



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

January 20, 2023

Mr. Mark Fencil
Fleet Security Director
Florida Power & Light Company
6501 South Ocean Drive
Jupiter, FL 34957

SUBJECT: RESPONSE TO FORMAL DISAGREEMENT WITH ADVERSARY
CHARACTERISTICS, ATTRIBUTES, OR TACTICS EMPLOYED OR
PREPARED AS PART OF AN NRC-EVALUATED FORCE-ON-FORCE
EXERCISE – DISPUTED ITEM 05000335,389/2023-01

Dear Mr. Fencil:


The U.S. Nuclear Regulatory Commission (NRC) staff received your letter to the Division of Security Operations (DSO), Security Performance Evaluation Branch titled "Formal Disagreement with Adversary Characteristics, Attributes, or Tactics Employed or Prepared as Part of an NRC-Evaluated Force-on-Force Exercise," dated January 17, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23018A249), in accordance with Addendum 4 of NRC Inspection Procedure 71130.03 "Contingency Response – Force-on-Force Testing." In your letter you did not dispute a tactic, technique, or procedure (TTP) within Scenario 1 or Scenario 2 developed by an NRC Force-on-Force inspection team. The letter challenges the practice of conducting performance-based exercises during the hours of daylight/normal working hours. The letter further proposes the NRC should change the exercise drill time to meet licensee expectations.

The NRC has carefully reviewed your formal escalation and concluded that the long-standing practice of conducting daytime exercises has been well established over the last six performance-based inspection cycles. Licensees are informed well in advance of the inspection team arrival and are evaluated on their ability to safely conduct exercises that include day and night drills. Additionally, the licensee previously communicated daytime exercises are conducted on-site during internal drills as well as the NRC Region II inspected IP71130.05 drills. Based on the information provided by the licensee, the nature of this request does not meet the criteria established in the escalation process. For these reasons, the NRC declines the licensee request to change the exercise drill time. However, in response to your concerns regarding impacts associated with your scheduled outage, the NRC is willing to reschedule the exercise week to a later date.

M. Fencil

If you would like to appeal this decision, provide a written response with any additional supportive data within 3 days from the date of this letter with the basis of your appeal to the Director, DSO.

Sincerely,

 Signed by Clark, Jefferson
on 01/20/23

Jefferson Clark, Branch Chief
Security Performance and Evaluation Branch
Division of Security Operations
Office of Nuclear Security and Incident Response

St Lucie FOF - Response to Escalation Letter DATE January 20, 2023

DISTRIBUTION:

RStone, NSIR/DSO/SPEB

ADAMS Accession No.: Ltr ML23020A078

OFFICE	NSIR/DSO/SPEB/ETC	NSIR/DSO/SPEB /ETA		
NAME	DBradfield <i>DB</i>	JClark <i>JC</i>		
DATE	Jan 20, 2023	Jan 20, 2023		

OFFICIAL RECORD COPY