

Hostile Action-Based Scenario Transition Working Group Charter

1. Purpose

This Charter establishes a Hostile Action-Based (HAB) Scenario Transition Working Group and defines the scope of activities and interfaces to be conducted by the working group.

2. Background

On July 18, 2005, the NRC issued Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events" (ADAMS Accession No. ML051740059), which requested information from nuclear power reactor licensees regarding enhancements made to emergency preparedness (EP) drill and exercise programs to maintain the key skills necessary for mitigating security-based events. Through the development of this initiative, the term "security-based event" has been replaced with "hostile action-based event" to avoid confusion with on-going Security rulemaking activities.

The Nuclear Energy Institute (NEI), on behalf of the nuclear industry, subsequently submitted for NRC endorsement a white paper (dated May 2005, revised November 19, 2005) entitled, "Enhancements to Emergency Preparedness Programs for Hostile Action" (ADAMS Accession No. ML053290326). The white paper outlined a voluntary industry initiative to enhance drills and exercises, including the integration of hostile action event-based scenarios into a biennial EP exercise once every exercise cycle (six years). Phase 3 of this voluntary NPP initiative includes the conduct of a site-specific drill involving a HAB scenario at each site over a 3 year period, as part of a "no-fault" off-year drill, rather than as part of a Federally-evaluated biennial exercise per Appendix E to Title 10, Part 50 of the Code of Federal Regulations (10 CFR Part 50) and 44 CFR 350.9. Following the public comment period, the NRC endorsed the NEI white paper on July 19, 2006, under Regulatory Information Summary (RIS) 2006-12, "Endorsement of Nuclear Energy Institute Guidance: Enhancement to Emergency Preparedness Programs for Hostile Actions" (ADAMS Accession No. ML061530290).

On April 7, 2008, NRC, FEMA and NEI representatives formed a HAB EP Drill Working Group to facilitate the consistent application of Revision 1 to NEI 06-04, "Conducting a Hostile Action-Based Emergency Response Drill" (ADAMS Accession No. ML080110116). In addition, the working group evaluated the use of guidelines and the documentation, evaluation and application of lessons-learned during Phase 3 drills. HAB EP drills under the voluntary Phase 3 initiative are scheduled to be completed at the end of Calendar Year 2009.

On May 18, 2009, the NRC issued a proposed EP rule (Docket No. NRC-2008-0122). To supplement the rule, the NRC and FEMA issued associated draft guidance documents which address, among other things, the conduct of a hostile action initiated scenario as part of a biennial exercise. However, there will be a time period between the completion of the voluntary Phase 3 drills and conduct of a Federally evaluated hostile action initiated exercise where no drills will be performed. FEMA and the NRC have determined the need to evaluate options for the demonstration of HAB elements during this gap in time when no regulatory-required HAB initiated exercises or drills will be conducted. As such, the NRC and FEMA are establishing a HAB Transition Working Group.

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3. Activities

The HAB Scenario Transition Working Group is chartered to perform the following:

NOTE: Working Group activities are restricted to supporting issues related to the transition of the demonstration of HAB elements from voluntary HAB EP (Phase 3) drills to formal drills evaluated under routine biennial exercises.

- 3.1 Consider options for the practice and demonstration of HAB elements prior to the implementation of the final EP rule and associated guidance documents.
- 3.2 Conduct public meeting(s) to provide forum to discuss, answer questions, and obtain feedback on proposed options with stakeholders.
- 3.3 Recommend options to the joint FEMA/NRC Steering Committee.
- 3.4 Support required briefs to obtain concurrence of NRC and FEMA management on recommended options, including major milestones and proposed schedule to support implementation.
- 3.5 If necessary, support development of staff guidance in respective NRC and FEMA inspection activities.

4. Membership

The Working Group was formed at the direction of, and will report its activities to, the co-chairpersons of the FEMA/NRC Steering Committee for Emergency Preparedness. Membership will comprise representatives from:

- FEMA/Radiological Emergency Preparedness (REP) Branch Headquarters and Regions, as designated by the Chief, REP Branch/Technological Hazards Division.
- NRC Division of Preparedness and Response (DPR) and Region EP Plant Support staff, as designated by the DPR Deputy Director for Emergency Preparedness.

FEMA and NRC members of the HAB EP Drill Working Group, Rulemaking Working Group, and previous Exercise Scenario Task Force may also be used to support Working Group discussions, as required to ensure continuity of efforts between groups.

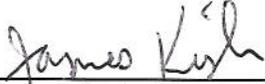
- 4.1 Primary points of contact for their respective organizations will be FEMA/REP Headquarters and NRC/DPR-EP, as designated by the Chief, REP Branch/Technological Hazards Division (FEMA), and Deputy Director for Emergency Preparedness (NRC), respectively. These points of contact will be responsible for interfacing with their respective legal counsel on issues regarding the interpretation of regulations and guidance, and with regional/field office EP staff.

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5. Terms

This charter goes into effect upon the date of its signing by the Director, Technological Hazards Division (FEMA), and the Director, Division of Preparedness and Response (NRC). The charter may be terminated by either signatory upon completion of designated activities or when determined appropriate, and may be amended based on mutual consent of the Director, Technological Hazards Division (FEMA), and the Director, Division of Preparedness and Response (NRC).

6. Approval



James Kish, Director
Technological Hazards Division
National Preparedness Directorate
Federal Emergency Management Agency



Melvyn N. Leach, Director
Division of Preparedness and Response
Office of Nuclear Security and Incident Response
Nuclear Regulatory Commission