

**Attachment: Summary of Discussions from the Public Meeting
U.S. Nuclear Regulatory Commission-Conducted Force-on-Force
Inspection Activities for 2021 during the COVID-19 Public Health Emergency**

Opening Remarks

U.S. Nuclear Regulatory Commission (NRC):

- The NRC has taken many actions, both in safety and security, (delayed onsite inspections, developed enforcement guidance memorandums (EGMs), etc.) to minimize potential onsite effects of the public health emergency (PHE).
- Specifically, for the force-on-force (FOF) program, full NRC-conducted FOF inspections were put on hold and a temporary inspection (IP 92707) was implemented to allow for regulatory oversight while maintaining the safety of NRC and licensee personnel.
- Currently, the NRC is developing a path forward that moves the inspection closer towards a full NRC-conducted FOF.
- During this meeting, NRC staff will discuss a new temporary procedure that builds on IP 92707 and utilizes lessons learned from this past year.

Industry:

- As always, industry appreciates the opportunity to engage on these issues early.
- Over the last few months, IP 92707 inspections have produced valuable lessons learned for both the industry and NRC.
- As we enter 2021, there are still two main concerns for industry regarding a new temporary inspection.
 - Across the country, COVID-19 infection numbers continue to rise and safety for employees is paramount. Keeping site, local, and State requirements and conditions under consideration is necessary.
 - Transitioning to a new procedure is time and labor intensive so it is important to keep that in mind for scheduling.

NRC Presentation (found [here](#))

- Overview of the purpose, agenda, and background
- Overview of Path Forward for Temporary Instruction (TI) including inspection structure, exercise model, and alternative assessment approach
- Comparison between IP 71130.03, IP 92797, and potential TI
- Discussion on social distancing recommendations and considerations for inspection activities in 2021

Open Discussion/Questions

Industry (Aldo Capristo – STP)

The public process that was used to develop and implement IP 92707 was successful and we appreciate the continued openness when discussing 2021. The information presented today will give industry plenty to think about and we will work together to develop a consolidated position. There were two points that stood out. First, scheduling is always important, and the tentative March start date seems plausible. Second, each site has worked hard to implement measures to maximize employee safety. Site, local, and State conditions and requirements should be considered before proceeding with any NRC inspection.

NRC (Sabrina Atack)

Just like the NRC has been doing for the IP 92707 inspections, all site, local, and State conditions will be considered leading up to and during the inspection.

Union of Concerned Scientists (Ed Lyman)

Is the change in the assessment (no longer classifying as effective or ineffective) only for this new IP due to the PHE or is it a permanent change?

NRC (Sabrina Atack)

Currently, only for during the PHE but we will also use it to assess and inform any potential changes to the program in the long term.

Union of Concerned Scientists (Ed Lyman)

The NRC has a regulatory responsibility to inform the public on the current state of security at each facility. By removing the “effective/ineffective” designation, the outcome becomes less clear to the public and seems to give industry what they have wanted for the past 20 years.

NRC (Sabrina Atack)

The NRC takes its responsibility to inform the public seriously and we believe this new method would actually provide additional information. By evaluating individual layers within the protective strategy as a whole, the NRC would be able to provide a more in-depth assessment and characterization. In addition, there are artificialities that come with a simulated exercise that have driven industry to implement certain measures that may or may not be advantageous in a real attack. NRC staff believe that treating this inspection as a Capstone assessment of each layer, as opposed to a single overarching determination, will negate some, if not many, of these artificialities.

Union of Concerned Scientists (Ed Lyman)

The purpose of the Baseline inspection program is to assess the individual pieces. The purpose of the FOF inspection is to assess the whole strategy. How can the NRC believe it is acceptable to remove that overarching assessment piece?

NRC (Dave Bradfield)

These changes would not remove any part of the assessment, but it would add more detail. For example, when the adversary is all neutralized at one or two spots on the Protected Area fence, the entire protective strategy is considered effective even though many pieces have not actually been tested. Or if an adversary does achieve their objective, the entire strategy is considered ineffective when it may be more of a training or controller issue. By breaking our assessment into phases, we are able to more fully and adequately evaluate the strategy and determine potential vulnerabilities.

NRC (Brian Holian)

NRC staff is aware that any permanent change to the FOF program would need Commission approval. In addition, all temporary measures that have and will be implemented as a result of the PHE are clearly communicated to the Commission for their awareness.

Industry (Jon LaPlante – Entergy)

The IP 92707 inspections at Entergy sites have yielded good lessons learned for the site and allowed the NRC inspectors to see new aspects of the strategy. I don't see any issues with the proposed update to the temporary inspection procedure but pushing the start date of these inspections could be an issue. Starting in March means that all inspections are condensed

in to 9 months instead of 12 which could cause some issues with fall outages. In addition, the impact on the JCAF/CAF needs to be considered as well. Recommend continuing with the IP 92707 for the first few months or starting this new procedure in January.

NRC (Sabrina Atask)

Those are all good points and we will continue to work with industry on the schedule options.

NEI (AJ Clore)

If site conditions don't allow for the proposed 2-week inspection, would the IP 92707 be used instead? Would that mean not all sites would get the same inspection this year?

NRC (Sabrina Atask)

The NRC has not made a final determination on that yet. At this point, we would look at trying to reschedule the 2-week inspection first.

Industry (Jon LaPlante – NextEra)

The description of how this TI would be implemented sounds exactly like how sites run their own internal exercises. Therefore, a delay in the calendar for sites to develop a process is unnecessary. One change that may not be needed is local law enforcement agency (LLEA) participation in the tabletop drills. Does their presence provide anything useful to the NRC?

NRC (Danté Johnson)

During the IP 71130.03 FOF inspections, the NRC has received useful information from LLEA, but this detail is something that can be addressed on a site-by-site basis.

Closing Remarks

Industry

- Again, appreciate the continued engagement.
- Industry believes the IP 92707 inspections are going well.
- Main concerns about changing the procedure is potential scheduling challenges and impact it may have on current COVID safety practices.

NRC

- Over the course of this PHE, the Regions have done a great job of coming up with alternative options to complete the Reactor Oversight Process (ROP) baseline inspection samples.
- This was not possible for NRC-conducted FOFs due to the size and nature of the inspections. While IP 92707 has been valuable for providing regulatory oversight, staff has been working to develop a TI that will meet the threshold of an ROP inspection sample.
- Since the beginning, the NRC has never wanted an inspection to exacerbate the PHE at a site so staff will continue to assess the site, local, and State conditions before coming onsite. In addition, staff will consider all comments made regarding the schedule.
- The NRC also appreciates the valuable feedback and will continue to engage stakeholders throughout this process.