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May 31, 2017

Ms. Marissa Bailey
Director, Division of Security Operations
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Input on Options Being Considered for Force-on-Force Exercises

Reference: NRC Letter, M. Bailey to W. Gross, dated May 11, 2017

Project Number: 689

Dear Ms. Bailey:

In response to your letter referenced above, the Nuclear Energy Institute (NEI)¹ and the industry appreciate the opportunity to provide the following input for the staff's assessment of the options under consideration for conducting triennial Force-on-Force (FOF) exercise inspections. The options below are presented in the order preferred by the industry – most to least – along with what we see as the benefits and issues of each.

Option 1 – Conduct two FOF exercises with one being an exercise as currently performed and the other being a demonstration of security Defense-in-Depth (DID) capabilities.

This option was described in Attachment 3 of NEI Letter, *Industry Recommendations Related to Memorandum, "Staff Requirements – SECY-16-0073 – Options and Recommendations for the Force-on-Force Inspection Program in Response to SRM-SECY-14-0088,"* Pollock to Holian, dated January 26, 2017. The inspection approach could be similar to that used by regional inspectors for observing a demonstration of security DID capabilities. Compared to a "traditional" FOF exercise, a DID FOF exercise could be accomplished with a reduced player and controller complement (i.e., participants could be limited to those necessary to demonstrate the selected objectives) and fewer inspection resources.

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

Benefits: Provides a licensee with an opportunity to test defensive strategies under more challenging conditions (e.g., adversary starting point inside the Protected Area), thus improving integrated use of strategies, tactics and physical components. A DID FOF exercise would promote further development of integrated response capabilities between the licensee and local law enforcement agencies (LLEAs). For example, LLEA officials would have more opportunities to engage with the site security organization and gain familiarity with the nuclear power plant under simulated response conditions. Additionally, a DID FOF exercise could demonstrate key aspects of the response capabilities credited in a Security Event Mitigation Assessment (SEMA), thus adding more realism and experience for participants.

Issues to Address: New inspection program guidance for evaluating a DID FOF exercise will be needed, and other changes may be necessary to address an unsuccessful "traditional" FOF exercise (i.e., failed or indeterminate) or one that is cancelled (e.g., due to inclement weather or an emerging plant issue). In addition, new guidance would be needed for handling circumstances when a site cannot obtain the level of LLEA support needed for a DID FOF exercise.

Option 2 – Conduct one FOF exercise.

Benefits: Reflects the maturity of site physical protection programs, improved through the incorporation of operating experience and lessons learned from previous FOF exercise cycles, and demonstrated effectiveness of protective strategies. The chance of participant injury, fatigue effects on security officers, and impact to site operations would all be reduced. This option also offers the greatest resource savings over the current approach.

Issues to Address: Would need to ensure that the selection of this option is consistent with Section 170D.b of Chapter 14 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §2210d.b, which requires security evaluations that include force-on-force exercises. Changes to inspection guidance may be necessary to address an unsuccessful (i.e., failed or indeterminate) exercise or one that is cancelled (e.g., due to inclement weather or an emerging plant issue).

Option 3 - Maintain the current number and type of FOF exercises (i.e., the status quo).

Benefits: Continued use of existing guidance documents and inspection processes, as revised to incorporate the process improvements and efficiency opportunities discussed below.

Issues to Address: Does not maximize process improvements and efficiencies. Additionally, this option does not reduce the chance of participant injury, fatigue effects on security officers, and impact to site operations.

Regardless of the option eventually selected by the Commission, we urge the staff to streamline the security baseline inspection program through incorporation of the process improvements and opportunities to gain

Ms. Marissa Bailey

May 31, 2017

Page 3

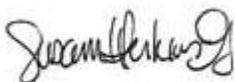
efficiencies described in:

- Attachments 1 and 2 of NEI Letter, *Industry Recommendations Related to Memorandum, "Staff Requirements – SECY-16-0073 – Options and Recommendations for the Force-on-Force Inspection Program in Response to SRM-SECY-14-0088,"* Pollock to Holian, dated January 26, 2017;
- NEI Letter, *Additional Information Concerning Attachments 2 and 3 of NEI Letter, "Industry Recommendations Related to Memorandum, 'Staff Requirements – SECY-16-0073 – Options and Recommendations for the Force-on-Force Inspection Program in Response to SRM-SECY-14-0088,'* Pollock to Holian, dated January 26, 2017," Gross to Bailey, dated May 2, 2017.

We also suggest that the staff assess an option for allowing licensees to prepare and conduct FOF exercises, with NRC oversight. In general, this approach would be similar to the current NRC process for inspecting emergency preparedness exercises, and could be implemented in conjunction with any of the three options discussed above. The industry could prepare and submit a detailed proposal for this option but needs to be notified of an affirming legal analysis by the NRC Office of the General Counsel before undertaking the effort.

Questions concerning the input and recommendations discussed in this letter should be directed to Mr. David Young (202-739-8127 or dly@nei.org).

Sincerely,



Susan Perkins-Grew

c: Mr. Clay Johnson, NSIR/DSO/SPEB, NRC
NRC Document Control Desk