

Temporary Instruction 2201/006 Modified Contingency Response – Force-on-Force Testing Inspection Activities

12/15/2020

External Stakeholder Feedback

- Staff has solicited comments from internal and external stakeholders
 - Using these comments to revise TI for clarity and consistency
- Next steps
 - Provide 14-day notice to Commission (12/18)
 - TI is expected to be ready for use in January 2021. The implementation date will be an NRC management decision.

External Stakeholder Feedback

- General Comments
 - **Recommendation to continue the use of IP 92707 under current conditions**
 - “IP 92707 is an inspection manual chapter (IMC) 2201, “Security Inspection Program for Operating Commercial Nuclear Power Reactors,” Appendix C, “Generic, Special, and Infrequent Inspections,” procedure that was used when IP 71130.03, “Contingency Response – Force-on-Force Testing,” could not be performed safely due to PHE conditions.
 - IP 92707 is intended to be an infrequent inspection and does not meet Reactor Oversight Process baseline inspection requirements. As 2021 progresses, and if conditions do not permit inspections using the temporary instruction or IP 71130.03, use of IP 92707 will be evaluated.
 - Building on the information gained from the performance of IP 92707, a Temporary Instruction (TI) will be used to perform a more holistic assessment of licensee performance than that available using IP 92707. The TI will also allow the NRC to collect information associated with the: (1) effectiveness of modified exercises; (2) use of a new methodology for screening FOF outcomes; and (3) use of new terminology to inform potential changes to the FOF program.”
 - NRC intends to implement the TI when conditions indicate it is safe to do so.
 - **Concern with NRC inspection and support team interactions with site personnel and the risk associated with a potential COVID-19 outbreak**
 - Local, State, and Federal guidelines will be adhered to during inspections to minimize risk of expose. The safety of all personnel are of the utmost importance to the NRC. Decisions regarding when it is safe to proceed with inspections will be coordinated with sites, regional offices, and inspection support personnel.

External Stakeholder Feedback

- Exercise Implementation Comments
 - **Comment related to the DBT adversary force compliment, specifically, will the full DBT compliment be used and how will resurrections be used**
 - Inspections conducted under the TI will use the full DBT compliment of adversaries
 - When evaluating the licensee's defense-in-depth beyond phase lines, a limited number of adversaries may be used to simulate expected attrition
 - **Concern with limiting number of security force response members and the impact to the element of surprise**
 - TI allows for assessment of defense-in-depth through resurrection of adversaries
 - During a typical FOF exercise responders already display a state of heightened awareness
 - This practice supports use of a smaller number of participants in the interest of limiting potential exposure and transmission related to COVID-19

External Stakeholder Feedback

- Exercise Implementation Comments
 - **Concern with the use of phase lines and associated resurrection of adversary team members**
 - For the purpose of the regulatory evaluation, a determination will be made when the adversaries are neutralized; however, adversaries may be resurrected to run the entire pathway in accordance with TI guidance. Licensees can use information gained in these evolutions to identify lessons learned for potential strategy/performance improvement.
 - The inspection team will work with each licensee to establish specific phase lines.
 - **Comment regarding resurrection of adversaries, will this apply to response force members as well?**
 - Responders may be resurrected. This will be determined on a case-by-case basis and dependent on which phase line is used and where the MAF is resurrected.
 - TI was updated to specifically address responder resets

External Stakeholder Feedback

- Exercise Assessment Comments
 - **If all adversaries are neutralized at the OCA or PA, will the drill be called a RE-NMD prior to any use of resurrected adversaries?**
 - Yes, for the purpose of the regulatory evaluation, a determination will be made when the adversaries are neutralized
 - The resurrection of adversaries will not impact the exercise determination made after the adversaries are neutralized
 - **RTL's and Responders make decisions based on target sets they may deviate based on a situation to protect target sets. It is not very clear what it means to be outside the scope and design of your strategy.**
 - Outside the scope in this context means that the response differs from the implementation of the protective strategy, as is described and evaluated during tabletop drills. This would apply to something that would not be reasonable (e.g. not trained, planned, etc.)
 - Additional clarification provided - (i.e. actions that are not consistent and/or repeatable, through training and procedures, and would not reasonably be taken by all RTLs)

External Stakeholder Feedback

- FOF SDP Comments
 - **Concern with NRC assessment of deficiencies without the use of the FOF SDP**
 - Any material defects in performance associated with the exercise will be addressed through licensee corrective action programs, which are subject to NRC inspection.
 - Consistent with current practices, deficiencies beyond exercise outcomes will be screened in accordance with IMC 0612 “Issue Screening,” Appendix B, “Additional Issue Screening Guidance,” and IMC 0609 Appendix E Part I, “Baseline Security Significant Determination Process for Power Reactors,” as applicable.
 - The data collected from the performance of the TI will be used to inform any future changes to the inspection program. As this change is only temporary and for a limited number of sites, it is not a matter of policy. If changes are proposed for permanent program modifications after data is gained through the TI, they would be provided to the Commission for approval.
 - In addition, the TI was updated to provide clearer terminology for regulatory evaluations: 1) *No Material Defects in Performance* 2) *Potential Material Defects in Performance* and 3) *Material Defects in Performance*.

External Stakeholder Feedback

- **Corrective Action Program Comments**
 - **Concern with what constitutes a CAP entry following resurrection of adversaries and NRC expectations due to drill artificialities**
 - Consistent with current practices, NRC expectation is that the licensee follow their corrective action processes when entering items into their corrective action program.
 - When the licensee demonstrates the ability to neutralize the MAF early in the exercise, resurrecting the MAF may be utilized in order to observe additional layers of the defense in depth.
 - 10 CFR 73 App B, Sections VI.C.3(g) and (i) require licensee identification, documentation of those deficiencies that adversely affect the protective strategy are required to be documented and timely corrections are made to the appropriate program areas.
 - CAP entries associated with "Material Defects in Performance" outcomes would be expected to clearly meet the threshold for deficiencies that adversely impact the protective strategy
 - Additional learnings identified during evolutions involving adversary resurrections should be captured in the licensee CAP, as appropriate, based on the outcome of the post-exercise critique. The impact of artificialities can be considered as part of the critique process.
 - **Concern with what CAP products will be reviewed and which NRC inspection group would follow-up on the entry.**
 - Consistent with current practices, corrective actions can be reviewed during any NRC inspection that includes a review of corrective actions (e.g., IP 71130.05). Corrective actions will be reviewed in accordance with guidance in the procedure.

External Stakeholder Feedback

- **Corrective Action Program Comments**
 - **Does NRC expect an apparent cause or root cause evaluation for CAP entries**
 - Consistent with current practices, NRC expects licensees to follow their corrective action processes when evaluating items in its corrective action program.
 - **Concern with NRC assessment of CAP items following TI inspection activities**
 - Consistent with current practices, CAP items can be followed up through the NRC inspection process by site resident inspectors and through the baseline inspection program.
 - NRC can evaluate CAP items that the NRC determines were not adequately addressed or analyzed.

External Stakeholder Feedback

- **Advisor Comments**
 - **Concern with Advisors providing direction to the MAF during exercises**
 - Consistent with current practices, Advisors provide direction to the MAF only at the direction of the NRC team lead, this is not an independent action taken by an advisor.
 - **Concern with the role of the Advisor in exercise planning**
 - Consistent with current practices, NRC advisors provide technical support during the NRC inspection. As noted in the TI Section 03.02, the advisors coordinate with the NRC inspection team before conducting activities and planning.

External Stakeholder Feedback

- **Controller and Matrix Comments**
 - **Concern with the NRC inspection team's authority to override controller calls during an exercise**
 - Consistent with current practices, NRC force-on-force exercises are conducted by the NRC . The NRC inspection team has the authority to make these decisions; however, all decisions are discussed and made with input from the licensee's lead controller for the exercise.
 - **Concern with the timeframe for matrix development and how changes during the exercise week impact matrix development**
 - The NRC inspection team strives to make necessary adjustments to the matrices as early as possible; however, adjustments may be necessary during the exercise week to safely and effectively control the exercise.

External Stakeholder Feedback

- IDS Testing Comments
 - **Concern with the amount of effort related to intrusion detection system (IDS) testing and the potential redundancy with the 71130.04, “Equipment Testing and Maintenance Program” inspection conducted by regional inspectors**
 - Consistent with the current IP 71130.03, IDS testing is optional and may be conducted as necessary related to avenues of approach during protected and owner-controlled area tours.
 - Specific guidance provided in the TI is intended to provide consistency