



SECRETARY

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

December 19, 2014

COMMISSION VOTING RECORD

DECISION ITEM: SECY-14-0088

TITLE: PROPOSED OPTIONS TO ADDRESS LESSONS LEARNED  
REVIEW OF THE NRC'S FORCE-ON-FORCE INSPECTION  
PROGRAM IN RESPONSE TO STAFF REQUIREMENTS –  
COMGEA/COMWCO-14-0001

The Commission (with Chairman Macfarlane and Commissioner Baran approving and Commissioners Svinicki, Ostendorff, and Burns approving in part and disapproving in part) acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 19, 2014.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in cursive script that reads "Rochelle C. Bavor".

Rochelle C. Bavor  
Acting Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Macfarlane  
Commissioner Svinicki  
Commissioner Ostendorff  
Commissioner Baran  
Commissioner Burns  
OGC  
EDO

VOTING SUMMARY - SECY-14-0088

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MACFARLANE	X				X	11/4/14
COMR. SVINICKI	X	X			X	12/10/14
COMR. OSTENDORFF	X	X			X	10/30/14
COMR. BARAN	X				X	11/14/14
COMR. BURNS	X	X			X	12/4/14

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

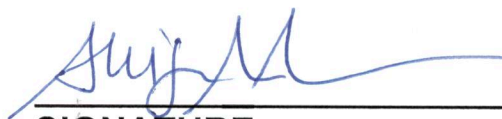
FROM: Chairman Allison M. Macfarlane

SUBJECT: SECY-14-0088: PROPOSED OPTIONS TO ADDRESS  
LESSONS LEARNED REVIEW OF THE NRC'S  
FORCE-ON-FORCE INSPECTION PROGRAM IN  
RESPONSE TO STAFF REQUIREMENTS -  
COMEGA/COMWCO-14-0001

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_ Attached  X  None \_\_\_



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SIGNATURE

u/4/14

\_\_\_\_\_  
DATE

Entered on "STARS" Yes  X  No \_\_\_

**Comments accompanying Chairman Macfarlane's vote on  
SECY-14-0088 – PROPOSED OPTIONS TO ADDRESS LESSONS-LEARNED REVIEW OF  
THE U.S. NRC'S FORCE-ON-FORCE INSPECTION PROGRAM IN RESPONSE TO STAFF  
REQUIREMENTS MEMORANDUM – COMGEA/COMWCO-14-0001**

I appreciate the staff's answers to the set of questions posed in COMGEA/COMWCO-14-0001, following what appears to me to have been a comprehensive lessons-learned review of the NRC's Force-on-Force (FOF) Inspection program. This process led the staff to commit to a number of actions, namely, working with industry to review simulations used in developing and executing FOF scenarios, reviewing and updating the physical protection significance determination process, issuing a generic communication to licensees to clarify the application of compensatory measures, and enhancing guidance, training and inspection procedures in the effort to improve the realism and effectiveness of FOF exercises. I support these valuable initiatives.

Regarding the staff's recommendation on adversary tactics, the staff points out and I agree that the current tactics and techniques utilized by Composite Adversary Forces during NRC-conducted FOF inspections accord with the NRC's Design Basis Threat and adversary characteristics. Nevertheless, I believe that more can be learned in this realm, and accordingly, I approve Option 2, establishing a working group to assess knowledge of adversary training methods and actual attacks. However, while this appears to be a strong analytical approach, I cannot justify what appears, absent the discussion of a specific timeframe in SECY-14-0088, to be an open-ended project. Thus, I direct that after one year, the working group report its findings to the Commission in a notation vote paper, with recommendations regarding the need to continue its research and, if the study is complete, any revisions to be made to Composite Adversary Force tactics, techniques and procedures. Option 1, which would require Commission review and approval of all Composite Adversary Force tactics, techniques and procedures, would be neither efficient nor effective use of the Commission's resources.

Regarding the staff's recommendation on exercise realism, I approve Option 2, which calls for restoring the Multiple Integrated Laser Engagement System equipment to its original configuration.

Regarding the staff's recommendation on unattended openings, I acknowledge the staff's conclusion that the current requirement enables licensees to provide high assurance in protecting against the applicable DBT. At the same time, I agree with Commissioner Ostendorff that there is value to periodically reviewing the appropriateness of NRC's requirements; consequently, the staff should assess the requirements on unattended openings in the context of the working group on tactics, techniques and procedures, discussed above.

  
Allison M. Macfarlane

11/4/14  
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER SVINICKI  
SUBJECT: SECY-14-0088: PROPOSED OPTIONS TO ADDRESS  
LESSONS LEARNED REVIEW OF THE NRC'S  
FORCE-ON-FORCE INSPECTION PROGRAM IN  
RESPONSE TO STAFF REQUIREMENTS -  
COMEGA/COMWCO-14-0001

Approved XX In Part Disapproved XX In Part Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_ Attached XX None \_\_\_

  
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12/ 10 /14  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_



**Commissioner Svinicki's Comments on SECY-14-0088**  
**Proposed Options to Address Lessons-Learned Review of the U.S. Nuclear Regulatory**  
**Commission's Force-On-Force Inspection Program in Response to**  
**Staff Requirements Memorandum – COMGEA/COMWCO-14-0001**

I approve in part and disapprove in part the set of actions proposed by the staff in this paper. Further, the staff has described an extensive set of actions that it terms "Commitments" or items not requiring Commission approval, arising from the lessons-learned review, which the staff commits to undertake. Reviewing this set of staff commitments, in conjunction with the set of recommendations for the Commission's approval, has eliminated the need for members of the Commission to propose these staff actions, or similar ones, for Commission direction. As a consequence, the staff commitments for follow-on lessons-learned responses enumerated in the paper – unless disapproved or modified in the Commission's final staff requirements memorandum (SRM) – should be tracked within the Commitment Tracking System. If the staff proposes to alter, discontinue, or delay these actions, the staff should utilize existing agency mechanisms to keep the Commission fully and currently informed of such proposals. In addition, the staff should provide an information paper to the Commission, annually, providing the status of these activities.

The set of issues on which the staff has committed to take follow-on action through established agency processes is significant, including actions to tackle the complexity of simulations, to review and update the physical protection significance determination process, and to clarify compensatory measure requirements. Taken as a whole, the staff-directed actions in response to the lessons-learned review rival the potential impact of the three areas for recommended Commission decision. I encourage the staff to move forward with dispatch on the improvement initiatives identified in the paper and to keep the Commission informed of progress and/or elevate any issues requiring Commission resolution. The staff should move forward without delay on its planned generic communication to licensees clarifying NRC's expectations regarding the implementation of compensatory measures. The staff should also move forward, as a high priority, with its proposed actions to reduce the number of extensive performance simulations in NRC-conducted force-on-force inspections by developing, assessing, and implementing alternative means of evaluating potential non-regulatory issues that might affect the site's protective strategy to determine whether these potential vulnerabilities might be inappropriate for performance testing.

I disposition the staff's recommendations for Commission approval, as follows:

With respect to adversary tactics, the staff's broad assertion "that the Commission has defined these characteristics and tactics through the [design basis threat] DBT, with amplifying descriptions contained in Regulatory Guides 5.69 and 5.70" hugely understates the divergence that has the potential to be introduced at each step of translation from Commission-approved DBT, to adversary characteristics, to working group discussions, to decisions made, real-time, in the field during the conduct of the force-on-force exercise. This is the crux of the issue before us now. Do the interpretations, at each level, stay within the bounds of the regulations? There is no universal mechanism to answer this question, without dispute between experts. Often, in such cases, the best available device is to continue to gather together those responsible for these issues, along with subject matter experts, for routine exchanges on particular cases. In this vein, I approve the staff's proposal to establish a working group to better define adversary tactics, techniques, and procedures for NRC-conducted force-on-force exercises. The staff should introduce greater discipline in this area

through the use of a formal change control process. I agree with Commissioner Ostendorff that the staff should ensure that force-on-force exercises are realistic and consistent with the design basis threat. The staff should assess whether the introduction of a new tactic, technique, or procedure raises the specter that attention and resources will be diverted to a vanishingly low probability event at the expense of scenarios more likely to be faced by site responders.

I agree with a majority of my Commission colleagues that the decision to restore the MILES equipment to its original software configuration is an operational decision appropriate for staff resolution. The staff should resolve this issue utilizing the existing change management process and coordinating through the Nuclear Security Working Group – the same process used to arrive at the current configuration. If the MILES equipment is to be restored, however, the staff has noted that “updates to responder training and controller guidance will be required to address the concerns that prompted the initial reprogramming of the MILES equipment.” Consequently, any change to the MILES equipment configuration should only be made concurrent with the availability of the revised guidance.

I conclude that there is a substantial difference between 11 inches and 18 inches when one is contorting oneself through three-dimensional confined spaces. I challenge anyone who does not agree that there is a difference, to try it. I also do not find it logical that the attacking force members can be both broad-shouldered behemoths, carrying many pounds of equipment, and spritely acrobats navigating small diameter torturous pathways at the same time. That being said, I join Chairman Macfarlane and Commissioner Ostendorff in approving a proposal to re-assess the requirements on unattended openings in the context of the working group on tactics, techniques, and procedures established in response to the adversary tactics issue discussed above.

  
Kristine L. Svinicki 12/10/14



NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Ostendorff

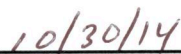
SUBJECT: SECY-14-0088: PROPOSED OPTIONS TO ADDRESS  
LESSONS LEARNED REVIEW OF THE NRC'S  
FORCE-ON-FORCE INSPECTION PROGRAM IN  
RESPONSE TO STAFF REQUIREMENTS -  
COMEGA/COMWCO-14-0001

Approved  Disapproved  Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached  None \_\_\_\_\_

  
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DATE

Entered on "STARS" Yes  No \_\_\_\_\_



**Commissioner Ostendorff's Comments on SECY-14-0088:  
"Proposed Options to Address Lessons Learned Review of the NRC's Force-on-Force  
Inspection Program in Response to Staff Requirements - COMEGA/COMWCO-14-0001"**

As discussed in COMWCO-14-0001/COMGEA-14-0001, the current force-on-force program has been in place for 10 years and significant security enhancements have been implemented by licensees since the terrorist attacks of September 11, 2001. As such, a lessons learned review of the force-on-force program was appropriate.

In SECY-14-0088, the staff described how it reviews and assesses the force-on-force program during each triennial cycle to make the program more effective and efficient while ensuring that it continues to meet its objectives. Notably, the staff revised its significance determination process for the current force-on-force Cycle (Cycle 4) to provide an increased emphasis on the licensee's overall security performance. The staff also plans a comprehensive review and revision of the significance determination program for the security baseline inspection program. I applaud these initiatives to improve the NRC's oversight of licensee security programs.

As a result of the current lessons learned review, the staff identified several areas for improvement. These were identified in SECY-14-0088 as actions that could be taken under established processes that do not require Commission approval. I commend the staff for identifying these actions that can be taken under existing Commission Policy and I support these planned improvements to the force-on-force program.

In SECY-14-0088, the staff also sought Commission approval for actions in three areas. My vote for each of these topics is provided below.

- (1) Tactics: I approve the staff's recommendation to establish an NRC working group to determine how to better integrate knowledge of adversary training methodologies and actual attacks with the tactics, techniques, and procedures used by the NRC composite adversary force. The staff should also use a formal change control process with stakeholder input before implementing changes. In doing so, the staff should ensure that force-on-force exercises continue to be realistic and consistent with the design basis threat. The staff should provide periodic updates to the Commission on this activity, and any policy matters should be identified for Commission approval.
  
- (2) Realism: I do not approve the staff's recommendation to restore the MILES equipment to its original condition. I do not view this as a matter for Commission decision. Rather, the staff should use the existing change management process to fully evaluate the pros and cons of this change to determine whether the MILES equipment configuration change would result in an overall enhancement to force-on-force exercises. The staff should inform the Commission of the results of this review and does not need Commission approval to change the MILES gear unless a policy matter is identified.

- (3) Unattended Openings: While I understand that the staff has stated that current NRC requirements are consistent with the guidelines of other Federal Agencies, I personally believe that the existing standards may be overly conservative and unrealistic, particularly for long, tortuous pathways (tunnels). That said, I do not believe the Commission is the appropriate body to determine whether or not to relax the existing requirement for unattended openings. In the near term, the staff should use a practical approach when evaluating inspection findings and assessing licensee corrective actions to account for the realistic ability for specific opening configurations to be exploited. In the longer term, the staff should evaluate the NRC requirements for unattended openings through the same NRC working group that is being established to evaluate tactics and any changes should be evaluated through a formal change control process with stakeholder input.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: Commissioner Baran  
SUBJECT: SECY-14-0088: PROPOSED OPTIONS TO ADDRESS  
LESSONS LEARNED REVIEW OF THE NRC'S  
FORCE-ON-FORCE INSPECTION PROGRAM IN  
RESPONSE TO STAFF REQUIREMENTS -  
COMEGA/COMWCO-14-0001

Approved X Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached X None \_\_\_\_\_

  
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11/14/14  
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DATE

Entered on "STARS" Yes \_\_\_\_\_ No \_\_\_\_\_



**Commissioner Baran's Comments on SECY-14-0088, "Proposed Options to Address  
Lessons-Learned review of the U.S. Nuclear Regulatory Commission's Force-On-Force  
Inspection Program in Response to Staff Requirements Memorandum –  
COMGEA/COMWCO-14-0001"**

I appreciate the NRC staff's thorough lessons-learned review of the force-on-force inspection program, which considered the views of a variety of stakeholders. This effort demonstrates the adaptability of the program and the NRC staff's ability to respond to stakeholder input. As a result of the lessons-learned review, the staff is initiating several worthwhile actions to improve the program consistent with existing Commission policy.

In SECY-14-0088, the NRC staff requests Commission direction in three specific areas related to the force-on-force program: adversary tactics, configuration of the MILES equipment, and treatment of unattended openings.

With respect to adversary tactics, I support the staff's recommended option 2 and agree with the staff's conclusion that current tactics and techniques used by the composite adversary force are in accordance with the design basis threat and current guidance. I share the staff's view that it is neither efficient nor necessary for the Commission to vote on each force-on-force tactic or technique challenged as "new" by licensees. I believe the better solution would be the formation of a working group to inform composite adversary force tactics, techniques, and procedures using real-world adversary training and attack information to improve realism. I also support Chairman Macfarlane's proposed direction that the working group report its findings to the Commission in a notation vote paper. In order to provide the staff with time to develop any policy recommendations for inclusion in the notation vote paper, I suggest a deadline of eighteen months.

Regarding the configuration of the MILES equipment, the staff explains that the 2010 software update has caused false error messages directly leading to a decrease in realism of force-on-force exercises. Therefore, I support the staff's recommended option 2 to restore the MILES equipment to its original configuration. Moving forward, I agree with Commissioner Ostendorff that the staff's existing change management processes allow staff to evaluate MILES equipment configuration matters without future Commission consultation.

Finally, the staff recommends that NRC should maintain its current guidance with respect to unattended openings. I agree with the staff's recommendation that the current requirement for unattended openings be kept in order to continue providing high assurance that these openings do not challenge the effectiveness of licensees' physical protection programs and that licensees continue to meet the general performance objectives of 10 CFR 73.55. As noted by the staff, the 96-square-inch standard is consistent with requirements used by other federal agencies. In the absence of new information or a change in how other federal agencies address this issue, I do not see a need to relax the unattended opening requirements at this time.

  
\_\_\_\_\_  
Jeff Baran

2/14/14  
\_\_\_\_\_  
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Burns

SUBJECT: SECY-14-0088: PROPOSED OPTIONS TO ADDRESS  
LESSONS LEARNED REVIEW OF THE NRC'S  
FORCE-ON-FORCE INSPECTION PROGRAM IN  
RESPONSE TO STAFF REQUIREMENTS -  
COMGEA/COMWCO-14-0001

Approved  Disapproved  Abstain

Not Participating

COMMENTS: Below  Attached  None



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4 December 2014

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DATE

Entered on "STARS" Yes  No

**Commissioner Burns' Comments on SECY-14-0088, "Proposed Options to Address Lessons-Learned review of the U.S. Nuclear Regulatory Commission's Force-On-Force Inspection Program in Response to Staff Requirements Memorandum COMGEA/COMWC0-14-0001"**


The NRC staff identified actions during the lessons-learned review; these actions include reducing the number of complex simulations, providing the opportunity for stakeholder input to the significance determination process, and clarifying compensatory measure requirements. The NRC staff also reports that it is evaluating guidance and training in exercise control and mission planning and guidance on insider information provided to the composite adversary forcer. These areas do not require Commission action, and are being addressed by staff through existing revision and enhancement processes. I encourage staff to maintain its focus on the principles of good regulation as it addresses the identified actions. Staff should provide an information paper to the Commission regarding its resolution of the above mentioned actions.

The NRC staff requests Commission direction in three specific areas related to the force-on-force program: composite adversary force, exercise realism and unattended opening requirements.

I approve the staff's recommendation to establish a working group to better define the composite adversary force tactics, techniques and procedures using real-world adversary training and attack information.

I agree with Commissioner Ostendorff and Commissioner Baran that the actions regarding the configuration of the MILES equipment is not a matter for Commission decision and that the staff's existing change management process would allow staff to consider and make such changes promptly and fairly so as to lend stability to the program. Therefore, I do not approve the staff's recommended option 2 to restore the MILES equipment to its original configuration.

I also approve the staff recommendation to maintain its current guidance with respect to unattended openings requirements.



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Stephen G. Burns  
4 December 2014