



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

July 2, 2020

Mrs. Mandy Halter
Vice President, Regulatory
Assurance Licensing
Entergy Services, LLC
M-ECH-29
1340 Echelon Parkway
Jackson, MS 39213

Dear Mrs. Halter:

On June 16, 2020, the U.S. Nuclear Regulatory Commission (NRC) held a public meeting to discuss the considerations surrounding security oversight for nuclear power plants in relation to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE). The NRC appreciates your staff's participation in this meeting as it is key to ensuring that the NRC has input to inform the considerations and best practices that should be applied to the resumption of force-on-force (FOF) exercises. Section 170D of the Atomic Energy Act (AEA) of 1954, as amended, states that the NRC shall 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.

As discussed in the meeting, 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 (CDC) 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. Specifically, 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, and we also appreciate the potential challenges that planning FOF exercise week activities present during the COVID-19 PHE. We appreciate the feedback you provided during the public meeting regarding conditions that should be met for the resumption of FOF exercises. We have reflected on your presentation and wanted to offer our thoughts in advance of a future meeting to continue this important dialogue. Enclosed is a summary of the criteria/conditions you shared during your presentation, along with NRC views regarding the criteria/conditions (Enclosure 1). Where we are not in alignment with the views presented by industry, we articulated our reasons. We also used the considerations and explanations shared by industry to further refine the NRC staff's proposed criteria, which are included in Enclosure 2 to this letter.

We found to be noteworthy the concerns regarding protecting the health of security personnel and the potential challenges associated with the use of facial coverings and other protective

measures during exercises and expect that these concerns could remain prevalent for several months. While we do not agree that inspections should continue to be deferred until facial coverings and other protective measures are no longer required, we understand that these matters need to be further considered before resuming FOF exercises. As such, the NRC is exploring the use of a new inspection procedure (IP) that could be used to perform prudent inspection activities during the ongoing special circumstances associated with COVID-19. This inspection guidance would also be used to assess licensee protective strategies in a limited scope format until full scope exercises can be resumed safely. We are committed to performing all of our inspection activities safely and would like to receive input from the industry regarding this inspection approach during our upcoming July 9, 2020, public meeting. We recognize that completion of this IP will not satisfy the requirements of Section 170D of the AEA; however, during the COVID-19 PHE, to provide continuity in conducting security evaluations and to gather data to inform the full resumption of FOF exercise activities, this represents a reasonable and thorough course of action.

We intend to use the July 9, 2020, public meeting as an opportunity to obtain feedback, from both industry and members of the public, on the agency's approach on utilizing the IP referenced above and the revised criteria for resuming FOF exercises. 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 Sabrina Atack, Director of the Division of Security Operations, Office of Nuclear Security and Incident Response (Sabrina.Ataack@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

Enclosures:
As stated

cc: Jonathan LaPlante, Director
Entergy Operations, Inc.

**Criteria/conditions that were listed in the industry's
presentation during the public meeting held on June 16, 2020,
and the U.S. Nuclear Regulatory Commission Feedback**

In its June 16, 2020, presentation, industry provided three sets of proposed conditions for resumption of force-on-force (FOF) exercises, which are stated below with relevant discussion to follow.

Part 1: Entry Criteria to Resume FOF Exercises:

- *EGM 20-002 Attachment 1¹ references recommendations to which licensees must conform*
- *FOF exercises should not resume until all are met:*
 - *CDC [Centers for Disease Control and Prevention] relaxes or rescinds recommendations outlined in the March 28, 2020 Memorandum for prevention of the spread of COVID-19 [Coronavirus Disease 2019]*
 - *Conformance to the U.S. Department of Labor "Guidance on Preparing Workplaces for COVID-19," is no longer necessary to prevent the spread of COVID-19*
 - *Conforming State and local PHE [Public Health Emergency] guidelines are rescinded*

NRC Response to Part 1:

The U.S. Nuclear Regulatory Commission (NRC) staff agrees with the industry that the use of the Federal, State, and local guidelines mentioned above should be incorporated into the exercises, such as practicing "social distancing," wearing facial coverings when social distancing cannot be achieved, washing hands, staying at home if you feel sick, etc. The NRC is willing to work with the industry to establish protocols and best practices in wearing the appropriate facial coverings or other protective supplies during the conduct of inspection activities.

However, the NRC staff does not agree with the industry statement that "all" the "Part 1: Entry Criteria to Resume FOF Exercises" should be met prior to resuming exercises. The NRC staff finds that these criteria, some of which apply to the nation as a whole, are too restrictive in nature given that they are likely to be extended for the foreseeable future, even in areas where the risks are readily manageable. The guidance and recommendations issued by the Occupational Safety and Health Administration are for employers and workers to use to help identify risk levels in workplace settings and to determine any appropriate control measures to implement. According to this guidance, the personnel required to perform FOF exercises would be in the "low exposure risk" category. Low exposure risk (caution) jobs are those that do not require contact with people known to be, or suspected of being, infected with COVID-19 nor frequent close contact with (i.e., within 6 feet of) the general public. Workers in this category have minimal occupational contact with the public and other coworkers. The NRC staff will work with licensees to identify appropriate control measures to implement during the conduct of FOF exercises in accordance with this guidance.

¹ Enforcement Guidance Memorandum 20-002, Dispositioning Violations of NRC Requirements During COVID-19 Pandemic; Attachment 1 – Dispositioning Violation of NRC Requirements for Completion Periodicities Associated with Security Training and Requalification Requirements During the COVID-19 Public Health Emergency

It is the NRC staff's determination that the FOF inspection program can accomplish the FOF exercises while abiding by the Federal, State, and local guidelines. Many of the Federal, State, and local guidelines refer to the wearing of masks and practicing of social distancing. CDC guidelines for workers advise practicing social distancing in the workplace as work duties permit. Additional guidelines advise exercising social distancing where possible and, if not possible, to wear a mask. Because it may not be reasonable to defer FOF exercises until masks are no longer advised, the use of masks and other PPE could be applied in the FOF inspection program as mentioned above.

Part 2: Conditions Following Entrance Criteria:

- *Nuclear power generators are designated by DHS [U.S. Department of Homeland Security] as critical infrastructure*
 - *Protective measures imposed to reduce the risk of transmission of the virus*
 - *Protective measures will likely be required beyond the PHE*
- *FOF exercises must be conducted in accordance with licensee required safety protocol:*
 - *Facemasks and other PPE*
 - *Pre-access screening/testing for visitors*
 - *Quarantining of out-of-state visitors*
 - *Others*
- *Exercise execution should incorporate additional safety controls such as:*
 - *Limit the number of inspectors to enable full complement of participants (e.g. players, controllers, law enforcement, etc.) to conform to social distancing and assembly guidelines*
 - *NRC inspectors observe exercise remotely and not in BREs [bullet-resistant enclosures] or other posts with limited space*

NRC Response to Part 2:

The NRC staff acknowledges nuclear power generators are part of the nation's critical infrastructure and agrees that FOF exercises should be conducted in accordance with licensee-required safety protocols to the maximum extent practical, to include Federal, State, and local guidelines on "quarantining of out-of-state visitors." For example, it is in the interest of public health and safety for NRC inspection team members to participate in any screening activities that licensees are applying to their employees as a condition of site access. The NRC staff is also willing to work with the industry to establish protocols and best practices in wearing the appropriate facial coverings or other protective supplies during the conduct of inspection activities. The NRC would review any conditions set forth or recommended by licensees beyond those identified in Federal, State, and local guidance on a case-by-case basis.

Regarding the recommendation to "Limit the number of inspectors to enable full complement of participants (e.g., players, controllers, law enforcement, etc.) to conform to social distancing and assembly guidelines," the NRC staff will limit the number of personnel used to conduct inspection activities to the minimum number necessary to successfully accomplish the inspection. The inspection team will work with each licensee to establish the necessary personnel on each site. The inspection team will also perform inspection activities while avoiding unnecessary presence in posts with limited space (e.g., bullet-resistant enclosures).

Part 3: Specific Criteria for Conduct of IP 71130.03, Contingency Response – Force-on-Force Testing

- *Activities associated with B week may be conducted when:*
 - *Access to hotels and restaurants within commuting area of site are available*

- *Airline travel available (as required)*
- *Out-of-state travel guidance lifted (i.e., requirement to self-quarantine upon arrival in state)*
- *Travel conditions allow DOE [U.S. Department of Energy] MILES [multiple integrated laser engagement systems] trailer travel to inspection location in reasonable duration*
- *Screening requirements are met in accordance with licensee requirements*
- *DOE has a plan in place to sanitize MILES gear after use*
- *Responders, adversaries, and their controllers can conduct drill play without donning masks and without practicing social distancing*
- *Temporary exemptions for annual FOF exercises have expired*

NRC Response to Part 3:

The NRC staff agrees that access to hotels, restaurants, and air travel should be considered in resuming inspection activities and that inspection activities should be deferred, when possible, if a stay-at-home order is in place at the site of the inspection. The NRC has also learned from the MILES contractor that social distancing and sanitization processes have been established for the dispatch, use, and cleaning of MILES equipment. Regarding the proposed condition that inspections be deferred until “Responders, adversaries, and their controllers can conduct drill play without donning masks and without practicing social distancing,” the NRC staff finds this criterion to be too restrictive, as the use of face masks may be extended for the foreseeable future. The NRC staff is willing to work with the industry to establish protocols and best practices in wearing the appropriate facial coverings or other protective supplies during the conduct of inspection activities; the observation of limited scope drills will aid in assessing the best practices for conducting performance-based evolutions while using facial coverings or other protective supplies. The safety of all participants is paramount.

Finally, NRC staff does not agree with the recommendation to defer FOF exercises until “Temporary exemptions for annual FOF exercises have expired.” The establishment of the temporary exemptions for licensee-conducted training exercises does not pertain to the conduct of NRC-conducted FOF inspections. As such, the NRC staff does not intend to align the timing of NRC-conducted FOF inspections with the timeline for granting exemptions from NRC security requirements for training and qualification, which include licensee-conducted tactical drills and exercises. Rather, the best approach is to examine how to complement the regulatory flexibility provided by exemptions with reasonable oversight activities to ensure and verify that licensees maintain the proficiency and readiness to defend the site in accordance with NRC requirements.

**Considerations for Force-on-Force Inspection Resumption During the
Coronavirus Disease 2019 Public Health Emergency**

	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 and restaurants within commuting area of site available	All 17 sites scheduled for inspection in 2020 currently ² 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)	<p>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.</p> <p>No inspection participants (i.e., NRC staff, contractors who provide services associated with multiple integrated laser engagement systems (MILES), Special Operations Military Command (SOCOM) advisors, or mock adversary force members)³ are currently affected by travel restrictions.</p>
4.	Stay-at-home orders lifted	All 17 sites scheduled for inspection in 2020 currently meet this criterion.
5.	Travel conditions allow U.S. Department of Energy (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.
6.	Facial coverings or other protective supplies available for the inspectors	Facial coverings or other protective supplies are available for the NRC inspectors, SOCOM advisors, and MILES contractors.
7.	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. The 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.

² 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.

³ In addition to considering travel restrictions that may be imposed on inspection participants based on their geographic location, the 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.

8.	Social distancing guidance can be achieved while on-site or PPE can be effectively used	Protocols were presented during the closed meeting on May 12, 2020, 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 should be discussed. Protocols for operator licensing, outages, and minimizing contact between different security shifts could be leveraged for best practices. Inspection activities in 2020 will help inform when this criterion can be met.
9.	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.

SUBJECT: NRC RESPONSE TO INDUSTRY CONSIDERATIONS FOR
FORCE-ON-FORCE INSPECTION RESUMPTION DURING THE
CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY

DATE: July 2, 2020

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