meet with DOE next week to discuss their plans further and to receive updates.

NRC

The NRC is maintaining awareness of actions taken by other Federal and International regulatory bodies which has, and will continue, to help inform NRC actions. The NRC believes that the resumption of full FOF inspections are months away which is why the Appendix C procedure is being developed by staff.

NRC

I want to loop back to a discussion topic we covered earlier regarding lessons learned. As we move forward, we will want to monitor any impacts associated with inspections and any impacts to the spread of COVID-19. Also, from experiences to date, are there lessons-learned from operator licensing exams and outages that can be applied to security inspections? For example, when these activities were conducted, what measures were used to protect both

on-site and off-site personnel, and how effective were they? Were there any increases in positive cases among the individuals involved in these activities after they were conducted? This is the type of information we want to assess to help understand the effectiveness of protective measures and the ability to conduct both limited scopes, and eventually, full scopes exercises.

NEI

Industry appreciates these discussions and believes we should look further into the range idea.

Member of the Public

Is the Appendix C procedure definitely happening? It sounded as if it was definitive in some instances but not so much during other times it was mentioned.

NRC

The procedure has been developed and is going through the review process, but the management approval is still to come. Currently, NRC staff plans to implement the Appendix C procedure at the end of August and resume full FOF inspections when it is safe to do so.

Member of the Public

I thought I heard someone say that the full FOF inspections won't resume until 2023. Is that accurate?

NRC

FOF inspections are conducted in a 3-year cycle. This cycle began in 2020 so the next cycle would begin in 2023. The sites that complete the Appendix C procedure will not participate in a full FOF inspection for this cycle. Therefore, they will not have an FOF inspection until 2023.

Member of the Public

What is the result of the Appendix C procedure if you are not giving a final outcome (i.e., effective, indeterminate, ineffective) like the IP 71130.03 FOF exercise?

NRC

During this inspection, the team will be evaluating parts of the site's protective strategy. Any issues that arise will be put into the site's corrective actions program to ensure that they are addressed.

Member of the Public

Is the Appendix C procedure classified or controlled? Will the public get to see the IP or at least a summary of it?

NRC

The inspection procedure has sensitive security-related information so it cannot be released to the public. However, a detailed summary of this meeting and a summary of the procedure will be released to the public.

Union of Concerned Scientist

It is important to follow CDC guidelines, such as social distancing and wearing masks, when performing these inspections onsite. It is also important to include the details of these guidelines when evaluating what is and is not safe. For example, the CDC states that a short exposure time (less than 15 minutes) for close contact significantly decreases the risk. Based on the NRC's description of the limited scope tactical response drills, it seems plausible to

complete the necessary actions within the 15-minute timeframe. I believe the industry is blowing certain things out of proportion, specifically the impacts of social distancing and wearing masks. Finally, has the NRC considered requiring compensatory measures for sites that do not receive an FOF inspection this cycle and have decreased security measures since their last one?

NRC

The NRC will take that idea back for consideration, but it is important to note that over the past 5 cycles, there has been an increase in successful results and the NRC has confidence in each licensee's ability to adequately defend their site. In addition, baseline security inspections have resumed. When combined with the Appendix C procedure, there is assurance of the adequacy of site's security while being prudent about safety.

NRC

Are there any concerns from industry on implementing the Appendix C procedure other than the BRE issue?

NOTE: No response.

NRC

During the last meeting on June 16th, industry proposed their own criteria for resuming FOF inspections. Has there been any change to that criteria?

NEI

No changes.

Industry

Because the site will not receive the scenarios until Wednesday, there is only one day to determine and implement control measures. Could the inspection team give the site their planned attack locations before they are onsite?

NRC

Although the inspection team prepares and reviews site documents, they will not know the specific locations that they want to test ahead of the inspection week. If they can determine this information prior to Wednesday afternoon, they will inform the site as soon as possible, but it isn't a guarantee.

NRC

In addition, the limited scope tactical response drills are significantly reduced in the number of players, adversaries, controllers, and locations so the number of control measures needed should also be significantly reduced.

Closing Remarks

NRC

- The NRC recognizes that this PHE is unprecedented but will continue to be an independent regulator that makes decisions based on the best available information.
- All the comments and information discussed today will be evaluated.
- The NRC plans to finalize the Appendix C procedure and move forward with management review and approval. The NRC will continue to engage stakeholders.

Industry

- Industry appreciates the NRC's communication.
- Items that Industry and the NRC did agree upon:
 - Should move forward with a modified inspection activity during this PHE
 - Should continue to work together to come to a safe option
- Items that Industry and the NRC did not agree upon:
 - Including BREs in the Appendix C procedure limited scope tactical response drills or future IP 71130.03 FOF exercises
 - Criteria for resuming IP 71130.03 FOF exercises