



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 5, 2020

Ms. Jennifer Uhle
Vice President of Generation and Suppliers
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Dear Ms. Uhle:

This letter invites your staff's participation in a public meeting that has been scheduled for June 16, 2020 ([ML20155K735](#)). During this meeting, we plan to discuss the considerations surrounding security oversight for nuclear power plants in relation to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE). We believe that your staff's participation is key to ensuring that the U.S. Nuclear Regulatory Commission (NRC) has industry input to inform the considerations and best practices that should be applied to the resumption of force-on-force (FOF) exercises and how to consider inspection protocols and timing in concert with regulatory relief that has been, or may be, granted. The NRC recognizes that a thoughtful balance between regulatory flexibility and stability is necessary to provide for reasonable assurance of adequate protection during this time.

The NRC acknowledges that commercial nuclear power plants have been recognized by the Department of Homeland Security as a component of the nation's critical infrastructure and that sites have taken steps to prevent the spread of COVID-19 among the plant population. Following declaration of the COVID-19 PHE by the Secretary of Health and Human Services, the NRC assessed areas in which existing regulatory requirements or oversight practices might be difficult to implement or where significant risk may be present. As part of its response to the PHE, the NRC issued guidance for regulatory flexibility in multiple areas, including 10 CFR Part 55 operators' licenses, 10 CFR Part 26 work hours, emergency plan exercise requirements specified in 10 CFR Parts 30, 40, 50, 52, 70, and 72, and the training and qualification requirements for security personnel that are included in Appendix B to 10 CFR Part 73.

Regarding security training and qualification requirements, the NRC issued Enforcement Guidance Memorandum (EGM) 20-002, "Dispositioning Violations of NRC Requirements During Coronavirus Disease 2019 (COVID-19)," on April 15, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20083K794). The EGM included an attachment addressing criteria for NRC inspectors to consider in granting enforcement discretion for certain Appendix B requirements for security training and requalification. These requirements included: 10 CFR Part 73, Appendix B, Section VI, Subpart B, "Employment Suitability and Qualification," Subpart C, "Duty Training," Subpart D, "Duty Qualification and Requalification," Subpart E, "Weapons Training," Subpart F, "Weapons Qualification and Requalification Program," and Subpart G, "Weapons, Personal Equipment and Maintenance." On April 20, 2020, the NRC issued a letter to outline the process by which the NRC is prepared

to grant temporary exemptions from the requirements specified in 10 CFR Part 73, Appendix B, Section VI, Subparts B, C, D, E, F, and/or G (ADAMS Accession No. ML20105A483). Since the EGM and letter were issued, the NRC has received approximately 20 exemption requests from these requirements from operating nuclear power plants.

In addition to extending regulatory relief, due to the COVID-19 PHE, the NRC modified or deferred many of its planned inspection activities to align with practices recommended by the Centers for Disease Control and Prevention to limit the spread of the virus, and to protect the health and safety of plant personnel and NRC employees. Among these inspections were FOF inspections, which were temporarily halted due to the nature of the inspections which include 2 weeks of onsite activities: 1 week is focused on planning activities, and 1 week is focused on exercise conduct. Section 170D of the Atomic Energy Act (AEA) of 1954, as amended, requires the NRC to conduct security evaluations, including FOF exercises, at licensed facilities not less often than once every 3 years to assess the ability of the site's private security force to defend against the applicable design basis threat. The complex and performance-based nature of FOF exercises requires extensive planning, a large number of interdisciplinary participants, and a broad range of activities that require gatherings of both small and large groups (e.g., site walkdowns, meetings, interviews, and tabletop exercises) and, in some circumstances, close-quarters interactions (e.g., controllers, players, and on-duty staff in a bullet resistant enclosure).

We recognize the importance of the FOF inspection as a demonstration of the effectiveness of licensee security programs. The NRC has been in frequent contact with licensees who are scheduled for FOF inspections during calendar year 2020, and has received positive feedback regarding the resumption of onsite inspection planning week activities. As such, the NRC will resume planning week activities in July 2020. Due to the large number of participants and potential to challenge social distancing protocols during exercise activities, we plan to make case-by-case decisions regarding the resumption of exercise week activities using a predetermined set of considerations (see Enclosure to this letter). We are committed to performing the inspection safely, and would like to discuss input from your licensees regarding the attached considerations during our upcoming meeting. For example, during a closed meeting held on May 12, 2020 (ADAMS Accession No. ML20140A190), members of industry raised the concern of potentially exposing a security officer(s) in the close quarters of Bullet Resistant Enclosures (BREs) during NRC-conducted FOF exercises. Members of industry also raised the issue of cross-shift exposure and discussed mitigations that were being implemented to minimize contact between security personnel. The NRC recognizes that licensees have implemented mechanisms to perform operator licensing exams and refueling operations in a manner that minimizes risk to site personnel while still allowing key operational functions to proceed. The NRC is interested in your views regarding how already-established mitigations and protocols may be applied to protective measures for FOF exercises. For example, industry may be able to consider grouping personnel who occupy the same shift during routine operations (and thereby have routine but limited contact with one another) to staff BREs during exercises, thereby reducing any cross-shift exposure to personnel.

The NRC recognizes the need to balance flexibility with continuity in our oversight mission. Additionally, the NRC understands the concerns that changes to the NRC's oversight programs can cause for members of the public who rely on the agency to closely monitor plant safety and security. We intend to use the June 16, 2020, public meeting as an opportunity to obtain feedback on the agency's approach for resuming FOF exercises from both industry and members of the public, and to discuss how reasonable assurance can still be maintained through a balanced approach to oversight and thorough consideration of regulatory relief that

has been, or may be, granted. We emphasize that the discussions around flexibility in this area are only applicable to the PHE, and that the agency intends to resume normal schedules and protocols as soon as it is safe to do so.

Please feel free to contact me or have your staff contact Sabrina Atack, Director of the Division of Security Operations (Sabrina.Atask@nrc.gov, or 301-415-7241), if you have any questions or need additional information.

Sincerely,

/RA

Brian E. Holian, Director
Office of Nuclear Security
and Incident Response

Enclosure: Considerations for
Force-on-Force Inspection Resumption
during the Coronavirus Disease 2019
(COVID-19) Public Health Emergency (PHE)

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Considerations for Force-on-Force Inspection Resumption during the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE)

	Considerations for Force-on-Force Inspections during the COVID-19 Public Health Emergency	Current Status and Items for Discussion during Public Meeting
1.	Access to hotels & restaurants within commuting area of site available	All 17 sites scheduled for inspection in 2020 currently ¹ have options available for food and lodging.
2.	Airline travel available (as required)	Airline travel is available for all sites.
3.	Out-of-State travel restrictions lifted (i.e., requirement to self-quarantine upon arrival in state)	15 out of 17 sites currently meet this criteria. Two sites are impacted by quarantine requirements. (Florida has a 14-day self-quarantine requirement for individuals traveling from New York, New Jersey, or Connecticut, and Nebraska has a 14-day self-quarantine requirement for individuals traveling from international locations. No inspection participants are currently affected by travel restrictions (i.e., NRC staff, contractors who provide services associated with multiple integrated laser engagement systems (MILES), SOCOM advisors, or mock adversary force members). ²
4.	Travel conditions allow DOE MILES trailer travel to inspection location in reasonable duration	All 17 sites scheduled for inspection in 2020 are in locations where the trailer can be effectively routed.
5.	Personal protective equipment (PPE) available for the inspectors	PPE is available for NRC inspectors, SOCOM advisors, and MILES contractors.
6.	Site conditions support inspection (less than 10 employees with active positive cases onsite)	All 17 sites scheduled for inspection in 2020 currently meet this criterion. NRC is interested in feedback in this area and information from industry on the criteria that are being used to make decisions related to exercising site pandemic plans.
7.	Social distancing guidance can be achieved while on-site or PPE can be effectively used	Protocols were presented during closed meeting regarding NRC recommendations for implementing social distancing during exercise activities. The NRC recognizes that measures for protecting staff in bullet-resistant enclosures is of high interest and

¹ The term “currently” indicates the conditions as of issuance of this letter. NRC staff will monitor these conditions routinely for each site that is scheduled for inspection.

² In addition to considering travel restrictions that may be imposed on inspection participants based on their geographic location, NRC will not permit inspection team members to travel if they have symptoms associated with COVID-19 or have been in contact with a person who has tested positive for the virus within 14 days preceding the start of travel.

		should be discussed. Protocols for operator licensing, outages, and minimizing contact between different security shifts could be leveraged for best practices.
8.	Security staff available from site shifts or other sites to support inspection positions	The NRC will coordinate with sites on an individual basis to obtain information on availability of staff to serve as players and controllers, and to ensure suitable coverage for routine shift coverage.

Note: NRC believes considerations 1-5 are currently met, and appreciates input from industry on all considerations, most notably considerations 6-8.

SUBJECT: CONSIDERATIONS FOR FORCE-ON-FORCE INSPECTION RESUMPTION DURING THE CORONAVIRUS DISEASE 2019 (COVID-19) PUBLIC HEALTH EMERGENCY

DATE: June 5, 2020

ADAMS Accession No. ML20157A093 Pkg, ML20155K819 Ltr

OFFICE	NSIR/DSO/SPEB	OGC	NSIR/DSO	NSIR/OD
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DATE	6/4/20	6/4/20	6/4/20	6/4 /20

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