

**Proposed “Ground Rules” for Conduct of a Biennial Exercise  
Using a Hostile Action-Based Event Scenario Prior to Implementation of Final Emergency  
Preparedness Rule  
DRAFT**

**Background:** The current 3-year voluntary Hostile Action-Based (HAB) Emergency Preparedness (EP) Drill Initiative will conclude in December 2009. The Nuclear Regulatory Commission (NRC) and the Federal Emergency Management Agency (FEMA) have proposed to make final the rulemaking and policy updates, including changes to the EP drill and exercise requirements in the Fall of 2010 with a proposed implementation period of from 1 to 3 years. To continue the learning process of the HAB EP Drill Initiative, it has been proposed that the NRC and FEMA sustain hostile action-based exercise activities by adopting a transitional phase following the end of the voluntary initiative. The proposal would identify volunteer licensee and offsite response organizations, that would conduct regularly scheduled, evaluated biennial exercises to integrate the demonstration of non-evaluated hostile action elements.

The continued use of HAB scenarios during this transition period is beneficial to all parties. Licensees and OROs would have the opportunity to practice, prepare and validate their draft procedures in advance of the requirements of the final EP rule. FEMA and the NRC would benefit by having the opportunity to develop necessary standards, and evaluator and inspector capabilities specific to HAB scenarios. Licensees currently have the ability to practice HAB elements as part of their required “off-year” integrated drill under Appendix E to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50. Integrating HAB scenarios into FEMA-graded biennial exercises is being considered to minimize the impact of off-year drills on offsite resources.

At the direction of the FEMA/NRC EP Steering Committee, FEMA and NRC staff formed a joint FEMA/NRC HAB Transition Working Group (WG) and developed the following ‘ground rules’:

**Proposed Ground Rules for Transition Exercises:** The WG recognizes the need to articulate the benefits for licensees and OROs who volunteer to participate in such an exercise:

1. The HAB component to these integrated exercises will be evaluated, but the findings will not count against the participants. Organizations participating in this initiative will have the benefit of receiving a no-fault evaluation of the HAB scenario component of a full scale exercise from which to learn.
2. All parties (FEMA, NRC, OROs and licensee’s) must agree to support efforts required to plan, organize and conduct an HAB-integrated biennial exercise.
3. Licensees and OROs will be evaluated based on requirements contained in their respective emergency plans and associated procedures, which are in place at the time of the exercise.

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4. Credit will be provided for non-HAB components of an evaluated biennial exercise conducted as part of this program. However, because the specific standards pertaining to a HAB scenario exercise have not been finalized, credit for the HAB elements will not be given to each licensee and ORO for the biennial exercise they conduct during the transition period that includes an HAB scenario.
5. To maximize the benefits of these exercises, the WG encourages establishing a minimum of four (4) exercises. The WG also identified a preference to have at least one in each NRC Region.
6. The timeframe for the scheduling and conduct of these exercises is predicated on the finalization of rulemaking and program policy updates, plus an implementation period. The workgroup estimates this transition timeline as January 2010, through October 2012.

<u>Licensee Conditions (NRC)</u>	<u>ORO Conditions (FEMA)</u>
<ul style="list-style-type: none"> <li>• Planning Standard (b) (14) requires that “Periodic exercises are conducted to evaluate major portions of emergency response capabilities....” Licensees will use the guidance provided in Revision 2 of NEI 06-04 for the development, conduct, and evaluation of HAB exercises to ensure the adequate demonstration of major portions of emergency response capabilities. <i>(This is based on proposed industry submittal of Revision 2 of NEI 06-04 for endorsement in support of proposed EP rulemaking.)</i></li> <li>• NRC inspectors will need to determine whether licensee demonstrations during an exercise are sufficient “that the licensee can effectively implement its emergency plan to adequately protect public health and safety in a radiological emergency.” Thus, licensees will be expected to demonstrate and critique all items that are in their emergency plans existing at the time the exercise is conducted. This includes changes that licensees have already implemented in response to the February 2002 Commission Order and NRC Bulletin 2005-02, but excludes changes made to implement the final EP rule.</li> <li>• NRC regional inspectors, as per normal practice, will evaluate the licensees’ critique and document in the exercise report any weaknesses or deficiencies found. However, no findings or violations will be issued for HAB scenario</li> </ul>	<ul style="list-style-type: none"> <li>• Scenario development for integrating a HAB scenario incident into a scheduled biennial exercise will include ORO, licensee and Regional input. This approach provides participants the flexibility to develop release levels, identify and plan out of sequence scenarios. This will allow for the development of schedules that best conform to their needs. The intent of this effort is to improve efficiency and allow for less predictable and more realistic exercises.</li> <li>• Scenarios must support demonstration of existing evaluation criteria as contained in the Interim 2002 Radiological Emergency Preparedness Program (REPP) Manual. Scenario development and extent of play discussions will serve to ensure that Radiological Emergency Preparedness (REP) exercise elements are demonstrated such that they satisfy existing evaluation criteria.</li> <li>• HAB-specific elements will be observed with the objective of enhancing ORO ability to plan for and respond to a HAB incident at a commercial nuclear power facility. These elements will not be incorporated into the final after action report. However, the information gathered will be provided to ORO(s) and maintained by FEMA</li> </ul>

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<p>elements. Any weaknesses or deficiencies noted will be expected to be entered into the licensees’ Corrective Action Program (CAP) and will be subject to subsequent NRC inspections (i.e., effective corrective actions taken, etc).</p> <ul style="list-style-type: none"> <li>• Where allowed by the language of their current plans, licensees may opt to demonstrate emergency response capabilities from alternate facilities or in non-traditional ways in order to accommodate a hostile action-based scenario (e.g., Control Room carrying out traditional Technical Support Center/Operation Support Center functions while the facility is under a duck and cover order). If these are demonstrations of items in their current plans, they will be subject to NRC inspection.</li> <li>• For those aspects of emergency response to an HAB event scenario that are not addressed by a licensee’s then-current emergency plan (e.g., specific interactions with the offsite Incident Command, how to specifically coordinate with Local Law Enforcement Agency (LLEA) to move plant personnel in a threat environment, etc.), NRC expects that the licensee will formally critique these areas, but NRC inspectors will not evaluate these portions of the licensee’s formal critique. NRC will issue a Temporary Instruction to address this discretion afforded to inspectors.</li> </ul>	<p>as internal REP Program lessons learned.</p>
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As an alternative to the above proposal, licensees may submit to the NRC an exemption request with regard to evaluation of certain HAB aspects associated with the biennial exercise. Any such requests would be coordinated by the NRC with FEMA concerning the impact on the demonstration of ORO aspects.