

March 7, 2008

Kevin C. Leuer, Director
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444 Cedar Street, Suite 223
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SUBJECT: RESPONSE TO COMMENTS ON THE HOSTILE ACTION-BASED
EMERGENCY PREPAREDNESS DRILL AND EXERCISE INITIATIVE

Dear Mr. Leuer:

I would like to extend my appreciation for the comments provided in your December 28, 2007 e-mail on Revision 1 to Nuclear Energy Institute (NEI) 06-04, "Conducting a Hostile Action-Based Emergency Response Drill" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML080020248). The enclosure to this letter provides responses to your specific comments based on on-going interactions with the NEI, regarding the conduct of "off-year" hostile action-based emergency preparedness (EP) drills, and the Federal Emergency Management Agency (FEMA), regarding incorporation of these types of scenarios into biennial exercises.

I look forward to our continued interactions with State and local agencies on nuclear security and EP issues involving changes to drills and exercises as discussed in NRC Bulletin 2005-02, "Conducting a Hostile Action-based Emergency response Drill." If you have any questions regarding NRC efforts under this initiative, please contact Anthony McMurtray at (301) 415-2746 or Joseph Anderson at (301) 415-4114.

Sincerely,

/RA/ By Kevin Williams Acting For/

Christopher G. Miller, Deputy Director
for Emergency Preparedness
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

Enclosure:
As stated

cc: V. Quinn (FEMA)
C. Fiore (FEMA)

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Comments on Hostile Action-Based Drills
State of Minnesota, Division of Homeland Security and Emergency Management

Generic Comment No.1: An integrated security event response plan should first be developed to serve as the basis for drill. Site Security should include site emergency preparedness (EP) personnel in their security planning to ensure that security plans are developed within the context of off-site activities that would take place based on the emergency classification level at the time.

Response: The respective security and emergency plans have specific functions. In response to NRC Bulletin 2005-02 and other NRC communications, various contingency procedures have been developed by commercial nuclear power plant (NPP) licensees to address and coordinate overlapping security, EP, and operational considerations in response to a hostile action event. These contingency procedures are tested on a periodic basis and as part of the proposed hostile action-based EP drill/exercise initiative. The current industry initiative to conduct a hostile action-based drill at each site over a 3-year period is intended to further clarify the unique challenges these events pose on existing Radiological Emergency Preparedness (REP) programs, including the integration of security, EP and Control Room operator actions and coordination of offsite response organization (ORO) resources. Revision 1 to NEI 06-04, "Conducting a Hostile Action-Based Emergency Response Drill," provides additional emphasis on the need for EP to involve site Security and ORO representation in scenario development activities and facilitate the effective integration of security and EP plan requirements, while considering ORO response actions.

Generic Comment No.2: Existing exercises could be replaced with a security (hostile action)-based exercise, but a 2-day hostile action-based drill, modeled like an ingestion exercise, should be avoided.

Response: The Nuclear Regulatory Commission (NRC) staff is currently working with the Federal Emergency Management Agency (FEMA) to further develop this concept and will be seeking stakeholder input as part of the rulemaking and guidance revision processes. The intent is to use a hostile action scenario as the initiating event that results in damage to plant equipment/components, in lieu of a loss of plant equipment/ components due to mechanical or electrical failure, operator error, or other means currently employed in scenario development. At this time, the NRC does not envision a 2-day exercise solely for the purpose of demonstrating response to a hostile action-based scenario. However, during the on-going hostile action drill phase, the NRC does encourage nuclear power plant (NPP) licensees to work with OROs to voluntarily conduct a tabletop prior to the actual hostile action-based drill.

Enclosure

Specific Comment No. 1: “The hostile action drill is being pushed before the hostile action based response plan has been developed. The planning requirements for hostile action incidents need to be established first, the hostile action plan needs to be developed, and then the hostile action drills should be conducted. Currently we are not drilling using the basis of a plan; we are drilling on the basis of NEI [*Nuclear Energy Institute*] exercise guidance.”

Response: Bulletin 2005-02 outlined various hostile action (threat)-related enhancements to emergency plans and procedures, including event classification, onsite protective measures, licensee staff mobilization, and EP drills and exercises. On-going hostile action-based EP drills are being conducted as part of an industry initiative, using NEI 06-04 as a guideline, to further clarify the unique challenges that hostile action-based events pose on existing REP programs. The lessons-learned from these drills will be used to inform the proposed NRC EP rulemaking and identify potential changes to existing guidance, including NUREG-0654/FEMA-REP-1 and FEMA’S REP Program Manual. This will include revisions to exercise planning and evaluation criteria, as appropriate. State and local response organizations are encouraged to self-evaluate the lessons-learned from these “no fault” drills to identify appropriate changes to their response plans based on existing requirements.

Specific Comment No. 2: “The utilities have not adopted NIMS [*National Incident Management System*] and are not using NIMS. Without a common framework for incident response and a good understanding of unified command and a coordinated on site response on site is challenging. The utilities should be required to adopt and implement NIMS before these hostile action based drills are required.”

Response: When the NIMS and the National Response Plan (now the National Response Framework (NRF)) were initiated, the staff informed licensees that they should become aware of the concepts and practices. It should be noted that in the NIMS/NRF the private sector is encouraged to adopt these concepts. The NRC staff is currently working with FEMA to determine if any proposed changes to regulations or guidance are needed to clarify licensee incorporation of NIMS/ICS (Incident Command Structure) concepts regarding the interfaces and communications with OROs responding to the NPP site. In the interim, the on-going hostile action-based EP drills provide an opportunity for licensees to understand how OROs will respond and operate, implement any necessary changes to coordinate ORO activities, and work within the NIMS/ICS process.

Specific Comment No. 3: “The utility security plans/procedures are not coordinated with the emergency planning plans/procedures within the utility. The utilities emergency planning folks need to be better integrated into the security planning. Currently there are security plans and emergency plans for the utility, which are not coordinated internally at the utility level. Because the security and general emergency plans are not synchronized, they currently double count resources and we cannot successfully drill on-site and off-site response simultaneously based on the ECL [*emergency classification level*] that would be declared during a security event.”

Response: Comprehensive reviews (CRs) conducted by the Department of Homeland Security (DHS) at NPP sites, as well as recent hostile action-based drills, have highlighted the need to consider the prompt augmentation of ORO resources in response to a hostile action-based event. NPP licensees are currently required to evaluate proposed changes to their respective security and emergency plans to ensure that these changes would not constitute a decrease in effectiveness. Proposed security rulemaking under Title 10 to Part 73, Section 73.58 would require licensees to assess and manage the potential for adverse affects on safety and security, including the site emergency plan, before implementing changes. Licensees, in coordination with, State and local response organizations are encouraged to self-evaluate the lessons-learned from their respective site’s hostile action-based EP drill to identify appropriate changes to their response plans to address the prompt augmentation of resources, as appropriate. In addition, Bulletin 2005-02 identified specific enhancements to the existing ECL definitions and associated emergency classification levels (EALs) to more directly correlate emergency event classification to specific hostile action threats. The NRC staff is currently working with NEI, based on the lessons-learned from the on-going hostile action-based EP drill initiative, to identify further potential enhancements to EAL criteria used in the classification of hostile action-related events.

Specific Comment No. 4: “The on-site and off-site security response plans need to be combined into a single all-hazard response plan that can assure that all response functions can be done by the resources that are available. The security plans/procedures should reflect the ECL that would be declared at the time.”

Response: The NRC staff is currently working with the NPP industry as part of on-going initiatives, and under proposed rulemaking and guidance changes, to improve the integration of site security and emergency plans, and identify further enhancements to ECLs. FEMA is responsible for determining the adequacy of State and local REP plans and identifying possible changes to EP regulations and guidance to address integration as part of overall DHS “all hazards” response activities. The NRC will continue to work with FEMA and other Federal agencies to provide for the integration of response actions and resources. General integration of licensee and offsite plans is being reviewed during the on-going hostile action-based EP drill initiative, and lessons-learned from these drills is being used to inform proposed rulemaking and guidance changes.

Specific Comment No. 5: “The current security exercises (like force on force) that are being done at the plants are being conducted outside the context of the emergency classification level that would be declared at the plant based on the events that are occurring. Therefore, the responders are being trained as if there are no other functions that they would be doing at the time. Many of the security drills are only involving law enforcement and are not taking into consideration all of the off-site activities that would be needed at the same time the on-site response are occurring. Based on current emergency and security plans the law enforcement, EMS [*emergency medical service*] and fire staffs are being double counted.”

Response: Force-on force exercises are designed to test the ability of the site’s on-shift security force complement to defend the site against a design basis threat (DBT), and are not intended to demonstrate ORO response capabilities. The current hostile action-based EP drills, being conducted as an industry initiative in response to NRC Bulletin 2005-02, “Emergency Preparedness and Response Actions for Security-based Events’ (ADAMS Accession No. ML051740058), are intended to test ORO non-tactical security/law enforcement response. As such, hostile action-based EP drills, rather than FOF exercises, are intended to demonstrate the coordinated response by OROs to the site to assist in mitigating damage caused by a hostile action, which would include fire and medical service responders in addition to law enforcement. An objective of these drills, as applicable to the respective NPP site, is to demonstrate the ability for prompt augmentation of ORO resources in response to a hostile action-based event. The results of these efforts can be used by the NPP licensee and OROs to gain a better understanding of the resource requirements for a hostile action-based event and identify appropriate changes to their respective response plans and procedures, and by the NRC and FEMA to inform proposed rulemaking and changes to guidance documents.

Specific Comment No. 6: “For our regular nuclear power plant exercises FEMA provides support in reviewing the exercise scenario to ensure that the scenario will allow demonstration of the objectives as selected. FEMA is not currently reviewing the scenarios or providing exercise support for these hostile action based drills so there is not consistency in the scenario development or objective selection and demonstration.”

Response: The on-going hostile action-based EP drills are being conducted as an industry initiative in coordination with State and local response organizations. These drills are not being evaluated by the NRC and FEMA, and as such, are considered a “no fault” opportunity for NPP licensees and State and local response organizations to demonstrate their capabilities to respond to the unique challenges posed by a hostile action event. Appendix B to Revision 0 of NEI 06-04, dated August 30, 2006, was intended to offer possible changes to offsite exercise objectives and evaluation criteria for hostile action-based scenarios during this industry initiative phase. FEMA, in coordination with the NRC, will be observing various hostile action-based EP drills to determine proposed changes to these criteria as part of a revision to FEMA’s REP Program Manual. Incorporation of a hostile action-based scenario as part of biennial EP exercise over a 6-year cycle is being considered as part of a proposed EP rulemaking. This rulemaking would include the revision of FEMA’s REP Program Manual to address the conduct and evaluation of a hostile action-based scenario as part of a biennial exercise. The NRC staff will continue to work with FEMA as part of a joint Exercise Task Force to help craft hostile action-based scenarios and develop specific extent of play and evaluation criteria.

Specific Comment No. 7: “The federal family did not participate in the one hostile action based drill that we have already conducted in Minnesota. Without federal play from FBI [*Federal Bureau of Investigation*], FEMA and NRC at the utility, local, and state level we are not able to demonstrate how the interface between all of the agencies will work. Without full FBI participation it's hard to have an effective Joint Information Center or Unified Command drill.”

Response: The NRC staff is working with NPP licensees to identify opportunities for NRC participation in these drills. We recently participated in the Byron Station hostile action-based drill on February 27, 2008. NPP licenses are encouraged as part of pre-drill preparations to coordinate with their respective regional FBI and FEMA Offices to identify opportunities for increase Federal participation by these agencies. The NRC will continue to work with our Federal partners, including the FBI and DHS, to identify further opportunities and possible expectations for participation as part of future biennial exercises involving hostile action-based scenarios.

As a result of the lessons-learned from the hostile action-based drill conducted at Prairie Island, the licensee has indicated their intent to work with respective OROs to schedule a second drill at the Prairie Island Station. The NRC will work with licensees for the remaining hostile action-based drills to facilitate Federal participation where possible.

Specific Comment No. 8: “The existing NEI guidance puts the entire decision making at the command post and does not interface with the role of the local EOC [*emergency operations center*].”

Response: The NRC is in the process of reviewing Revision 1 to NEI 06-04 for endorsement to support the consistent demonstration of activities during remaining hostile action-based drills under Phase 3 of this industry initiative. The NRC staff's review will consider the adequate demonstrate of key unified command decision-making and coordination functions, including coordination with the near-site incident command post and local EOCs. This aspect is also being considered by NRC and FEMA as part of a joint task force looking at proposed changes to EP regulations and guidance to formally incorporate NIMS/ICS, including EOC interfaces, into the extent of plant and evaluation criteria for biennial exercises.

Specific Comment No. 9: “The concept of unified command is missing from the NEI guidance.”

Response: The NRC is in the process of reviewing Revision 1 to NEI 06-04 for endorsement to support the consistent demonstration of activities during remaining hostile action-based drills under Phase 3 of this industry initiative. The NRC staff's review will consider the adequate demonstrate of key unified command decision-making and coordination functions, including coordination with the near-site incident command post and local EOCs. This aspect is also being considered by NRC and FEMA as part of a joint task force looking at proposed changes to EP regulations and guidance to formally incorporate NIMS/ICS, including EOC interfaces, into the extent of plant and evaluation criteria for biennial exercises.

Specific Comment No. 10: “The NEI exercise guidance seems to imply that the JIC [*joint information center*] would be by the command post which is contrary to all of our plans.”

Response: NEI guidelines are not intended to imply that the near-site incident command post and unified command element would be co-located with the JIC. The intended outcome is to demonstrate that an effective communications interface exists between the “command post” and JIC, rather than on co-location with the JIC. Location of the near-site incident command post and unified command element should continue to be in accordance with respective State and local plans, which may vary between State and local government jurisdictions.

Specific Comment No. 11: “How would the support for site access and traffic control beyond the site boundary be evaluated? What would be the demonstration criteria?”

Response: This aspect is being considered by NRC and FEMA as part of a joint task force looking at proposed changes to EP regulations and guidance. Lessons-learned from the on-going hostile action-based EP drill initiative will be used to inform this process.

Specific Comment No. 12: “How would the decision making be evaluated at the on site command post?”

Response: This aspect is being considered by NRC and FEMA as part of a joint task force looking at proposed changes to EP regulations and guidance. Lessons-learned from the on-going hostile action-based EP drill initiative will be used to inform this process.

Specific Comment No. 13: “The planning standards and objectives to be exercised need to be clearly defined well before we are required to be evaluated in a drill. We are currently using NEI drill guidance for the basis for planning which is not efficient. The hostile action planning requirements need to be established first, and then we can develop exercise guidance based on the planning requirements.”

Response: The NEI 06-04 document is intended to provide the initial framework for the development and conduct of a hostile action-based EP drills. The lessons-learned and observations from the hostile action-based EP drills will be used to inform NRC and FEMA on proposed changes to EP regulations and guidance, including changes exercise objectives, extent of play, and evaluation criteria, prior to the incorporation of hostile action-based scenarios in the biennial exercise cycle.