

September 12, 2017

Mr. James D. Ellis
Director, Fleet Security Program
Davis-Besse Nuclear Power Station, Unit 1
5501 North State Route 2
Oak Harbor, OH 43449

SUBJECT: RESPONSE TO YOUR ESCALATED APPEAL OF THE FORMAL
DISAGREEMENT WITH ADVERSARY CHARACTERISTICS, ATTRIBUTES, OR
TACTICS EMPLOYED OR PREPARED AS PART OF AN NRC-EVALUATED
FORCE-ON-FORCE EXERCISE – DISPUTED ITEM 05000346/2017201-01
AND 05000346/2017201-02

Dear Mr. Ellis:

The Division of Security Operations received your original dispute on August 29, 2017, to escalate the U.S. Nuclear Regulatory Commission (NRC) staff's decision to use two tactics, techniques, or procedures (TTP) planned for the Davis-Besse force-on-force (FOF) exercises, and the NRC staff's initial decision was communicated to the site on August 31, 2017. During these discussions, NRC staff communicated to the site to consider reviewing Regulatory Guide 5.69, "Guidance for the Application of Radiological Sabotage Design-Basis Threat in the Design, Development and Implementation of a Physical Security Program that Meets 10 CFR 73.55 Requirements," and associated references. On September 1, 2017, the NRC received your letter appealing the denial of the escalation and requested the NRC reevaluate their decision. The NRC carefully reevaluated your dispute and determined that the TTPs are still appropriate for use in an NRC-evaluated FOF exercise. This response was communicated in a letter dated September 1, 2017.

On September 5, 2017, you requested via e-mail and September 6, 2017, via letter, to appeal the reevaluated decision by NRC management to continue to use the TTPs planned for the FOF exercises. The NRC conducted an additional evaluation of your dispute and determined that the TTPs are still appropriate for use in an NRC-evaluated FOF exercise. On September 8, 2017, the NRC received your letter appealing the reevaluated decision to use the planned TTPs in the FOF exercises.

In your submittals, you elected to escalate and appeal the use of the TTPs within Scenarios 1 and 2 developed by the NRC force-on-force inspection team. I have carefully reviewed your appeals and concluded that the disputed TTPs are approved for use within the NRC-evaluated scenario for the following reasons: (1) they are within the design basis threat; (2) they are supported by available data; (3) they are within your ability to provide defense-in-depth; (4) they can be safely performed and controlled; and (5) they provide a credible and realistic challenge to your site's protective strategy.

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The NRC's detailed response to your appeal has been entered into the NRC Response to Disputed Item Database, Disputed Item 05000346/2017201-01 and Disputed Item 05000346/2017201-02, and was provided as an enclosure to the original letter, marked Safeguards Information.

Sincerely,

/RA/

Darrell J. Roberts, Acting Deputy Director
Office of Nuclear Security and Incident Response

cc: William Willis, Manager, Site Security

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DATE: September 12, 2017

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DATE	9/12/17	9/12/17	9/12/17

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