

# Discussion of NEI White Paper on COVID-19 Lessons Learned Related to Force-on-Force Annual Exercises

October 31, 2023

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# Disclaimer

- The content of these slides does not constitute NRC policy. The NEI document discussed within this presentation was reviewed by NRC staff for information only. It was not reviewed for the purposes of NRC endorsement. NRC staff conclusions discussed in this presentation represent compliance with current regulatory requirements.

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# Background

- In July 2023, NRC staff received a copy of NEI White Paper: Force-on-Force Annual Exercises, dated April 2023.
- The NEI White Paper proposed modifications to licensee conducted annual force-on-force (FOF) exercises required by 10 CFR Part 73, Appendix B based on lessons learned from the COVID-19 public health emergency (PHE).

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# Background (cont.)

- NRC staff reviewed the content of the NEI White Paper and consulted internally.
- The staff noted the similarities between the white paper proposal and regulatory exemptions that were granted during the PHE.

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# Background (cont.)

- On April 20, 2020, the NRC issued guidance to licensees for requesting exemptions to Part 73 requirements during the PHE (ML20105A483).
- Many of the exemptions to 10 CFR Part 73, Appendix B, Section VI.C.3.l.1 (security personnel participation in security drills and exercises) submitted in accordance with this guidance implemented controls similar to the NEI White Paper.
- At the time, the NRC concluded that the exemptions were in the interest of maintaining adequate security and PHE health and safety protocols.

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# Discussion

- The NEI White Paper proposes to revise the current practice of annual FOF exercises to include a limited scope tactical response drill with a concurrent tabletop drill.
  - Personnel that would be actively involved in the developed scenario would participate in the limited scope drill.
  - Personnel that would not be actively involved in the developed scenario would participate in the tabletop drill.
- The White Paper listed advantages to training and experiences during the PHE as the basis for this change in practice.

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# Discussion (cont.)

- NRC staff identified multiple regulatory requirements associated with annual FOF exercises that could be violated under the NEI proposal.
  - 10 CFR 73.55(b)(6)
  - Part 73, App. B, Sect. VI.A.5
  - Part 73, App. B, Sect. VI.C.3.a
  - Part 73, App. B, Sect. VI.C.3.b
  - Part 73, App. B, Sect. VI.C.3.d
  - Part 73, App. B, Sect. VI.C.3.e
  - Part 73, App. B, Sect. VI.C.3.f
  - Part 73, App. B, Sect. VI.C.3.g
  - Part 73, App. B, Sect. VI.C.3.k.1
  - Part 73, App. B, Sect. VI.C.3.k.2
  - Part 73, App. B, Sect. VI.C.3.l.1
  - Part 73, App. B, Sect. VI.C.3.l.2

\*This list is not all inclusive

# Potential Concern 1

- There is no discussion in the NEI White Paper on how the revised FOF exercise plan will “demonstrate and assess the effectiveness of their onsite physical protection program” in accordance with regulatory requirements.
- Potential violation of 10 CFR 73.55(b)(6) and 10 CFR 73, App B, Sect. VI.C.3.a

# Potential Concern 2

- The NEI White Paper equates tactical response drills to FOF exercises beyond the intent of the regulatory requirements. Specifically, the NEI proposal concludes that two separate but related tactical response drills, limited to only portions of the protective strategy each, equates to a full FOF exercise.
- Potential violation of 10 CFR 73, App. B, Sect. VI.C.3.f

# Potential Concern 3

- The NEI White Paper allows for additional personnel above the minimum number of armed responders and armed security officers committed to in the security plan to participate in the tabletop drill and receive credit for completion of the annual FOF exercise.
- Potential violation of 10 CFR 73, App. B, Sect. VI.C.3.k.1

# Potential Concern 4

- The NEI White Paper removes hands on, in-scenario, demonstration of knowledge, skills, and abilities of the security personnel that do not participate in the live action portion of the licensee's proposed exercise plan. This inhibits the security personnel from demonstrating the defensive strategy in situations that simulate the conditions under which they may be required to perform their assigned duties.
- Potential violation of 10 CFR 73, App. B, Sect. VI.C.3.e

# Potential Concern 5

- The NEI White Paper replaces the annual FOF exercise with two independent but related tactical response drills. This does not replicate an FOF exercise in that it does not involve the full participation of the entire security force executing the protective strategy.
- Potential violation of 10 CFR 73, App. B, Sect. VI.C.3.b

# Potential Concern 6

- The NEI White Paper limits the post-exercise critique process by failing to fully implement the strategy, equipment, and performance of the entire defensive strategy. For example, “No Action” players would not have the opportunity to demonstrate or exercise the performance of response equipment.
- Potential violation of 10 CFR 73, App. B, Sect. VI.C.3.g

# Potential Concern 7

- The NEI White Paper does not require security personnel to demonstrate the requisite knowledge, skills, and abilities to perform their assigned duties during situations that simulate the conditions under which the security personnel would be required to perform. Specifically, security personnel that participate in the tabletop portion would discuss roles and responsibilities but would not demonstrate them through hands-on applications.
- Potential violation of 10 CFR 73, App. B, Sect. VI.A.5 and 10 CFR 73, App. B, Sect. VI.C.3.d

# Potential Concern 8

- The NEI White Paper increases artificialities associated with the FOF exercises by limiting the participants of the live action portion of the exercise and reducing the tactical flexibility of the adversary group to a pre-determined, and limited, attack pathway.
- Potential violation of 10 CFR 73, App. B, Sect. VI.C.3.k.2

# Potential Concern 9

- The NEI White Paper limits the ability of the adversary force to apply all aspects of the design basis threat in the performance of the attack scenario. Specifically, aspects related to deception, direction, and team composition could be significantly limited.
- Potential violation of 10 CFR 73, App. B, Sect. VI.C.3.l.2

# Potential Concern 10

- The NEI White Paper implements through guidance a change in policy that previously required exemptions to NRC requirements.
- Potential violation of 10 CFR 73, App. B, Sect. VI.C.3.e, 10 CFR 73, App. B, Sect. VI.C.3.l.1, and 10 CFR 73, App. B, Sect. VI.C.3.l.2

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# Conclusion

- An FOF exercise performed per the process discussed in the NEI White Paper does not appear to simulate site-specific conditions, as closely as practicable, for all response personnel or adversary characteristics. Additionally, the proposal does not appear to minimize the number and effect of artificialities associated with FOF exercises.

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# Questions?

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