

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

March 19, 2008

**NRC REGULATORY ISSUE SUMMARY 2008-08
ENDORSEMENT OF REVISION 1 TO NUCLEAR ENERGY
INSTITUTE GUIDANCE DOCUMENT NEI 06-04, "CONDUCTING A
HOSTILE ACTION-BASED EMERGENCY RESPONSE DRILL"**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to endorse Revision 1 to Nuclear Energy Institute (NEI) guidance document NEI 06-04, "Conducting a Hostile Action-Based Emergency Response Drill," dated October 30, 2007. The NRC finds this document, with the staff clarifications noted, presents an acceptable methodology for licensees to conduct industry-wide, baseline, hostile action-based emergency preparedness (EP) drills. Specifically, drills that fall under Phase 3 of the industry initiative described in Attachment 5 to NEI guidance document, "Enhancements to Emergency Preparedness Programs for Hostile Action," May 2005 (revised November 18, 2005) (Agencywide Document Access and Management System (ADAMS) Accession No. ML053290326); hereafter, referred to as "2005 NEI guidance." This RIS requires no action or written response by addressees.

BACKGROUND INFORMATION

Current regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.47(b) and 10 CFR Part 50, Appendix E, Section IV.F.2 do not explicitly require licensees to conduct a hostile action-based scenario as part of periodic EP drills and exercises. However, following the events of September 11, 2001, the NRC issued Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events." The bulletin requested licensees to provide information to the NRC regarding action taken or planned to be taken associated with

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security-based EP drills and exercises. Additionally, Attachment 6 of the Bulletin outlined an acceptable methodology for use by each site to voluntarily conduct a hostile action-based scenario as an "off-year" EP drill over a 3-year period. The industry responded to the bulletin with the 2005 NEI guidance, which clarified proposed enhancements to emergency plans that were provided in Bulletin 2005-02 and provided implementation guidance for those enhancements. In addition, Attachment 5 of the 2005 NEI guidance provided a phased approach to support the final implementation of conducting a hostile action-based scenario as part of the existing biennial exercise cycle. Phase 3 specifically described an industry initiative; whereby, each nuclear power plant site conducts a hostile action-based EP drill within a 3-year period. The NRC subsequently endorsed this 2005 NEI guidance in RIS 2006-12, "Endorsement of Nuclear Energy Institute Guidance: Enhancement to Emergency Preparedness Programs for Hostile Actions," dated July 19, 2006.

In a letter dated August 30, 2006, NEI requested NRC endorsement of Revision 0 to NEI 06-04, "Guideline for the Development of EP Drill and Exercise Threat-Based Scenarios," dated August 2006 (ADAMS Accession No. ML062490557). This document provided specific guidelines to industry, State, and local response organizations on the conduct of hostile action-based EP drills under phase 3 of the industry initiative. The NRC subsequently responded in a letter to NEI dated October 23, 2006 (ADAMS Accession No. ML062480473), stating that:

NRC endorsement is not required for licensees to conduct a security event-based scenario during an off-year exercise or drill. However, the NRC considers that the use of Revision 0 to NEI 06-04 is appropriate for developing and conducting a security event-based EP drill or exercise during this phase and encourages the industry to proceed with efforts to schedule and conduct these drills and exercises.

As such, hostile action-based EP drills, also referred to as Phase 3 Drills, will not be evaluated by either the NRC or the Federal Emergency Management Agency (FEMA). This provides a "no fault" opportunity for licensees to demonstrate responses to the unique challenges security events pose to existing EP programs. Lessons learned from these drills will support formal implementation of hostile action-based event scenarios as part of biennial exercises.

During Calendar Year (CY) 2007, nine hostile action-based EP drills were conducted using the proposed industry guidelines contained in Revision 0 to NEI 06-04. These drills identified valuable lessons learned and aided in clarifying the unique challenges a hostile action-based event poses to existing EP programs. Based on these lessons learned, Revision 1 to NEI 0604, "Conducting a Hostile Action-Based Emergency Response Drill," dated October 30, 2007 (ADAMS Accession No. ML073100460), was developed by the industry to ensure consistency in the conduct of remaining hostile action-based EP drills through CY2009.

SUMMARY OF ISSUE

Revision 1 to NEI 06-04 clarifies the intended scope and methods for demonstration of key objectives of hostile action-based EP drills. This document is intended for use in conducting the remaining hostile action-based EP drills under Phase 3 of the industry initiative as outlined in the 2005 NEI guidance. The NRC staff finds that Revision 1 to NEI 06-04 is consistent with the intent of Bulletin 2005-02. As such, the staff endorses Revision 1 to NEI 06-04 with the following clarifications:

- a. **Overview, Section 1**, states, “The periodic implementation of a hostile action-based emergency response drill has replaced the practice of conducting a tabletop drill during each force-on-force (FOF) exercise.” Although hostile action-based drills encompass many of the objectives demonstrated during previously conducted FOF tabletops, the demonstration of key control room EP actions is still expected under IP 71114.07, “Emergency Preparedness Component of the Force-On-Force (FOF) Exercise Evaluation” and has **not been** superseded by the conduct of a hostile action-based drill.
- b. **Overview, Section 1**, last paragraph, discusses licensees incorporating into their drill program one hostile action-based scenario in a six-year cycle. The NRC is currently working in concert with FEMA to address the use of hostile action-based scenarios during biennial exercises under the rulemaking process; however, the frequency, scenario objectives, and specific guidelines have not yet been determined for conducting a hostile action-based scenario as part of a biennial exercise.
- c. **Objective Development, Section 2**, states, “Once the ERO is activated and integrated into the station’s response to the event, it is expected that the following key capabilities will be demonstrated:...” It should be noted that some hostile action-based scenarios may be developed to demonstrate key capabilities prior to or in parallel with activating the ERO.
- d. **Scenario Development, Section 4**, implies that access restrictions may develop due to the impact of an aircraft; however, it should be noted that access restrictions should not be dictated only by possible aircraft damage. Access restrictions based on possible damage from land- and water-based attacks should also be considered as part of these scenarios. Any likely equipment and building damage for any scenario should be included to provide realism, such that the response actions necessary to mitigate the event are appropriate.
- e. **Scenario Development, Section 4**, encourages that drills be conducted in real time, or as near real time as possible. NRC encourages that the use of a time jump or time compression be minimized or eliminated when possible. Applicable State and local response organizations should be included in scenario development activities so that demonstration of significant off-site decisions and response actions are included and the impact of any time jump or time compression is fully understood.
- f. **Appendix A**, Functional Demonstration Criteria No. 3, explains that licensees should demonstrate the ability to make accelerated NRC notifications. Additional opportunities to practice other communications between the licensee and NRC may be possible by coordinating aspects of participation with NRC staff. These activities could include the use of authentication codes and communications with the NRC headquarters operations officer (HOO) regarding a postulated ground-based, waterborne, or airborne threat.
- g. **Appendix A**, Functional Demonstration Criteria No. 5, should address the coordination of the control room staff and site security to perform initial accident assessment and mitigation prior to the site being secured and ERO mobilization. Following a hostile action, there may be delays in staffing emergency facilities and in securing the site. Therefore, the scenario should include the demonstration of appropriate prompt actions that can be taken by available on-shift staff prior to the site being secured, in coordination with site security and initial offsite responders, to safely coordinate the dispatching of damage control (repair) personnel to implement applicable coping

strategies. This may require the prioritization of site security and initial law enforcement resources to perform sweeps of designated plant areas to allow prompt access by damage control (repair) personnel in the period after known adversaries have been neutralized.

- h. **Appendix A**, Functional Demonstration Criteria No. 9, discusses the ability of the ERO to activate alternate facilities. Licensees are encouraged to use this drill as an opportunity to test continuity of operations capabilities and challenge processes and procedures associated with these alternate facilities.
- i. **Additional Clarifications:** Use of the National Incident Management System (NIMS) and definitions from the National Response Plan (NRP) are referenced throughout Revision 1 to NEI 06-04. However, the NRP was superseded by the National Response Framework, dated January 2008. Therefore, the latest revision of such referenced documents should be used for conduct and development of drills and scenarios.

Additionally, the use of the Incident Command System (ICS) and Incident Command Post (ICP), as described in NIMS, are also consistently referenced throughout Revision 1 to NEI 06-04; however, the use of a Unified Command (UC) or Unified Area Command (UAC) is not. In keeping with the NIMS structure, licensees are encouraged to demonstrate key decision-making and communication interface activities with the UC/UAC, as applicable, to adequately demonstrate the effective prioritization of activities and coordination of resources with the licensee and State/local emergency operations facilities.

BACKFIT DISCUSSION

Bulletin 2005-02 identifies the staff position regarding conduct of a hostile action-based EP drill. This RIS endorses Revision 1 to NEI 06-04 as an adequate methodology for the development and conduct of a hostile action-based EP drill as part of the industry initiative in response to potential program enhancements discussed in Bulletin 2005-02. This RIS neither imposes any new or modified NRC staff requirements, nor prescribes a unique way to comply with the regulations or requires any action or written response. Any action on the part of the licensee to use the guidance endorsed by this RIS is strictly voluntary. Therefore, this RIS is not a backfit under 10 CFR 50.109 and the NRC staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because it is informational and pertains to a staff position that does not represent a departure from current regulatory requirements and practice. NRC intends to work with NEI, industry representatives, FEMA, State and local response organizations, members of the public, and other stakeholders in developing both final guidance and modifying related guidance documents. This action will be done in support of the rulemaking to update emergency preparedness regulations.

CONGRESSIONAL REVIEW ACT

The NRC has determined that this RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. §§801-808) and, therefore, is not subject to the Act.

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This RIS does not contain any information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

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/RA/

Michael J. Case, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Technical Contacts: Michael D. McCoppin,
NSIR/DPR
(301) 415-2737
E-mail: mdm2@nrc.gov

Joseph D. Anderson,
NSIR/DPR
(301) 415-4114
E-mail: jda1@nrc.gov

Enclosure: Revision 1 to NEI 06-04, "Conducting a Hostile Action-Based Emergency Response Drill," October 30, 2007 (ADAMS Accession No. ML073100460)

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(301) 415-2737
E-mail: mdm2@nrc.gov

Joseph D. Anderson,
NSIR/DPR
(301) 415-4114
E-mail: jda1@nrc.gov

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