

September 11, 2015

MEMORANDUM TO: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran

COMSECY-15-0025

FROM: Mark. A. Satorius **/RA Michael Johnson Acting for/**
Executive Director for Operations

SUBJECT: PROPOSED REVISION TO THE NOTIFICATION PROCESS FOR
FORCE-ON-FORCE INSPECTIONS

The purpose of this memorandum is to propose to the Commission to revise the approach for notifying nuclear power plant licensees of upcoming U.S. Nuclear Regulatory Commission (NRC)-conducted force-on-force (FOF) exercises to align with the Reactor Oversight Process (ROP). Under the revised approach, the planned FOF inspection dates would be included in the 15-month inspection plan provided to licensees during Mid-Cycle and End-of-Cycle Assessments, consistent with Inspection Manual Chapter 0305, "Operating Reactor Assessment Program."¹

In SECY-04-0083, "Final Report on the Pilot Expanded Force-on-Force Exercise Program with Lessons Learned and Recommendations for Future Activities," dated May 14, 2004, the staff recommended that licensees be given an 8-week, but no more than a 12-week notification prior to an NRC-conducted FOF inspection. The staff's position at that time was that a longer notification window might not provide as accurate an assessment of typical security force readiness. In Staff Requirements Memorandum, SECY-04-0083, dated August 13, 2004, the Commission approved the staff's recommendation, and stated that the staff should inform the Commission of their evaluation of the possibility of extending the licensee notification window following the transition from the FOF pilot program to evaluated triennial exercises. In SECY-04-0174, the staff committed to monitoring the 8-to-12-week notification window to determine if any adjustments were necessary.

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¹ While the ROP does not apply to Category I fuel cycle facilities, they would be notified along timeframes similar to those for power reactor licensees.

Since SECY-04-0083 was issued, the NRC has completed three triennial FOF inspection cycles. In that time, the NRC and licensees have identified issues with the current notification timeline that have created challenges in coordinating site activities with the FOF inspection schedule, such as outages, delivery schedules, training, and assistance visits. A longer notification window will minimize disruption to both NRC and licensee activities. Both headquarters and regional staff are often challenged by the FOF inspection schedule for potential conflicts with other NRC inspection activities because the FOF inspection dates are not currently included in the Reactor Program System (RPS), and are not noticed as far in advance as other at-facility NRC activities. The RPS Inspection Planning (IP) application integrates all site and inspection activities, including the Institute of Nuclear Power Operations' activities and outages. Inclusion of FOF inspections into the IP application will increase the efficiency of the NRC inspection program. It will also allow licensees to budget more accurately, better coordinate support for work hour controls for personnel involved in exercise activities, and arrange for controllers coming from other sites. Finally, a notification window that is consistent with licensee notifications of other NRC activities will provide the NRC staff with greater flexibility to coordinate FOF inspections within the broader NRC inspection program, and in adjusting the FOF inspection schedule based upon those other activities, as appropriate, while still ensuring triennial NRC-conducted exercises. For example, if the FOF inspection schedule needs to be adjusted due to an unplanned event, such as severe weather, the NRC staff will be able to coordinate new proposed dates. Currently, this can be challenging because of the need to avoid informing licensees of a potential inspection date earlier than 8 to 12 weeks in advance.

The staff believes that it has sufficient experience implementing the FOF inspection program to address the concerns presented in SECY-04-0083. Recent enhancements to the security inspection program have included NRC observation of licensee-conducted FOF exercises. These observations provide the NRC with additional insights to licensees' security programs and provide additional confidence that the licensees' security forces are being trained effectively. If the Commission approves this change to the licensee notification process, the staff will continue to monitor the FOF inspection program to ensure it accurately assesses licensee security force readiness and performance.

The staff believes that changing the advanced notification period to licensees of FOF inspections from 8 to 12 weeks, to 9 to 15 months, consistent with the ROP, will minimize disruptions to the NRC and licensees without impacting the integrity of the inspection program, and will better align the FOF inspection program with the ROP. The staff intends to inform the Commission if it believes that any subsequent adjustments are needed.

The Office of the General Counsel has reviewed this memorandum and has no legal objection.

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