

**U.S. Nuclear Regulatory Commission (NRC) Comments on Nuclear Energy Institute (NEI) 11-02
“Change Management Plan - Evaluated Force-On-Force Exercises,” Revision 1**

Section	Page	Comment
1	1	<p>Section 1, page 1, paragraph 1, the following sentence: “The goal of each NPP’s protective strategy is to defend against the DBT in accordance with 10 CFR [Title 10 of the <i>Code of Federal Regulations</i>] 73.1, NRC(-)approved security plans, licensee implementing procedures and associated NRC and industry guidance,” should be revised to clarify that the “DBT” referenced in the sentence is the “design basis threat (DBT) of radiological sabotage as outlined in 10 CFR 73.1.”</p> <p>Page 1 of NEI’s proposed 11-02 (Revision 1) should reflect Orders that pertain to the DBT. Second paragraph of page 1 (same reference) should include... safety systems, components and structures... (first and second sentences)</p>
1	1	<p>Recommended replacing “commando-style” with “violent external” because the sentence references the DBT and it would then be consistent with 10 CFR 73.1(a)(1)(i).</p> <p>Recommend replacing “Description” with “Document” to be consistent with Regulatory Guide (RG) 5.69.</p> <p>Recommend correcting the title of RG 5.69, replace “protection” with “security”</p> <p>Recommend replacing “specific commando-style tactics” with “well trained (including military training and skills)” to be consistent with 10 CFR 73.1(a)(1)(i)(A). The sentence references the DBT, Adversary Characteristics Document and RG 5.69 and the term “commando” is not used in any of those documents. In addition, RG 5.69, Section 1.1(A) does not use the term “specific” when addressing tactics.</p>

Section	Page	Comment
2	2	<p>Section 2, page 2, within the second sentence the context of the following statement: "Significant changes to adversary tactics and capabilities," is inaccurate in context and scope and implies that the DBT of radiological sabotage is randomly changed without the Commission direction or specific rulemaking.</p> <p>This sentence should be revised to reflect a more accurate context and scope such as: "Adversary tactics, tools or equipment that are within the DBT of radiological sabotage, but have not been evaluated for introduction into the FOF [force-on-force] exercise environment, have the potential to cause an indeterminate exercise, and may yield control measures that are not consistent from site to site."</p> <p>The executive summary references the term, "tools and attributes" Page 2 references the term, "tactics and capabilities" Page 4 references the term, "tool(s), technique and/or new use(s) of an existing tool(s)" Page 5 references the term, "tool(s) and/or use(s)" Page 6 references the term, "tool(s)/technique(s) and/or use(s)" Attachment 1 references the term, "tool(s) or similar tool(s) &/or use(s)" Attachment 2 references the term, "new tool, new use of tool, or new tactic"</p> <p>The term used should be consistent throughout the document; each of these has a slightly different meaning covering a broad spectrum of topics. In addition, some terms are broad in nature and may need further clarification for understanding (e.g., the term technique).</p> <p>Line 3: Recommend changing "cause" to "lead to."</p>

Section	Page	Comment
3	3	<p>Section 3, page 3, the first sentence has grammatical errors but is also not accurate in context and scope as it implies that the change management process is to be applied to manage changes within the entire FOF inspection program and not just for the evaluation of tactics, tools or equipment that have not been evaluated for introduction within the FOF exercise environment. This sentence should be revised to reflect a more accurate context and scope and to clarify the purpose, such as: “The purpose of this guide is to establish a disciplined approach to managing the changes that may be introduced into force-on-force exercises resultant from the discovery of new adversary tactics, tools or equipment that are within the DBT of radiological sabotage but have not yet been fully evaluated for introduction into the force-on-force exercise environment.</p> <p>Based on the significance of the purpose statement, why not remove the word “evaluated” and make the change management plan part of the overall force-on-force program (i.e., NRC evaluated and licensee conducted)?</p> <p>First sentence, page 3 of the document should read: “The purpose of the guide is to establish ...”</p> <p>The language on page 3, “inadequate training for both the security force and the exercise controllers” is not clear. The purpose of the force-on-force is to validate training.</p> <p>Final sentence: Recommend rewording to give the sentence a positive tone.</p>
4	4	<p>Section 4, page 4, the first paragraph. Addendum 5 of the Inspection Procedure and NEI 05-05 should be introduced at the beginning of this document to clarify that these are the documents to which this “change management process’ applies.</p>
4	4	<p>Section 4, page 4, the first paragraph. The statement about inspection planning should be clarified so as to avoid any question regarding undue influence by industry on FOF inspections.</p> <p>Recommend defining or giving examples of “significantly different”.</p> <p>Page 4 of the NEI document indicates: “...be initiated by the inspection team or the respective licensee during or after an NRC FOF...” This assertion seems to be contradicted by the requirement on page 6, which stipulates (in Step 2): “... [the] information is discussed in face-to-face meetings with the NRC and industry...” It is not clear how a change can take place during a FOF if industry is to be consulted before a change can take place.</p> <p>Suggest that the verb “is” in the first sentence should be replaced with “and/or new use of existing tool are.”</p>

Section	Page	Comment
5	5	<p>Section 5, page 5, the first of the four decision areas “1. If the tool(s) and/or use(s) requested is beyond the scope of the Design Basis Threat and the Adversary Characteristics Description, it will not be used in [NRC] evaluated Force on Force Exercise(s),” should be removed from this document as the design basis threat of radiological sabotage is the established standard that is required to be used in the evaluation of licensee physical protection programs.</p> <p>This decision area was not included in the change management process that was originally submitted as a component of NEI 05-05, “Controller Responsibilities Guideline” for this very reason.</p> <p>In the current FOF inspection environment, anything that is beyond the scope of the DBT of radiological sabotage is only used during exercises that are conducted for training purposes only and are not evaluated by the NRC.</p> <p>Item 2: “...safely implemented” - Does it include personal and plant safety? Also on page 6 Step 6.</p>
5	5	<p>Section 5, page 5, each of the four decision areas listed under section 5 includes explicitly directive language (i.e. “will not be used”) implying a requirement on the NRC and power reactor licensees which is beyond the scope and authority of this document. The process outlined in this document should also be intended for use by licensees within their performance evaluation programs for the conduct of licensee exercises and should not impose restrictions to established site specific programs.</p> <p>In each decision area, the phrase “will not be used” should be replaced with “should not be used.”</p> <p>Recommend replacing the word “Description” with “Document” to be consistent with RG 5.69.</p>
5	5	<p>Section 5, page 5, the third decision area uses the term “current practices,” but does not identify the basis of these “current practices.”</p> <p>In the change management process that was originally submitted as a component of NEI 05-05, “Controller Responsibilities Guideline,” at least one of the decision areas within the process identified the NRC inspection program and related NRC and industry guidance documents as the basis of what might be considered “current practice.”</p> <p>At least one of the decision areas within this section should be revised to reference the NRC inspection program and related NRC and industry guidance documents that describe or provide similarities to the tactics, tools and equipment of the DBT of radiological sabotage which provide the basis of the term “current practice.”</p>

Section	Page	Comment
5	5	<p>Section 5, page 5, the Note at the bottom of the page also includes explicitly directive language (i.e. the issue will be resolved), implying a requirement on the NRC and power reactor licensees which is beyond the scope and authority of this document.</p> <p>The note should be revised and the words “will be” should be replaced by “should be.”</p>
6	6	<p>Section 6, page 6, the opening statement includes explicitly directive language (i.e. “the direction described in this section shall be used”) implying a requirement on the NRC and power reactor licensees which is beyond the scope and authority of this document.</p> <p>The word “shall” in this statement should be replaced with “should.”</p> <p>Who and/or how is a complex change defined/determined?</p>

Section	Page	Comment
6	6	<p>Step 1 and Step 3: The term “realistic” needs to be defined.</p> <p>Step 2: Remove the word “Generic.”</p> <p>Step 3: To whom are comments provided?</p> <p>Section 6, page 6, Step 5 should be revised as the determination to use or continue to use DBT tactics in NRC FOF evaluated exercises is the responsibility of the NRC. The results of pilot exercises should be used to determine if the simulation and control measures used for the specific new tactic, tool or equipment minimize artificiality, enables a sound control outcome, and doesn't negatively impact exercise and plant safety.</p> <p>Step 5: Recommend changing to read “If a pilot exercise... should be used. If the tactic is used, is more... security plan.”</p> <p>Step 5: Based on Step 4, if there is confirmation that the tactic can be adequately simulated and controlled so that the exercise is a realistic test of the site's protective strategy, why discuss the results and determine if it should be used? The results should be the determining factor, if it can be adequately simulated and controlled and is a realistic test, it should be used.</p> <p>In addition, what is meant by, “make any necessary changes to the site security features” does this mean physical security upgrades? If the tool(s) and/or use(s) are within the scope of the DBT, and can adequately simulated, controlled, etc. the change management plan should not be a mechanism to identify the need for FOF upgrades, etc.</p> <p>This section should be revised to include language such as: “If a pilot exercise is conducted, the industry and NRC should meet to discuss the results of the exercise to determine if the simulation and control measures used provide for a realistic, appropriately controllable and safe outcome. During this meeting, the need for additional evaluation, controller training and piloting using other simulations or control methods for the particular tactic, tool or equipment should be determined.”</p> <p>Otherwise, this step should be revised to include some of the language of the change management process that was originally submitted as a component of NEI 05-05, “Controller Responsibilities Guideline,” (Step 6) which stated: “the industry and NRC meet to discuss the results of the pilot exercise and determine if more time is needed to properly train controllers on simulation and control of the new tactic,” etc.</p>

Section	Page	Comment
6	6	<p>Section 6, page 6, Steps 5 and 7 include language that implies that the implementation of a new tactic, tool or piece of equipment that is within the DBT of radiological sabotage should be delayed until licensees have an opportunity to make changes to site security features and their site security plans.</p> <p>Power reactor licensees are required to perform site specific analyses, security program reviews and audits to continually evaluate their physical protection program and protective strategy in comparison to the capabilities of the DBT of radiological sabotage to include all tactics, tools and equipment within the DBT.</p> <p>If a licensee must make changes to security features to protect against a tactic, tool or equipment that is already within the DBT of radiological sabotage, this is an indication that their physical protection program does not meet the general performance objective and requirements of 10 CFR 73.55.</p> <p>The identification of a degradation in the ability to protect against the DBT of radiological sabotage in which the licensee would need to make changes to site security features would also require the immediate implementation of compensatory measures in accordance with 10 CFR 73.55; however, this section does not discuss the implementation of such compensatory measures. All inference within this document that delays the introduction of new tactics, tools or equipment that is within the DBT of radiological sabotage until licensee make changes to security features and security plans should be removed. The only delay for the introduction of new tactics, tools and equipment within the DBT should be to ensure that the simulation and control measure provide for a realistic, appropriately controllable and safe outcome.</p>
6	6	<p>Step 6: Recommend changing to read “The resolution, including criteria for use and controller and safety guidance as needed, is documented in the appropriate section of Attachment 1.”</p> <p>Section 6, page 6, Step 7 the last sentence within this step includes explicitly directive language, (i.e. “The agreed upon implementation date shall be documented on Attachment 1.”) implying a requirement which is beyond the scope and authority of this document.</p> <p>The word “shall” should be replaced with “should” in the sentence identified above.</p> <p>Reference is made to a time frame in step 7, but a specific time frame is not spelled out in the plan.</p>

Section	Page	Comment
6	6	<p>Section 6, page 6, the context of last bullet item on the page includes explicitly directive language and should be revised to reflect the appropriate context such as the following:</p> <p>“In the event of a significant delay or failure to act by either the NRC or industry or that a mutual agreement cannot be reached within the time frame established within this change management plan, the issue should be forwarded to NSIR Senior Management for final resolution.”</p> <p>How long is a significant delay? What is the time frame established within the change management plan? Is there a FACA issue with using the term “mutual agreement”</p>
6	7	<p>Section 6, page 7, the bullet at the top of the page includes explicitly directive language and should be revised to reflect the appropriate context such as the following:</p> <p>“In the event an issue has been determined, by NRC management, to have generic implications for other NRC licensees, the issue should be evaluated by NRC staff in accordance with the policy outlined in NRC Management Directive 8.18, “NRC Generic Communication Program,” for the potential development and issuance of a generic communication.” In addition, “Communication” should be “Communications.”</p> <p>Section 6, page 7, Step 8 describes the signing of Attachment 1 when the resolution is reached without the escalation to NSIR senior management.</p> <p>This step should also address the situation in which this process is escalated to NSIR senior management which would only require the signature of the NSIR senior manager and the implementation date on Attachment 1.</p>
6	7	<p>Bullet: Recommend changing to read “If NRC management determines that an issue has generic implications...”</p> <p>Change the word “policy” in the second line to “process.”</p> <p>Step 8: Are “NRC and Industry representatives” management?</p>

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7	8	<p>Section 7, page 8, includes explicitly directive language within the opening paragraph and each bullet within this section (i.e. the use of the word “shall”). Even though NEI is self imposing the adherence to the details of this section upon itself, the language within this section should be revised to ensure that there is no confusion that leads to the implication of requirements.</p> <p>Page 8, bullet 1. Recommend changing to read “Each form...unique tracking number comprising the year...”</p> <p>Clarify if the NEI ATOM Website is controlled.</p> <p>Recommend changing the second bullet to read: “Once the form is completed and accepted by the Industry and Approved by the NRC...”</p>
ATT.1	9	<p>The screening tool within Attachment 1, which corresponds with Sections 5 and 6 of this document, contains explicitly directive language (i.e. “will not be incorporated”) implying a requirement on the NRC and power reactor licensees which is beyond the scope and authority of this document. The process outlined in this document should also be intended for use by licensees within their performance evaluation programs for the conduct of licensee exercises and should not impose restrictions to established site specific programs.</p> <p>In each decision block of Attachment 1, the phrase “will not be incorporated” should be replaced with “should not be incorporated.”</p>
ATT. 1	9	<p>The screening tool within Attachment 1, does not address tools that are similar to other tools which have been used within the NRC inspection program and that are identified in related NRC and industry guidance documents. The tool assumes that everything is new and unevaluated which may not be the case.</p> <p>The tool should be revised to include the screening of tools which have been used within the NRC inspection program and that are identified in related NRC and industry guidance documents.</p>
ATT. 1	9	<p>The third decision block, that states: “Does the tool(s) or similar tool(s) &/or use(s) require significant new controller guidance, development & training?” demonstrates that if the answer to this question is NO, that the “Tool(s) and/or use(s) will not be incorporated into FOF exercises until it has been vetted through the change management process.” This is contradictory to the flow of the process. If the tool does not require significant new controller guidance, development and training why wouldn’t it be incorporated into FOF exercises?</p> <p>The “YES and NO” located on the third decision block need to change places to accommodate the proper flow of the process.</p>

Section	Page	Comment
General Comments		<p>Force-on-force has dashes in it sometimes: ensure the term is consistent throughout the document.</p> <p>Within the document, the document is referred to as a “plan,” “report,” and in ATT. 1 as a “process.” The document reference should be consistent throughout. The change management process that was originally submitted as a component of NEI 05-05, “Controller Responsibilities Guideline,” was referred to as a “process” which appears to be the appropriate characterization for this document.</p> <p>Suggest a reference to the location of the “third row of the flow chart” which is in ATTACHMENT 1 – FOF CHANGE MANAGEMENT SCREENING TOOL (page 9). When this statement is combined with the first half of the sentence, which is referring to a section on page 5, a search in the document is needed to find the meaning.</p> <p>Page 7 and 8 are not clear regarding the notification of change for changes that would apply generically to all licensees. The proposed change management notification appears to supersede NRC’s MD 8.18 (Generic Communication) as discussed on page 8. If a change is applicable to all licensees an Information Notice would be issued (for example) or a rulemaking would be done if the change affects 73.1.</p> <p>Recommend larger font in Attachment 1.</p> <p>Page 11: Change “Industry Approval” to “Industry Accepted” and reverse order of the two.</p>
N/A	N/A	<p>General/Overall Comment: The terms, tools, tactics, attributes, capabilities and techniques are used in this document. This document should be reviewed to ensure consistent and correct use of these terms.</p>
Executive Summary		<p>Recommend replacing “Composite Adversary Force (CAF)” with “Design Basis Threat (DBT) and Adversary Characteristics Document (ACD).” The tools and attributes are defined/described within the DBT and ACD, the CAF is bound by the tools and attributes described within these two documents.</p>