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**FEMA**

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SUBJECT: TERMINATION OF JOINT FEMA/NRC EXERCISE SCENARIO WORKING GROUP  
(TASK FORCE) ACTIVITIES

This serves to document the termination of the joint FEMA/NRC Exercise Scenario Working Group (Task Force), based on the completion of the designated responsibilities as outlined in the November 20, 2006 charter (Enclosure 1).<sup>1</sup> Activities in support of the changes proposed in the NRC emergency preparedness (EP) rulemaking and associated revisions to FEMA/NRC guidance will be transitioned and assumed by the joint FEMA/NRC Rulemaking Group.

The charter developed defined the purpose, responsibilities, and membership for a joint FEMA/NRC Exercise Scenario Working Group. Under this charter, the Exercise Scenario Working Group was charged to perform the following tasks:

- Consider the necessity and utility of seeking changes to NRC and DHS *[FEMA]* regulations and guidance that could enhance the current inventory of radiological emergency preparedness (REP) exercise scenarios in response to the June 29, 2006 Commission Staff Requirements Memorandum (SRM).

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<sup>1</sup> Draft charter was verbally approved by the NRC Deputy Director for Emergency Preparedness and the DHS Director, Chemical and Nuclear Preparedness and Protection Division.

- Determine the scope of proposed changes to FEMA/NRC regulations and guidance and options available for implementing required changes.

NOTE: If necessary, NRC and DHS [*FEMA*] will be responsible for implementing changes to their respective regulations. The NRC and DHS shall jointly recommend any regulatory or guidance changes and implementation thereof.

- If necessary, develop major milestones and a proposed schedule to support development and implementation of any changes.
- If necessary, identify options for engaging external stakeholders in recommended revisions to guidance documents, including the expanded involvement of State and local response organizations in developing a revision to the FEMA REP Exercise Evaluation Methodology (EEM).

In November 2006, a joint FEMA/NRC working group was established to evaluate and recommend revisions, as deemed necessary and appropriate, to EP regulations and guidance in support of the Commission SRM, dated June 29, 2006 (ADAMS Accession No.: ML061870268), which stated:

“The staff should coordinate with DHS [*FEMA*] to develop emergency planning exercise scenarios which would help avoid anticipatory responses associated with preconditioning of participants by incorporating a wide spectrum of releases (ranging from little or no release to a large release) and events, including security-based events. These scenarios should emphasize the expected interfaces and coordination between key decision-makers based on realistic postulated events. The staff should share experiences of preconditioning or ‘negative training’ with DHS [*FEMA*]”.

During the time since its inception, the working group was successful in jointly developing initial recommendations to enhance REP exercise scenarios and obtaining senior FEMA and NRC management concurrence in support of the initiative:

- FEMA Deputy Administrator/Chief Operating Office letter, entitled “FEMA/NRC Exercise Task Force Path Forward,” dated March 11, 2008 (ADAMS Accession No.: ML080780286)
- Ms.Quinn/Mr. Leach letter, entitled “Alignment of Exercise Scenario Task Force Activities,” dated March 17, 2008 (ADAMS Accession No.: ML080780240)

As a result of this alignment, the working group membership was expanded to include additional FEMA Regional representatives. The working group title was also subsequently changed to the Exercise Scenario Task Force to more clearly reflect its mandate to independently develop recommendations for changes to applicable REP exercise guidance, rather than perform activities in support of formal revision of regulations/guidance, which is a more appropriate function of the joint FEMA/NRC Rulemaking Working Group.

The task force was also successful in engaging State, local, non-government organizations, and nuclear industry stakeholders in dialog through the conduct of 20+ focus groups in 9 of the 10 FEMA regions and at various national forums to further solicit input and refine proposed REP exercise scenario enhancements. Based on the outcomes from these forums, the Exercise Scenario Task Force provided their draft preliminary recommendations for enhancements to REP exercise scenarios to FEMA and NRC management for consideration by the FEMA/NRC Rulemaking Working Group. Task force activities culminated in the conduct of a joint FEMA/NRC progress review meeting on September 25-26, 2008 in Oklahoma City, OK. This meeting allowed for open discussion between FEMA Headquarters, NRC Headquarters, and FEMA Region REP staff on the feedback received from the focus groups and subsequent task force changes to proposed recommendations.

Task force activities are being terminated at this time to avoid duplication of efforts with the FEMA/NRC Rulemaking Working Group, and to ensure that required protocols for open public engagement and comment are adhered to as part of the formal rulemaking process and draft revisions to appropriate FEMA/NRC guidance documents. However, it is recommended that task force representatives be consulted during the formal resolution of public comments as part of the FEMA/NRC Rulemaking Working Group and the adjudication of public comments, as determined appropriate by FEMA and NRC management. Task force members will also continue to support observation of hostile action-based EP drills through Calendar Year 2009 as part of the on-going industry initiative, and will generate key lessons learned to assist State, locals, and industry in the eventual incorporation of HAB initiating events into biennial REP exercise scenarios.

Enclosure: As stated

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C. Fiore (FEMA)

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**ADAMS Accession No. ML090360391**

<b>OFFICE</b>	<b>NSIR/DPR</b>
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<b>DATE</b>	02/05/09

## 1. Purpose

This Charter establishes the Exercise Scenario Enhancement Working Group and defines responsibilities for the evaluation and recommended revisions, as deemed necessary and appropriate, to regulations and guidance in support implementation of Commission Staff Requirements Memorandum (SRM), dated June 29, 2006 (ADAMS No. ML061870268).

## 2. Background

10 CFR 50.47(b)(14) and 44 CFR 350.5(a)(14) state, in part, that “Periodic exercises are (will be) conducted to evaluate major portions of emergency response capabilities, and periodic drills are (will be) conducted to develop and maintain key skills...” However, the regulations in Part 50 do not *explicitly* require that a security/hostile action-based scenario be included in biennial REP exercises or routine drills. In addition, Section II.N.1.a of NUREG-0654/FEMA-REP-1 (Rev. 1) states that an exercise “shall simulate an emergency that results in offsite radiological releases which would require response by offsite authorities.” [*underline added*] Specific DHS (FEMA) requirements for the conduct of evaluated emergency preparedness (EP) exercise are contained in 44 CFR 350.9, “Exercises.”

In SRM - “SECY-05-0010 - Recommended Enhancements of Emergency Preparedness and Response at Nuclear Power Plants in Post -9/11 Environment,” dated May 4, 2005, the Commission approved the staff’s recommendations to move forward with enhancements to EP and response issues. The staff implemented this direction by issuing NRC Bulletin 2005-02 “Emergency Preparedness and Response Actions for Security-Based Events” on July 18, 2005 (ADAMS Accession No.: ML051740059). This Bulletin requested information from the licensees regarding enhancements made to EP programs in response to the potential for security events, which included changes to EP drill and exercise programs to maintain the key skills necessary for mitigating security-based events. In their responses to Bulletin 2005-02, the majority of licensees identified that final implementation would be based on NRC endorsement of drill and exercise guidelines being developed by industry.

The Nuclear Energy Institute (NEI) subsequently submitted a white paper for NRC endorsement, entitled “Enhancements to Emergency Preparedness Programs for Hostile Action,” dated November 18, 2005, that outlined a voluntary industry initiative to enhance drills and exercises, including the integration of security event-based scenarios into a biennial REP exercise once every exercise cycle (six years). The white paper described a pilot drill process consisting of a four phases. Phase 1 involved the conduct of tabletops, which have been completed at the Diablo Canyon, North Anna, Duane Arnold and Vermont Yankee sites, in order for the industry to develop guidance for the industry. Phase 2 involved the conduct of an integrated facility drill, which was conducted in March 2006 at the Callaway site, to pilot the draft industry guidelines. Phase 3 of this initiative involves the conduct of a site-specific drill involving a security event-based scenario at each site over a 3 year period, as part of an off-year exercise or drill, rather than as part of a biennial exercise per Appendix E of Title 10 to Part 50 (10 CFR 50). These drills may be observed, but will not be evaluated by either the NRC or DHS/FEMA. As such, NRC and DHS/FEMA endorsements are not required for licensees to conduct a security event-based scenario during an off-year exercise or drill. The final phase, as recommended by NEI, calls for the incorporation of a security event-based scenario as part of a biennial exercise conducted once over a six-year cycle. The NRC endorsed the industry white paper following public comment on July 18, 2006, under Regulatory Information Summary (RIS) 2006-12 (ADAMS Accession No. ML061530290).

## **Exercise Scenario Enhancement Working Group Charter**

Following the May 2, 2006, NRC staff briefing on emergency preparedness initiatives, the Commission issued an SRM on June 29, 2006, (ADAMS Accession No. ML061870268), which stated that:

“The staff should coordinate with DHS to develop emergency planning exercise scenarios which would help avoid anticipatory responses associated with preconditioning of participants by incorporating a wide spectrum of releases (ranging from little or no release to a large release) and events, including security-based events. These scenarios should emphasize the expected interfaces and coordination between key decision-makers based on realistic postulated events. The staff should share experiences of preconditioning or ‘negative training’ with DHS”.

The NRC subsequently engaged DHS to initiate efforts to form a joint working group under the NRC/FEMA Radiological Emergency Preparedness (REP) Steering Committee, which will be tasked with identifying if any regulations or guidance would require revision to enhance the current inventory of REP exercise scenarios.

On August 30, 2006, NEI submitted Revision 0 of their industry guidance document, entitled NEI 06-04, “Guideline for the Development of Emergency Preparedness Drill and Exercise Threat-Based Scenarios” (ADAMS Accession No. ML062480059), which sought NRC and DHS/FEMA endorsement.

While DHS/FEMA has not officially endorsed NEI 06-04 (Revision 1), on October 10, 2006, the DHS Assistant Secretary for Infrastructure Protection (Robert Stephan) provided the DHS response to NEI regarding its review of NEI 06-04. In this letter Mr. Stephan stated that he has “...asked the Radiological Emergency Preparedness Program (REPP) staff to review the proposed program and guidelines and provide me a recommendation on whether or not we should incorporate the program in our efforts to revise and update REPP in light of today’s threat environment. REPP staff is scheduled to assess your program and provide recommendations by Dec, 31, 2006.”

On October 23, 2006, the NRC Office of Nuclear Security and Incident Response (NSIR) provided its response to NEI’s request for endorsement. The NRC’s response stated that it was the NRC’s intent to use Revision 0 to NEI 06-04 as one of the resources to address actions and evaluate required changes directed by the Commission SRM dated June 29, 2006, as part of a joint NRC/DHS working group implemented under this charter.

### **3. Responsibilities**

The Exercise Scenario Enhancement Working Group is chartered to perform the following tasks:

- 3.1 Consider the necessity and utility of seeking changes to NRC and DHS (FEMA) regulations and guidance that could enhance the current inventory of exercise scenarios in response to the June 29, 2006 Commission SRM.
- 3.2 Determine the scope of proposed changes to regulations and guidance and options available for implementing required changes.

## Exercise Scenario Enhancement Working Group Charter

NOTE: If necessary, NRC and DHS/FEMA will be responsible for implementing changes to their respective regulations. The NRC and DHS/FEMA shall jointly recommend any regulatory or guidance changes and implementation thereof.

- 3.3 If necessary, develop major milestones and a proposed schedule to support implementation of any changes.
- 3.4 If necessary, identify options for engaging external stakeholders in recommended revisions to guidance documents, including the expanded involvement of State and local response organizations in developing a revision to the REP Exercise Evaluation Methodology (EEM).

The Exercise Scenario Enhancement Working Group will present these findings to NRC and DHS/FEMA management for review.

### **4. Membership**

The membership will be comprised of representatives from DHS/Radiological Emergency Preparedness (REP) Headquarters and Field Offices and NRC (NSIR/DPR) designated by the DHS/FEMA Management and the NRC Director, NSIR/Division of Preparedness and Response (DPR).

- 4.1 Primary points of contact for their respective organizations will be Daniel Wilcox (DHS/REP Headquarters) and Joseph Anderson (NRC/NSIR-DPR). These points of contact will be responsible for interfacing with their respective Office of General Counsel (OGC) on issues regarding the interpretation of regulations and guidance, and with regional/field office EP staff.

### **5. Terms**

This charter goes into effect upon the date of its signing by the DHS/FEMA REPP Director and the NRC Director, NSIR/DPR. The charter will be terminated by either the DHS/FEMA REPP Director or NRC Director, NSIR/DPR, when appropriate, and may be amended based on mutual consent of the Exercise Scenario Enhancement Working Group members and with the approval of the DHS/FEMA REPP Director and NRC Director, NSIR/DPR.