



NRC Public Meeting – March 6, 2025

NEI 11-02, “Change Management Plan – Evaluated Force-on-Force Exercises”

*Division of Security Operations
Office of Nuclear Security and Incident Response*

Meeting Purpose

- Discuss the proposed changes to NEI 11-02 Force-on-Force Scenario Dispute Resolution Flowchart.
- Attendees will have an opportunity to ask clarifying questions to the U.S. Nuclear Regulatory Commission (NRC) staff.
- No regulatory decision will be made at the meeting today.

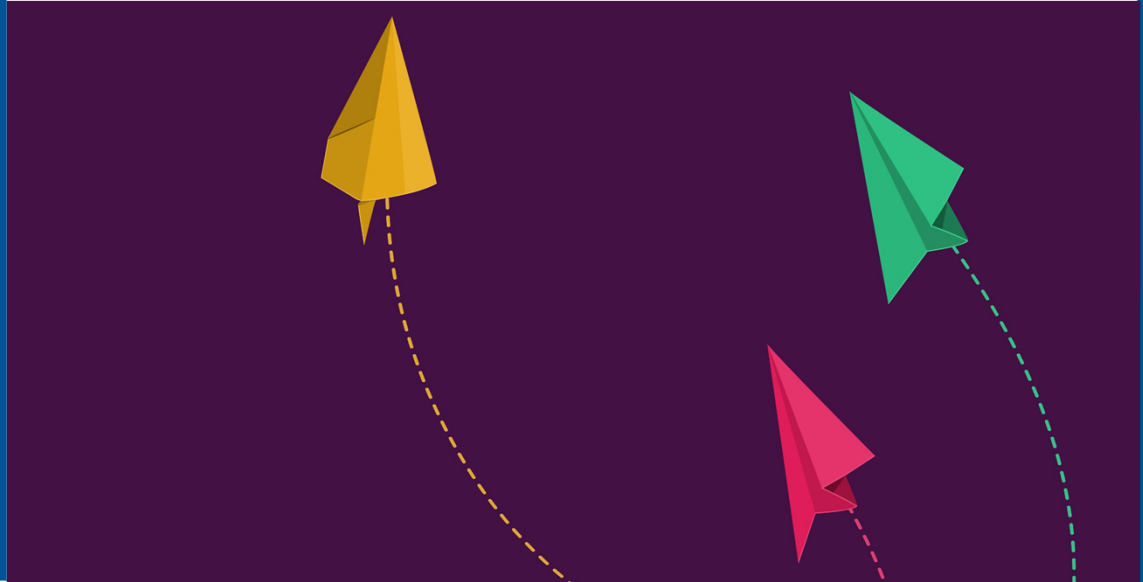


- Meeting Logistics
- Background
- Key Messages
- Flowchart Discussion
- Next Steps
- Q&A

Note: Depending on the participation level, the meeting could adjourn earlier than scheduled. If there are concerns with a potential early meeting adjournment, please inform the point of contact for this meeting.

Meeting Logistics

- Microsoft Teams Raise Hand Functionality
- Microsoft Teams Dial Number:
 - *5 to raise or lower hand
 - *6 to mute or unmute
- Identify yourself and your affiliation
- Public Meeting Slides: ADAMS Accession No. XXXXX
- Meeting Transcription



Background

- In January 2012, the NRC endorsed ([ML120060212](#)) NEI 11-02 which provides a formal process to identify and evaluate adversary tactics and capabilities that have not been previously evaluated and that have the potential to lead to an indeterminate exercise.
- The NEI 11-02 process is closely related to the escalation process referenced in Inspection Procedure (IP) 71130.03, “Contingency Response – Force-on-Force Testing.”
- The NEI-proposed revision to NEI 11-02 seeks to expand the entry criteria to incorporate a broader set of issues, streamline the review and resolution time, and provide opportunities to resolve more complex issues without the time pressure of the FOF schedule.
- Previous Public Meetings: November 13 and December 12, 2024

Key Messages

Process should ensure:

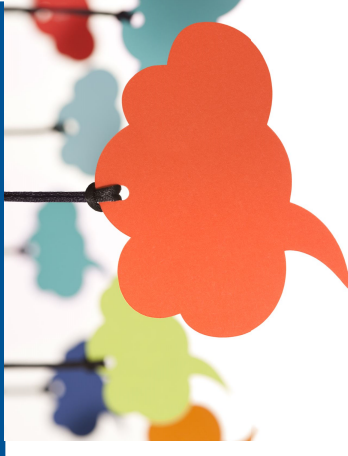
1. NRC's regulatory authority is maintained;
2. Conflict of interest is mitigated; and
3. Inspection-related communications are between the NRC and licensee.



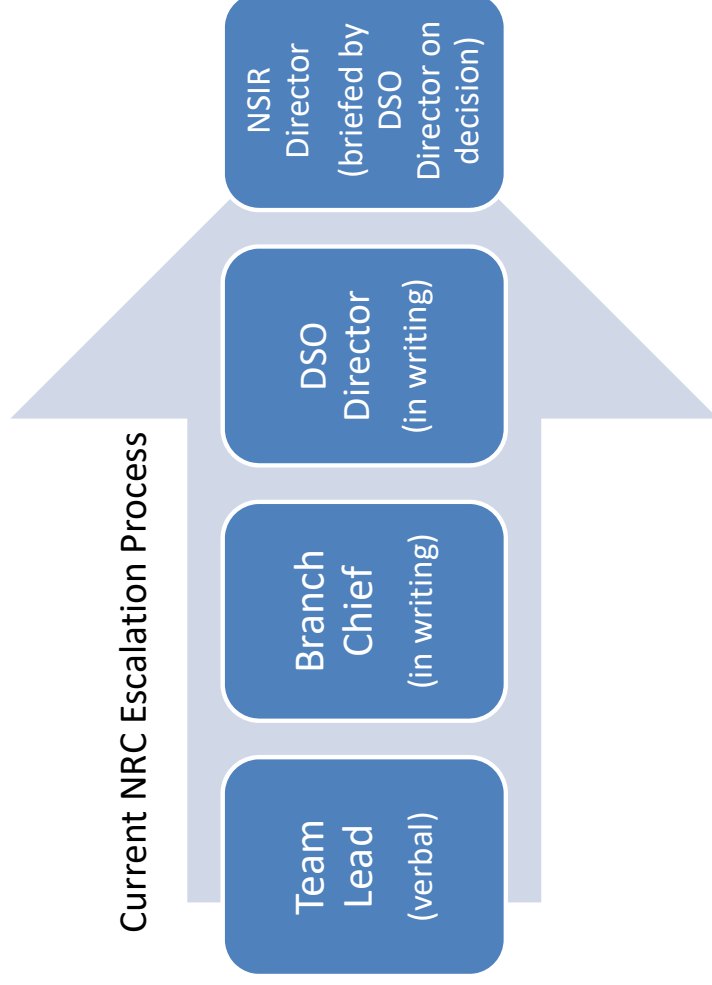
Flowchart Discussion

Overarching Comments

- Should the FOF dispute resolution process remain an NRC-endorsed NEI document, or should it be an NRC-owned document?
- Clarify that NRC is the decisionmaker regarding what is or is not within the scope of the DBT.
- The flowchart steps should clearly identify who owns the step (i.e., NRC or licensee) – Example: Decision to “Develop Alternate Scenario” should be identified as NRC’s.
- The flowchart contains steps for the engagement of NEI or industry peer groups. The role of NEI in an NRC-licensure inspection matter is unclear. If a licensee chooses to engage NEI in this process, they can, but the step should not be proceduralized in an NRC-endorsed document. All official inspection-related communications should come from licensee personnel to NRC, at the appropriate level, or vice versa.
- Licensee personnel and the NRC Team Leader (TL) often resolve items without the need to enter the dispute resolution flowchart entry criteria – should these items be documented?



Flowchart Discussion



NEI Proposed flowchart:

- If a Criteria 1 or 2 item cannot be resolved within 4 days, appeal is to the NSIR director.

Revisions for consideration:

- NRC resolves Criteria 1 and 2 at the DSO Director level (not the NSIR Director) if cannot be resolved within 4 days.
- Add formalized call between NSIR Director and their licensee counterpart.
- TL has 2 days to resolve dispute; BC has 2 days to resolve dispute (rather than the 4 days they each currently have).

Criterion 1: TTP falls outside the scope of the DBT
Criterion 2: Safety Concern

Flowchart Discussion

“Exercise Control Issue (Criterion 3)” – “Does the site have an adequate controlling measure that can be implemented safely”

- Reinforce the regulatory requirements for conducting exercises, including the control and simulation
- Clarify that this is an NRC decision and add decision blocks
- Could result in an inspection finding

“Industry Panel Review”

- Should be at licensee’s discretion and not part of the official process.
 - How would it be implemented regarding trusted agents?
- How much time would a panel take? (i.e., would it unnecessarily slow down the process)

“Can resolve dispute within 4 days”

- Clarify that this is an NRC decision
 - Clarify whether this is business or calendar days
- For Criteria 4/5 - Box should be BEFORE “Review and develop basis for acceptance or denial”

“Licensee Agrees with Determination”

- Revise to a question for a licensee’s choice to appeal
- Conforming changes for yes/no boxes
- Add NRC decision block

Flowchart Discussion



“Develop Alternate Scenario”	• NRC needs to be the decisionmaker just before this box • Clarify this is NRC’s role
-------------------------------------	---

“Document in Attachment 4 and Submit to NEI”	• Share access to NEI’s database of disputed items with NRC
---	---

“NRC Policy or Reasonable Assurance – Meets Entry Criteria 4 or 5” – “Review with NEI and Industry Peer Team”	• Do not proceduralize NEI’s role • Industry Peer Team – will this slow the process down? • Please provide hypothetical examples demonstrating the process for each entry criteria
--	--

Flowchart Discussion



“Respond in Writing”

- Clarify this is NRC’s role
- For complex policy matters, the NRC will be challenged to evaluate the issue and respond in 4 days

“Meeting with Licensee”

- Change to “clarification call with licensee” for the purpose of understanding the problem statement

“Review with NEI and Industry Peer Team”

- Clarify that these follow-on steps are for the tactic in dispute not the alternate scenario (same comment applies to Entry Criteria 1 and 2)

Flowchart Discussion

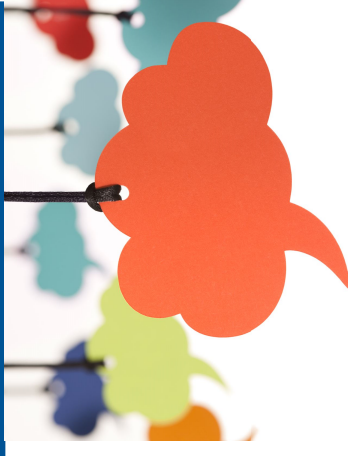
The flowchart introduces two new entry criteria:

- (4) Scenario design beyond reasonable assurance; and
- (5) Not consistent with NRC policy.

The NRC agrees that licensee concerns in these areas have created challenges just before exercise week in the past, and there has been no clear process for addressing these types of issues in real time.

- These criteria must be explicitly and narrowly defined in subsequent revisions.
- As previously mentioned, provide hypothetical examples demonstrating the process for each of the entry criteria.

FOR DISCUSSION: An internal “pre-alignment” process that could involve stakeholder input to align on new tactics before they are rolled-out in an exercise (see next slide).



Pre-Alignment Process

A process to increase the repeatable, predictable, and transparent means of determining new tactics within the DBT, that are approved for use in the performance evaluation program and the triennial FOF.

- Industry is informed and can evaluate / analyze any potential effects of a TTP or use of equipment on their physical protection program during an implementation period, before its inclusion in a FOF exercise.
- Prior to use and has the option to pre-approve / disapprove a TTP or equipment for use in a triennial exercise.
- Develop process to inform industry of items approved and disapproved for use.





Next Steps

- ❖ NRC will review proposed changes to NEI 11-02 once submitted by NEI.
 - ✓ Goal for review/endorsement, as appropriate, by October 31, 2025
- ❖ NRC staff will make necessary changes to the escalation process after resolution of comments on the flowchart or pursue creating additional documents, if appropriate.
 - ✓ Conforming changes to NRC documents prior to January 1, 2026

QUESTIONS



Point of Contact: Becca Lagios at rebecca.lagios@nrc.gov