
*FORCE-ON-FORCE
ESCALATION
PROCESS*



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Background:

The Atomic Energy Act of 1954, as amended, Section 170D, "Security Evaluations," requires that the force-on-force (FOF) exercises shall, to the maximum extent practicable, simulate security threats in accordance with any design basis threat (DBT) applicable to a facility.

To ensure exercises that appropriately simulate the DBT are developed, the U.S. Nuclear Regulatory Commission (NRC) inspection team lead will begin preparations to develop challenging scenarios upon completion of protective strategy briefings, site tours, and tabletop exercises. In preparation for scenario development, the NRC inspection team lead will ensure the Mock Adversary Force (MAF) director is provided information for exercise scenario planning from licensee personnel (i.e., insider information), in any method agreed to, but not limited to, the use of multiple personnel to provide information, the use of a knowledgeable individual, or the use of a point of contact who can expeditiously gather information for the MAF. All information learned by the inspection team during the conduct of the inspection should be used by the inspection team to develop scenarios to evaluate the licensee's implementation of their NRC-approved security plans.

The inspection process does not emulate the amount of time attributed to the collection of information under the DBT; therefore, the method of providing information is secondary to providing accurate information in an expedited manner. To achieve a level of realism commensurate with adversary characteristics, as described in Title 10 of the *Code of Federal Regulations* (10 CFR) 73.1, the adversary force interaction with site personnel and their controllers should emulate data that could be gathered through several years of dedicated information and intelligence gathering. Site personnel that are requested to obtain information to support the exercise scenario may be added as a Trusted Agent (TA).

Exercise Scenario Development:

During scenario development, the NRC inspection team lead will coordinate a scenario planning meeting with members of the inspection team. The NRC inspection team lead should ensure that the meeting is conducted in a manner that begins from the outermost layer of security to the inner most area. Specific consideration should include: (1) attractive target sets and methods of destruction; (2) potential routes and pathways to target sets; (3) security systems, barriers, patrols, and response personnel which must be bypassed or negotiated; and (4) applicable adversary composition, characteristics, and tactics, techniques, tools, and procedures to employ.

The results of the scenario planning meeting will be documented using Inspection Procedure (IP) 71130.03, "Contingency Response – Force-on-Force Testing," Addendum 2, "FOF Adversary Briefing Worksheet and Guidance," which will describe the details of scenario from the adversary staging area(s), into and through the Owner Controlled Area (OCA)/Protected Area (PA)/Vital Area (VA), to the target set.

On Tuesday of Planning Week, the NRC inspection team lead should provide the MAF director with as much preliminary information as the inspection team has developed. Topics that may be applicable are: (1) selected target sets and methods of destruction; (2) potential routes and pathways to target sets; (3) security systems, barriers, patrols, and response personnel which must be bypassed or negotiated; and (4) applicable adversary composition, characteristics, and tactics, techniques, tools, and procedures to employ. This information should allow the MAF director to become familiar with the site, provide input, and prepare for their tour of the OCA.

On Wednesday of Planning Week, the NRC inspection team lead will ensure that the MAF director is provided a detailed tour of the OCA. NRC inspectors, U.S. Special Operation Command (SOCOM) advisor(s), and licensee TAs will also attend the tour. During the tour, the MAF director will perform a complete tour of the OCA and the exterior of the PA perimeter during daylight hours and hours of darkness as appropriate. The primary focus of the tour is to capture all of the items identified by the NRC's preliminary information brief. This tour also allows the NRC FOF inspection team to finalize scenario details with NRC inspectors, SOCOM advisor(s), and the MAF director. The tours will also allow the MAF director to: (1) take photos and/or video of the OCA and PA perimeter safeguard systems and security organization; (2) evaluate infiltration routes up to the PA perimeter; (3) identify potential key terrain features, which can be used during exercises; (4) identify surveillance systems and patrols along identified routes of travel; (5) identify obstacles along selected routes of travel that must be exploited to support movements; (6) identify areas along the selected route of travel where exercise artificialities may occur; and (7) identify potential unsafe areas. Interior travel routes will be developed through information provided from the NRC FOF inspection team, SOCOM advisor(s), and licensee TAs. Following the OCA tour with the MAF director, the NRC FOF inspection team will finalize the scenarios and brief IP 71130.03, Addendum 2 to the licensee TAs and MAF director.

On Thursday of the Planning week, the MAF director will complete mission narratives based on the details of the scenarios developed by the NRC inspection team. The NRC inspection team reviews and approves the draft narratives to ensure that the intent is within the scheme of the scenarios. Approval of the final mission narratives will take place on the next Monday. The scenarios may be subject to minor adjustments and clarifications as the licensee exercise development team works with the MAF up to their rehearsals on the Sunday before Exercise Week. Minor adjustments that do not change the scenario or controller events will be allowed with the approval of the NRC inspection team lead or their designee.

The licensee exercise development team through the designated TAs should review the scenarios in detail as soon as possible after their disclosure by the NRC inspection team. This review should identify items within the scenario that need to be addressed as disputed items and placed into the escalation process. This process is described in the next section.

Escalation Process:

If a disputed item(s) arises during the inspection, the NRC inspection team lead will work with the licensee to attempt to resolve the disputed item while on-site. The NRC inspection team lead shall contact Nuclear Security and Incident Response (NSIR)/Division of Security Operations (DSO)/SPEB Branch Chief (BC) to determine if the specific issue has been previously disputed, resolved, and disseminated. Additionally, the NRC inspection team lead shall verify that there is no site-specific issue that could have a direct bearing on the application of a previous decision. If the disputed item in question has been previously captured within the escalation process and a site-specific condition does not exist, the NRC inspection team lead shall inform the senior licensee TA of the previous decision and use the results of that decision to continue with the exercise scenario as planned.

If the disputed item(s) cannot be resolved on-site, the NRC inspection team lead shall request the senior licensee TA to formally document the disputed item in writing, either using IP 71130.03, Addendum 3, "Formal Disagreement with Adversary Characteristics, Attributes, or Tactics Employed or Prepared as Part of an NRC-Evaluated Force-on-Force Exercise," or a similar format. The licensee should include a non-sensitive transmittal letter for enclosure into the NRC's Agency-wide Document Access and Management System (ADAMS) and enclose any supportive data, appropriately marked, that will provide enough detail to make a decision on the request.

Formally documented disputed items, that are non-safety related and that are not resolved by the NRC team lead on-site, should be transmitted to the SPEB BC by the first Wednesday after the Planning Week for review and approval or denial. Information received after this date may impact the rest of the process and impede exercise development. Any non-safety related disputed item received after this date may not be considered for resolution during the respective FOF inspection. If the licensee still disagrees with the SPEB BC decision, the senior licensee TA can request to appeal the decision to DSO Director for a final decision. The NRC inspection team lead shall inform the senior licensee TA of the decision by the DSO Director and continue with the exercise scenario as planned or make the appropriate changes based on the DSO Director's decision.

The licensee should continue to develop the exercise scenario, notwithstanding any disputed items, until a formal decision is rendered on the dispute(s). The NRC team lead may also provide the licensee a possible alternative scenario for development during the Planning Week to ensure that the exercises can be developed and conducted within the scheduled inspection weeks.

The licensee may dispute a safety-related item at ANY TIME during the course of the inspection.

All disputed items (NRC or licensee initiated) shall be documented by the NRC inspection team and placed into the branch's disputed item library.

Communication of documented disputed items:

- When a licensee or NRC inspection team lead documents a disputed item for resolution at the branch level, the NRC inspection team lead will ensure the SPEB BC and appropriate regional BC are aware of the disputed item.
- If the disputed item is appealed by the licensee to the division level or higher, the SPEB BC will notify the appropriate regional BC of the appealed item.
- When a disputed item or an appeal is resolved, the SPEB BC is responsible for providing this information to the appropriate regional BC.

Criteria for Entry:

The attachment contains an FOF screening tool that has decision areas listed as described below:

- (1) Is the disputed item within the DBT?, and
- (2) Is there available data to support the disputed item's use?, and
- (3) Can the disputed item be adequately controlled?, and
- (4) Is the disputed item safe for use or safely simulated?, and
- (5) Is the disputed item a tactic, technique or procedure (TTP) the licensee's strategy should have foreseen and accounted for?

General Escalation Process Personnel and Timeline:

While on-site, during Planning Week:

- (1) Licensee discussion with NRC inspection team lead. The NRC inspection team lead should advise the licensee whether the issue has been addressed before. Items that have been previously addressed are located in the SPEB Disputed Item (DI) library.
- (2) The NRC inspection team lead evaluates site-specific conditions to assess whether unique factors warrant a different outcome from how the issue has been addressed before.
- (3) If not resolved by the NRC inspection team lead, the disputed item is requested in writing from the licensee.

In-office, following Planning Week:

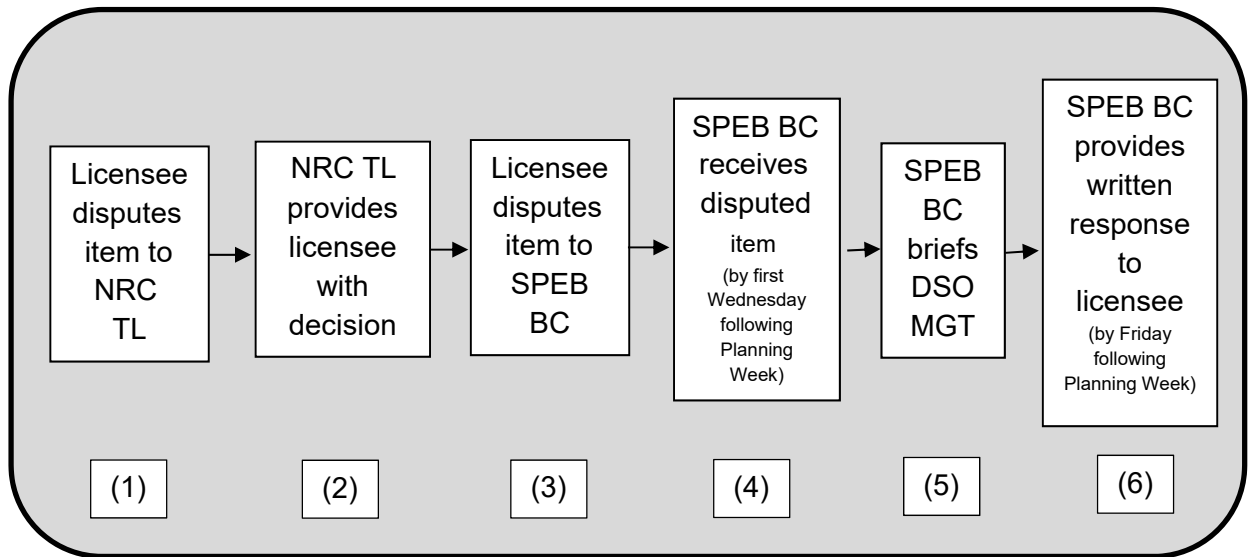
- (4) By the first Wednesday following Planning Week, IP 71130.03, Addendum 3 (or similar) is sent to SPEB BC. In general, the discussion may involve a conference call.
- (5) SPEB BC briefs DSO management of the disputed item.
- (6) By Friday following Planning Week, SPEB BC provides the licensee with a written response. If not resolved, Director/Deputy Director, DSO is briefed.
- (7) By Monday prior to Exercise Week, if the licensee does not agree with the SPEB BC decision, the licensee may appeal to the Director/Deputy Director, DSO in writing or verbally. In general, a conference call will be conducted between licensee and Director/Deputy Director, DSO to discuss the appeal.
- (8) By Wednesday prior to Exercise Week, the Director/Deputy Director, DSO briefs Director/Deputy Director, NSIR, and renders a decision. Director/Deputy Director, DSO will consult and align with Director/Deputy Director, NSIR prior to rendering a decision that is not in the licensee's favor. In general, a conference call will be conducted to inform the licensee of the decision and basis.

Changes to Exercise Scenarios after Escalation Process Closure

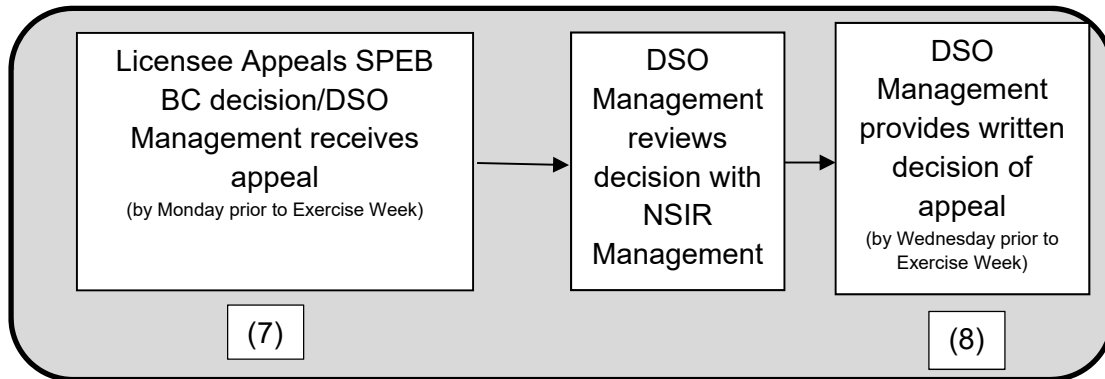
The NRC-approved exercise(s) should be developed and followed as closely as possible to its original intent; however, instances may arise that necessitate small revisions. Any information that was identified in the mission narrative(s) as incorrect, changed, or details that were missed during MAF planning and rehearsals must be directed to the attention of the NRC inspection team lead or SPEB BC as soon as possible. These items could be identified by either the licensee exercise development team or MAF and warrant a minor revision to the exercise. The licensee should also account for small revisions by the MAF during the final development of the exercise. The NRC inspection team lead will determine whether the proposed revisions are a departure from the original scenario that could either add significant value to, or change the intent of the scenario. These items must be resolved quickly due the short timeline to the exercises. The NRC inspection team lead, in consultation with the SPEB BC, will work with the licensee to implement any appropriate adjustments.

Figure 1:

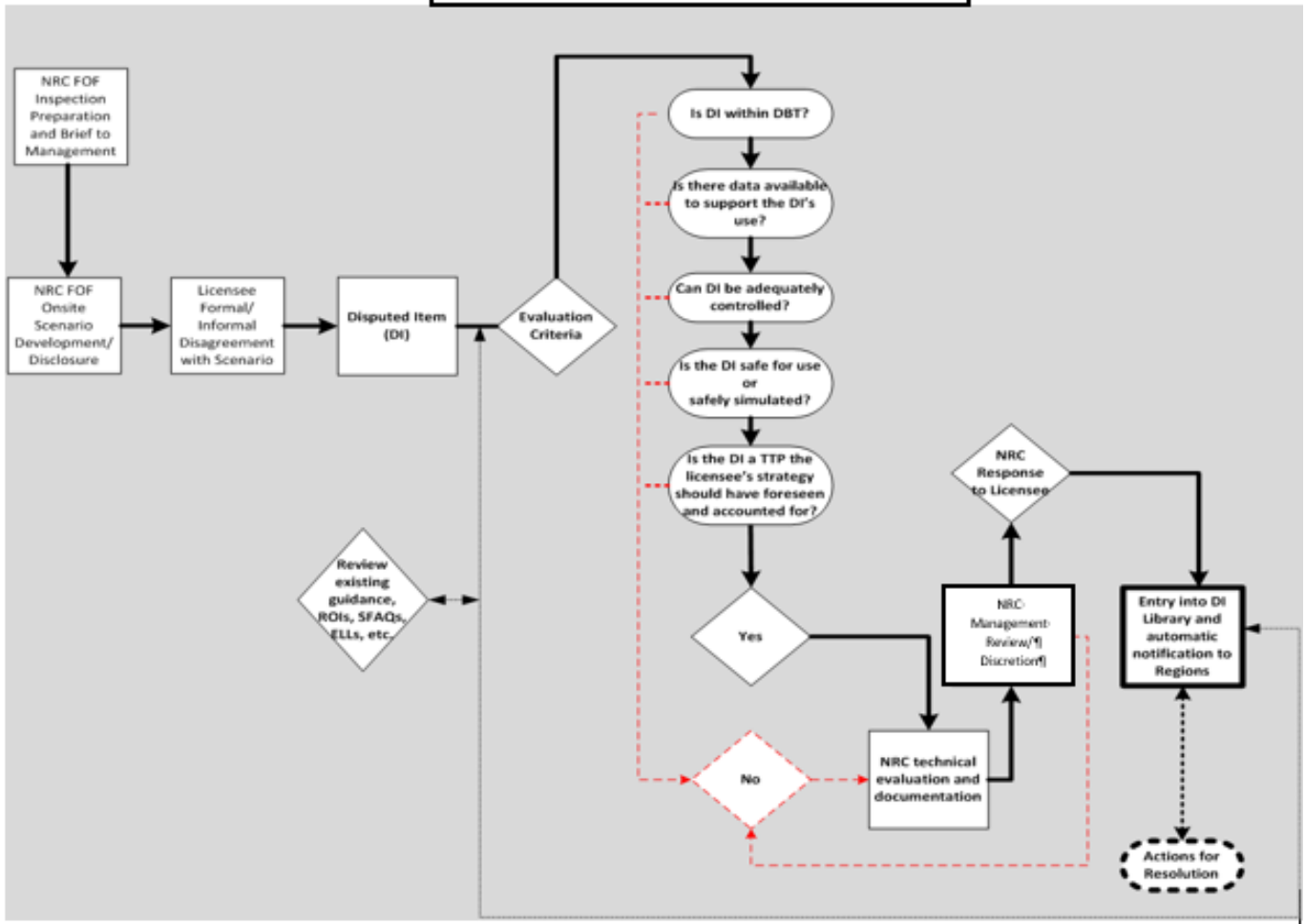
Escalation Process:



Appeal Process:



FOF-Disputed-Items-Process¶



Revision History:

This is the first revision of this document. The revised document added clarification to the escalation process as well as adding information on changes to the exercise scenarios after the escalation process has closed. Official use only information was removed from this revision to make the document publicly available.