

# Official Transcript of Proceedings

## NUCLEAR REGULATORY COMMISSION

Title: Public Meeting on  
NRC/FEMA Proposed Continuation  
Of Hostile Action-based  
Initiative

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
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PUBLIC MEETING  
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NRC/FEMA PROPOSED CONTINUATION  
OF HOSTILE ACTION-BASED INITIATIVE  
DURING FUTURE BIENNIAL EXERCISES

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THURSDAY

DECEMBER 17, 2009

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ROCKVILLE, MARYLAND

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The Public Meeting convened in the Glen Echo Room at the Bethesda North Marriott Hotel and Conference Center, 5701 Marinelli Road, at 1:30 p.m., Lisa Gibney, Moderator, presiding.

PANELISTS PRESENT:  
LISA GIBNEY, Moderator (United States Nuclear Regulatory Commission)  
CHRIS MILLER, Deputy Director for Emergency Preparedness (United States Nuclear Regulatory Commission)  
JIM KISH, Director - Technological Hazards Division (Federal Emergency Management Agency)  
SUE PERKINS-GREW, Emergency Preparedness Director (Nuclear Energy Institute)

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1 BILL RENZ, Emergency preparedness Director (Entergy)  
2 DON MOTHEA, Emergency Preparedness Functional Area  
3 manager (Florida Power and Light Company)  
4

5 COMMENTORS PRESENT AT MEETING:

6 MONICA RAY, Emergency Preparedness Director (APS-  
7 Palo Verde Nuclear Generation Station)

8 HARRY SHERWOOD, Region IX Radiological Assistance  
9 Committee Chairperson (Federal Emergency Management  
10 Agency)

11 KEITH KEMPER, Emergency preparedness Director  
12 (Exelon)  
13

14 COMMENTORS VIA TELEPHONE:

15 KEVIN LEUER, State of Minnesota

16 WILLIAM KING, Region V Radiological Assistance  
17 Committee Chairperson (Federal Emergency Management  
18 Agency)

19 ANTHONY MARZANO, Will County, Illinois

20 STEVE WILLIAMS, State of Washington

21 MICHAEL YOUNGER, State of Florida  
22  
23  
24

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P-R-O-C-E-E-D-I-N-G-S

1:32 p.m.

MODERATOR GIBNEY: Okay welcome, everybody. This is our public meeting today on the proposed continuation of hostile action-based initiative during future biennial exercises.

Welcome to the North Bethesda Marriott, those of you that are here in the room. We also have several folks joining us on the phone, and we are working through a couple of technical issues. We are hearing you very loud and clear, in fact, over everyone else in the room, so we are working on some technical stuff for that. But thank you, everyone, for joining us.

So first things first, we do have a few safety things we want to take care of first. Emergency egress from the room: you've got exit doors -- for those of you that are here -- there are exit doors here, outside and then if you go to make a left and the another left it will take you to the parking lot outside on the ground floor, or you can out to your right and up the steps and exit that way.

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1           There also are restrooms for those of  
2 you that are here, straight across the hallway, for  
3 both, men and the ladies are together.

4           Please put your cell phones on vibrate  
5 or turn them off like I did. We were getting some  
6 feedback, so I just turned mine clear off.

7           We will have one break in the agenda  
8 today, and we also have an attendance sheet that is  
9 outside the door, for those of you that are here.  
10 And then also inside the door, we have a speaker  
11 sheet if anyone is particularly interested in  
12 speaking that has not signed a sheet yet that would  
13 be great.

14           For those of you that are listening on  
15 the phone, when we take our break that will be an  
16 opportunity for you to let us know that you would  
17 like to ask a question or have something that you  
18 would like to speak about today and we will get your  
19 name and information at that time.

20           Okay our meeting purpose today and I am  
21 kind of standing in front of it, so hopefully you  
22 can see, today is our chance to discuss with  
23 primarily NEI and industry our opportunities to  
24 continue the demonstrations of hostile action

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1 elements in the future biennial exercises.

2 We also have the opportunity today to do  
3 this in the full view of the public and that is very  
4 important and why this is in fact a public meeting.  
5 Can you slide for me please?

6 Okay let's talk a little bit about the  
7 agenda today. We will have a little bit of  
8 information about the initiative background,  
9 although I am sure by now most folks are fairly  
10 well-versed in it, but we will take a couple of  
11 minutes and talk about our background.

12 We are also going to talk today about  
13 what our proposed ground rules are for moving  
14 forward. We will have licensee aspects that will  
15 come from the NRC, with Chris Miller, and then Jim  
16 Kish is here to talk to us about what those off-site  
17 aspects might be from FEMA's perspective. And then  
18 we will take a break. Again, at the break, that  
19 gives us a chance to see who might be interested in  
20 speaking and take care of any technical problems we  
21 might be having, make sure that all that is working  
22 well.

23 When we come back from the break we will  
24 hear from industry, then we will have a public

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1 comment period, and then we will have closing  
2 remarks at the very end.

3 Next please, sir. This is a Category 2  
4 meeting, which is slightly different than the other  
5 ones that we have done, especially those of you that  
6 might have listened or participated remotely before.  
7 In a Category 2 meeting, they are really designed to  
8 deal with a single entity, in this case the  
9 industry, and so we will take their comments,  
10 thoughts and perspectives first.

11 But there is an opportunity for the  
12 public, so if you are not a member of the industry  
13 panel that is here, we would just ask that you could  
14 hold your questions and comments until that time in  
15 the agenda.

16 There are multiple ways that you can  
17 participate today. As the meetings we have  
18 previously done on proposed EP rulemaking, some  
19 folks are here in the actual room here at the  
20 Marriott, there are also folks that are listening on  
21 the phone, and then we also have some folks who are  
22 viewing us over the Internet using our live-meeting  
23 technology.

24 Because we do have remote participation

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1 that makes it really important that if you are going  
2 to speak today, we do need you to use the microphone  
3 if you are here in the room, and we also would ask  
4 that if you are on the phone if you could kind of  
5 wait for Ned Wright, who is kind of our traffic cop  
6 today on the telephone, to make sure that we have  
7 the chance for everybody to get a chance to speak.

8 I will do my very best to use a mix of  
9 folks who are in the room and on the phone when we  
10 get to the public section, for the public comments,  
11 So I do ask your appreciation and indulgence in  
12 letting me try to make sure we are getting to  
13 everyone.

14 Next please.

15 And Ned's already spoken about this  
16 once, but for those of you that are participating  
17 remotely, we do ask that you mute your telephone. To  
18 do that just push \*6. When you want to speak you  
19 just need to hit \*6 again and that will unmute your  
20 phone and then you can be ready to join the  
21 conversation.

22 Everyone who speaks, if you could please  
23 give us your name and your organization that is  
24 really helpful. The meeting is being transcribed

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1 today and it helps our transcriptionist to be able  
2 to have everyone's name and affiliation correctly  
3 recorded.

4 Next please. Okay one slight correction  
5 already. Mel Leach, our division director, had  
6 originally intended to start this meeting for us,  
7 but he is not able to attend today, so Chris Miller  
8 is going to take us through those initiative  
9 backgrounds.

10 MR. MILLER: Thanks Lisa. And Mel did  
11 send his apologies for not being able to be here  
12 today. He is a little bit under the weather, and  
13 would have liked to have participated in this. He  
14 has given us a lot of support in our efforts here,  
15 so just realize that he is behind what we are trying  
16 to accomplish here.

17 First of all let me say welcome and  
18 thank you to everybody who is participating here  
19 both in person and remotely. I look at it that we  
20 are coming off a very successful period. We had 64  
21 hostile action-based drills over the last three  
22 years. The last one finished up last week, and I  
23 would say it is a greatly successful initiative that  
24 helped the industry learn, helped the off-site

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1 response organizations, States and local governments  
2 learn, the NRC and FEMA learn, how to better deal  
3 with hostile action events.

4 So, I mean, there was an awful lot of  
5 participation across the country, and I think we  
6 came out better with all those parties for that  
7 effort. So we asked ourselves a question, how do we  
8 carry that momentum? How do we carry that initiative  
9 forward? Let me go to the next slide here.

10 You know, how do we take what we have  
11 done and move it forward? So really that's the  
12 nature of the meeting today. It's a little of an  
13 interactive dialogue. FEMA and NRC have been  
14 working through some of the internal details, but we  
15 cannot do that without our partners out in the  
16 industry, and without States and locals getting  
17 involved. So this is opening for the rest of the  
18 public to be able to interact and try to figure out  
19 a solution.

20 We don't come with you know, a canned  
21 answer. We come to discuss a solution that we've  
22 [FEMA and NRC] looked at, and then let's gather up  
23 different ideas and figure out the best way to go  
24 forward with this.

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1 We started on this initiative of course  
2 with some of the efforts of Bulletin 2005-02. That's  
3 how we got to the 64 drills across the country. As  
4 you know, we are in the middle of rulemaking that  
5 will, we don't have the final rule out yet, but we  
6 have Commission approval on the proposed rule, and  
7 so it looks like we are going to have some element  
8 of hostile action-based scenarios being required for  
9 exercises in the future. When that is and what the  
10 final action looks like we probably won't know until  
11 mid-2010.

12 Once the rule gets initiated, you have  
13 got another couple of years before the exercises  
14 will have to be implemented by the licensees and the  
15 off-site response organizations will support that.  
16 So that's 2012. So somewhere after we get the  
17 definitive rule out and get the rule language  
18 solidified, and some time between 2011, 2012 maybe  
19 even into 2013 depending on how the rule comes out,  
20 that period we are going to have a gap. We are going  
21 to have finished our last hostile action-based  
22 drill, as I said occurred last week, and we've got  
23 this period of gap on what we are going to do with  
24 hostile action-based scenarios and the practice and

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1 keeping the momentum going forward.

2 So how do we continue that effort? We  
3 came with an initiative that, you know, we are  
4 looking at during that transition period. Let's work  
5 out something. Let's work out where we can practice  
6 these in that transition period that I just  
7 described.

8 Next slide please. Oh I guess I don't  
9 want the next slide.

10 How are we going to do that? Let me just  
11 tell you how we scoped this, and I don't want you to  
12 get the wrong idea when I tell you how we scoped it.  
13 We came out with a proposed solution, and the  
14 proposed solution is based on a couple of  
15 assumptions. The assumptions are that, hey we did 64  
16 of these, we heard a lot of feedback from states,  
17 locals, industry representatives, and boy that was  
18 an intensive effort. I mean we got a lot of good  
19 things out of it, but it was an intensive effort.

20 So how do we do this and minimize the  
21 effort? Can we get credit for some things we are  
22 doing in our regular exercises and that kind of  
23 thing? We went into this thought period, thought  
24 process, thinking that that was how we were going to

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1 move forward.

2           Okay, so how do we minimize that? We  
3 propose to build these on top of existing exercises  
4 so you don't try to do a whole other regime of off-  
5 year drills that happen to add extra effort.

6           So is there a set of ground rules? What  
7 can we advertise to people that we could go forward  
8 with this? And so we came up, between FEMA and NRC,  
9 a set of ground rules that we can look at. As I  
10 said, these are the first thing out of the shoot  
11 kind of ground rules. We've checked them over.

12           So that's what you'll see in the rest of  
13 this presentation. We are going to go through the  
14 proposed ground rules. Next slide please.

15           When you came in today, and I think they  
16 are available to the people on the line, we have  
17 this public meeting handbook. Within that public  
18 meeting handbook that you got when you walked in is  
19 the set of proposed ground rules.

20           This is how we propose that to conduct  
21 these exercises going forward in the transition  
22 period. So let me go through a couple of the key  
23 points of the ground rules. That's what I want to  
24 really lay out.

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1           One other point I want to say is that,  
2 why we are set up the way we are? This is really a  
3 dialogue kind of thing, so I am going to try and  
4 minimize the time I spend, since we do want to hear  
5 the dialogue. But really, we want to hear the  
6 industry's perspective, and then later on, from  
7 other stakeholders in the comment period, because we  
8 know that there are other ideas out there. It's not  
9 just our ideas.

10           That being said, let me go through it.  
11 It's a voluntary initiative, you know, nobody's  
12 going to be forced into it. All parties: licensees,  
13 off-site response organizations, everybody really  
14 has to agree to it. We are going to identify who  
15 those players are in advance.

16           If we are going to do it as an evaluated  
17 exercise, then you will lay a voluntary piece on top  
18 of that. The parts that are in the plan already have  
19 to be evaluated, as they always would in an  
20 evaluated exercise. So anything that is already in  
21 the plan and is being demonstrated in the exercise,  
22 we would evaluate it as we normally would.

23           But then there also some no-fault  
24 pieces. There are some other pieces that licensees

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1 and off-site response organizations may choose to  
2 add on there that will help them improve their  
3 practices and their exercise during a hostile action  
4 event. Those elements, if they are not in the plan  
5 already, would help them just practice that before  
6 you get to the part in late 2012 where it would be  
7 required that you would evaluate it in your  
8 exercise.

9 So we talked about credit for non-HAB  
10 elements. If you have already got the pieces in your  
11 plan, and it's not a hostile action part, you would  
12 get credit for doing the exercise, but you wouldn't  
13 get credit for a HAB exercise per se.

14 So if the rule came out, and it said you  
15 needed to have a HAB exercise during this time  
16 period, this would not credit you for a HAB  
17 exercise. You would just get credit for the normal  
18 exercise.

19 We are looking for about four or five,  
20 volunteers from different sites to practice this  
21 kind of thing if we were to do it through the  
22 exercise mode. You know we could do more, but we  
23 probably couldn't afford to do, you know, 40 of  
24 them. We could certainly practice it out with a

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1 couple of them. It wouldn't have to be four. That's  
2 not a locked-down number.

3 And then, the time line we have talked  
4 about. You finalize the rulemaking and the policy  
5 updates, and then you would start this evaluation  
6 process.

7 The industry has agreed to provide a  
8 revision to NEI 06-04 guidelines, which we have used  
9 in the past to do the voluntary HAB drills, The  
10 revision is going to be expected to align more with  
11 some of the lessons learned that we have had from  
12 the previous efforts.

13 We will be critiquing all parts of the  
14 process, but specifically the NRC will be evaluating  
15 just as I've said the parts that are already in the  
16 plan.

17 We would expect the licensee to critique  
18 all parts of the process, but also give a rundown on  
19 the HAB side. There will be nothing in the  
20 inspection report on the HAB side of it on the  
21 hostile action things. We expect the licensee to  
22 critique it just like the licensee would normally  
23 critique one of these drills, but the additional  
24 portion, the voluntary portion, you would be outside

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1 the scope of any NRC review.

2           There could be a demonstration of  
3 alternate facilities or non-traditional means, if  
4 you normally have folks go to a certain on-site  
5 location, and because of the HAB elements you wanted  
6 to practice an off-site location. We don't normally  
7 do that, but if that is in your plan, you could  
8 still accomplish that.

9           NRC would evaluate that, and we would  
10 provide guidance to our inspectors on how to do it.  
11 As you see there, there's a proposed temporary  
12 instruction. We would work through what the  
13 agreements we have here and that we are working on  
14 in this initiative today, and we would figure out  
15 what the final ground rules would have to be that we  
16 are planning to play against from the NRC side and  
17 then we would give our inspectors a temporary  
18 instruction.

19           So it wouldn't be a permanent  
20 instruction that you are used to seeing, that they  
21 have an inspection procedure, it would be a  
22 temporary one that would last for the time of this  
23 temporary period.

24           I think that covers the major points of

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1 what we have done, as I said, with these ground  
2 rules that we worked on. There's a lot of details  
3 that could be fleshed out or could be answered or  
4 talked about, but I wanted you to get the feeling  
5 for that's why we were trying to accomplish this and  
6 what we were trying to do. We are trying to propose  
7 a solution where it would minimize the burden on  
8 licensees and State and local response  
9 organizations.

10 So that's how we are going forward and  
11 it just gives a quick summary there. You will have  
12 more time to talk about it, I think, later. I know  
13 you have other proposals that are different, and  
14 different ways of thinking about it. So let's let  
15 Jim Kish bring out the FEMA side of it and then  
16 we'll hear from the industry.

17 MODERATOR GIBNEY: Give us just a second  
18 to change your slides.

19 MR. KISH: Good afternoon. Thanks very  
20 much to the NRC for organizing and conducting this  
21 public meeting. I am really pleased to be invited to  
22 participate.

23 I want to pick up on Chris's theme that  
24 this is a good point to embark on this discussion or

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1 dialogue to firm up both the will to do this, as  
2 well as the details upon which these furtherance of  
3 this pilot activity series would be conducted. So I  
4 would very much like for people to contemplate that  
5 sentiment as we go through the FEMA component of the  
6 off-site proposal here today.

7           Also, I would like to highlight that we  
8 view this as a "prep" for developing a detailed  
9 transition. In other words, I think this is a very  
10 significant component of activities that we are  
11 going to have to formalize in greater detail in  
12 order to map out for the State and local  
13 jurisdictions on how we are going to get from where  
14 we are today, in terms of our existing rules and  
15 guidelines, to where we want to be at the conclusion  
16 of the process that we're following to update our  
17 NRC's rulemaking and our associated program policy  
18 guidelines.

19           So I know that's a bit mouthful, but we  
20 are talking about some large change here. As to the  
21 scope of the public comments we got from the  
22 proposed rule and program updates, it come in around  
23 2,100 comments. You can tell there's significant  
24 interest in this.

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1           And so I think another strong point to  
2 make before we go too much further into this  
3 briefing is we are committed to engaging with our  
4 constituents and sharing that you know we develop a  
5 transition strategy that's executable and  
6 supportable by our off-site colleagues out there.

7           That said I think it's also important to  
8 note that the laws of physics apply. I am not  
9 talking about nuclear kind of physics. We have  
10 activities that are in motion and in a lot of ways  
11 enacting change or looking at modifying the existing  
12 protocols. Sometimes the hardest thing is just to  
13 create motion.

14           And so the last three years, through  
15 cooperative agreements with the industry, with the  
16 Nuclear Regulatory Commission and with the State and  
17 local jurisdictions, we have created that dynamic.  
18 We have moved the ball. And so it's important for us  
19 to think about how we are going to sustain that  
20 effort.

21           I think one aspect of this that would be  
22 somewhat tragic is if we did nothing and we stopped  
23 that motion that we have going forward right now  
24 because that would just make it harder to start down

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1 the road.

2 From our perspective I thought it  
3 important to talk a little about this as a voluntary  
4 initiative. You know we are not looking to cajole or  
5 otherwise twist anyone's arm into playing in this so  
6 it's important to keep that in mind.

7 I think also it's important to note that  
8 we are talking about something that we want to do in  
9 an integrated manner. We don't want any more  
10 exercises or activities being thrust upon the  
11 licensees because one: everybody is busy; and two:  
12 you know better than the people that are in this  
13 room that we are operating in at very best a  
14 revenue-neutral environment, and in most cases a  
15 declining environment.

16 So we have to be very sensitive to that  
17 as we go along. With that said, you know one of the  
18 critical components to the off-site thoughts on  
19 this. You know we want to try and make sure we  
20 integrate these into existing planned exercises.

21 On this side we talk a little bit about  
22 the evaluations component to this. I know you throw  
23 that big word "E," evaluation, out there and it  
24 always makes people very, very nervous. And so what

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1 we are looking at on this is to try and integrate a  
2 proposed HAB scenario into an existing biennial  
3 exercise and the existing components of the biennial  
4 exercise would be evaluated as they normally are.  
5 Whereas as the extent of the HAB play that would be  
6 guided by the existing plans and the plans that are  
7 developed with the off-site community would be given  
8 a no-fault component, or a no-fault evaluation to  
9 that component of the exercise.

10 I know it's a little bit truncated and  
11 it's a little bit difficult but absent a final rule  
12 and absent some of the final guidelines, it's either  
13 do that or don't have these exercises. So that's a  
14 component; we are looking for some flexibility on  
15 that.

16 I think it's important, also to note  
17 that what are the States? What are the off-site  
18 jurisdictions or localities? What do you get out of  
19 that? Well that no-fault component is essentially  
20 something that doesn't cost the dreaded ARCA's or  
21 deficiencies. I don't mean to make light of that but  
22 it doesn't highlight something in a penalty way, or  
23 a penalizing manner.

24 And at the same time what we get out of

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1 that is we get some learning and we get some testing  
2 of the concepts that we will be able to observe and  
3 pull into this process by which we finalize all  
4 these activities so I think there's something to be  
5 gained from both sides should we do this.

6 I think another component of this  
7 strengthens the dialogue between the off-site  
8 response organizations, the licensees, as well as  
9 FEMA's regional staff, to sit down and map out what  
10 are our priorities for this? You know this I think  
11 is consistent with the methodology that we have  
12 encouraged to be adopted through the Homeland  
13 Security Exercise Evaluation Program in the way that  
14 the exercises are planned.

15 So this is a good format or forum to  
16 further examine those type approaches to designing  
17 and conducting an exercise. And it also allows the  
18 affected components to sit across the table and to  
19 determine what their priorities are and then to  
20 build the exercise in accordance with that, with all  
21 of the relevant players in the room, those that will  
22 have to come and have to evaluate and those that are  
23 being evaluated.

24 I think also there's a couple of

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1 components to this thing. If you contemplate just  
2 for example one aspect of it and you have those  
3 discussions about objectives: Do we want a release?  
4 Do we want a large release, do we want a small  
5 release, or do we want to not have a release?

6 And that's something that you know, in  
7 the comment matrix that we are adjudicating right  
8 now. A significant number of comments have come in  
9 on all sides of that issue. So I will tell you that  
10 there is fan basis out there for proscribing that  
11 there's also a release, and it's always going to be  
12 a significant enough release that we push the edges  
13 of the envelope all the way out to the farthest  
14 possible impact. At least an equally large amount of  
15 comments that have come in suggesting that yes, we  
16 do want that flexibility. We don't want to be  
17 proscribed and forced into having a defined level of  
18 disaster in terms of how much of a radiation release  
19 we put into an exercise.

20 So this pilot activity, this next series  
21 of voluntary hostile-action scenarios also gives us  
22 another opportunity to further examine the way we  
23 want to try and finalize how we are going to settle  
24 those things.

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1           So I know we have got a lot of questions  
2 out there and I know we are going to get some really  
3 constructive dialogue going when we start into the  
4 question and answer period, and I am really looking  
5 forward to that.

6           So questions come up, like, what exactly  
7 are we going to be looking for? How are you going to  
8 be evaluated? What's going to be different from a  
9 traditional REP exercise? Well, those are all  
10 reasonable questions and as I have identified  
11 before, you know we are at a point where we are  
12 going to look to the licensees and the FEMA regions  
13 and the off-site communities to help us define  
14 those, and that's one of the strengths I think off  
15 this potential program we are talking about here.

16           As we look to the actual evaluated  
17 components of this thing, we are not proposing to  
18 make any midstream changes to that. In fact until we  
19 have final rule updates and program updates there is  
20 really now way we can make any significant changes  
21 to that.

22           I think from the off-site perspective, I  
23 would like to believe that we are on track with  
24 this. There probably it's fair to say will be more

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1 moving parts to this than there would be to a  
2 traditional exercise. So I think if you were on the  
3 other end of this and you were contemplating, should  
4 we accept this as a challenge and should we schedule  
5 this and conduct it, I would be remiss if I didn't  
6 point to you that you really need to be looking at  
7 the margins on this and determine whether it's  
8 supportable.

9 Like I have identified, we view this as  
10 an opportunity to have a hard look at some things  
11 that you want to try and accomplish in a no-fault  
12 environment. You also have to be able to resource  
13 those in terms of what planning implications there  
14 are and any kind of preparatory events and things.  
15 You would want to do the very best foot forward on  
16 these things so it isn't without any kind of peril  
17 or fiscal or resource impacts. We recognize that.

18 Chris mentioned the battle rhythm. He  
19 talked about you know desires to have at least, I  
20 think he said, four or five of those. I would say  
21 from the FEMA perspective ideally, you know we've  
22 got a training component that we need to undertake  
23 and look at for our staff.

24 That's probably a good population group

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1 on the bottom end, but you know, ideally or an  
2 optimum number for us would probably be one where we  
3 could involve all of our FEMA REP staff as well.

4 So that's certainly up to the States and  
5 the FEMA regions to determine how much capacity they  
6 have individually to do this and we fall somewhat  
7 short of a full measure. In other words, an exercise  
8 in each one of the FEMA regions, then from our  
9 perspective, we are going to have to figure out how  
10 to balance that or reissue that and try and look  
11 across and you know bring FEMA region staffs  
12 together so that we can all get the benefit out of  
13 this. But you know, I would mirror that kind of the  
14 minimum number is probably in that four to five  
15 range.

16 Okay so looking towards wrapping up  
17 here, I think I talked about highlight the fact that  
18 we are looking at a voluntary activity here. Once  
19 the discussion is joined and closed out here in  
20 terms of going forward, what are some of the rules  
21 that are going to be refined, in any regard it will  
22 be a voluntary activity, that we are not going to  
23 proscribe that to you.

24 And I would highlight again that the

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1 scenario development. We want to see a very  
2 interactive process to this and as much as you might  
3 feel a little bit of trepidation about having an  
4 evaluated component to something that you have  
5 previously just done as a pilot, we would share that  
6 concern in a number of different ways, but we view  
7 that the risk that is going to be taken on this is  
8 far outweighed by the benefits.

9           Because what we have learned in  
10 organizing and conducting these activities and being  
11 able to observe them, we think that there is  
12 significant learning that has occurred at all  
13 levels. I had an opportunity to observe a number of  
14 States talking about their views of the  
15 effectiveness or the viability of the pilots that  
16 were conducted within their domains and it was just  
17 extraordinary.

18           One particular State talked about, you  
19 know, how it was really hard to do this because they  
20 ended up having to bring people together that hadn't  
21 ever worked together before. They ended up having to  
22 have people who work you know in one component of  
23 emergency management who knew nothing about REP and  
24 it was really difficult because they had to educated

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1 these people about what the Radiological Emergency  
2 Preparedness Program was.

3 And similar to the people that did work,  
4 REP had never really worked with the emergency  
5 management community people. So on two ends there  
6 was immediate payback. You know you had the folks  
7 that run the Op Centers at the State level that  
8 didn't know about REP, had to learn about REP, and  
9 you had people in the REP program didn't know how  
10 the EOC functioned and they had to learn how the EOC  
11 functioned.

12 And then the next is that I got a lot of  
13 criticisms about that program. Well you know in my  
14 mind, to me, there was an extraordinary victory to  
15 have that information sharing occur at a fundamental  
16 level, a real tactical level, and to me that would  
17 far outweigh or should be considered to be far  
18 outweighing any of the potential risks.

19 So I just bring that up as a little  
20 vignette. You know, I think it's an important way  
21 going forward. I know we don't have all the answers  
22 to the questions that we are going to get today, but  
23 we are still taking the risk to be here to try and  
24 answer them. So with that I think I will flip to the

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1 next presenter.

2 MODERATOR GIBNEY: Chris, did you have  
3 one more, you wanted to --

4 MR. MILLER: I just wanted to mention a  
5 couple of things, and I will add on to just a couple  
6 of things that Jim brought up. I wanted to give  
7 credit where credit was due.

8 We talked about how this was a  
9 beneficial activity over the last three years, and  
10 we know that there was a lot of learning with the  
11 industry off-site response organizations and people  
12 working together across the emergency management and  
13 the security and the operations groups. It really  
14 was beneficial.

15 We also think there's benefit for us  
16 with the NRC and FEMA, both to have our evaluators  
17 practicing and getting our guidance in order before  
18 we get to some time in 2012 when it's going to be an  
19 evaluated. We have to have that criteria down and so  
20 we got a little practice on how we are going to  
21 evaluate these exercises.

22 The other credit where credit is due is  
23 it's not just NRC and FEMA that has been talking  
24 about it. In fact, we started down this pathway

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1 after a result from a request from the  
2 industry. Basically to say, we would like to continue  
3 something in the line of keeping this momentum  
4 forward.

5 So I just wanted to give the credit  
6 where the credit is due. It is an industry  
7 initiative, and industry has asked us to keep this  
8 going. We all think it's a good idea, and so how can  
9 we best do that?

10 The last thing is the planning process.  
11 There's a lot of details we are not even going to  
12 work out in this meeting or another meeting, but  
13 it's the planning process we learned that was very  
14 important for these kind of drills.

15 Before you go through the drill, you get  
16 all the folks and the right parties together, and we  
17 see that as an important part as we are moving this  
18 process forward, is again a lot of the details are  
19 going to be worked out. What do you need to  
20 practice? What does your State, your local  
21 organization, your licensee really need to practice  
22 as we are moving forward to 2012? And so I think  
23 that is another key point. So I just wanted to make  
24 those points, and I thank you for your time and look

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1 forward to hearing from your comments.

2 MODERATOR GIBNEY: Thanks Chris. And I am  
3 seeing we are slightly ahead on the agenda time so I  
4 think if there's no objection from the panel we'll  
5 just let Sue go ahead and start the NEI presentation  
6 and then we will take our break. We will take a  
7 break at the end of the NEI presentation before we  
8 go for comments from those on the phone or anybody  
9 else in the room.

10 Okay?

11 MS. PERKINS-GREW: Okay that sounds  
12 great. Thank you.

13 MODERATOR GIBNEY: Right, thank you.

14 MS. PERKINS-GREW: My name is Sue  
15 Perkins-Grew. I am representing the Nuclear Energy  
16 Institute. I am joined by my colleagues Don Mothena  
17 from Florida Power and Light and Bill Renz from  
18 Entergy here at the table.

19 As Lisa just mentioned I will go through  
20 our formal remarks and then we can open it up to  
21 dialogue. I also have several other [industry](#)  
22 colleagues in the audience.

23 First of all, the industry position: The  
24 industry has already agreed, and I think what Chris

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1 was referring to earlier was back on August 6, 2009,  
2 the Nuclear Energy Institute convened an Emergency  
3 Preparedness Working Group meeting towards the end  
4 of the three-year pilot. It was determined in that  
5 Emergency Preparedness Working Group meeting that  
6 continuation of the use of hostile action-based  
7 scenarios in our respective Emergency Preparedness  
8 programs in anticipation of this transition period,  
9 is in the best interest of both the industry and our  
10 off-site partners.

11 Further, industry agrees with the  
12 initiative that is being proposed here today that  
13 the transition period, whether it's two years or  
14 however long it turns out to be, provides a very  
15 valuable opportunity to practice, prepared and to  
16 validate draft procedures.

17 In addition to draft procedures, as  
18 Chris mentioned, the industry and NEI have committed  
19 to drafting Revision 2 to the NEI hostile action-  
20 based guidance document that we used during the  
21 pilot.

22 We have a lot of lessons learned, there  
23 was a rich learning experience throughout the  
24 industry, and we have already actually started

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1 drafting Rev 2. We have an initial draft out there  
2 that we are performing an internal review on.

3 So again, we feel that this transition  
4 period is extremely valuable to vet all of these  
5 guidance documents as well as our draft procedures  
6 in advance of the final rule.

7 The industry feels that we can maximize  
8 the value of the hostile action-based functional  
9 demonstrations in whatever form they take during  
10 this transition period in a non-evaluated setting. We  
11 are looking at, , with all the good words that were  
12 said earlier, continuing our practice of these  
13 functional demonstrations in a non-evaluated  
14 setting. Why is that?

15 Well the industry plans on using the  
16 transition period as an opportunity to improve our  
17 functional performance. Practice, preparation and  
18 validation of draft procedures and of course  
19 Revision 2 of our guidelines, can most effectively  
20 be accomplished in a tabletop or drill setting that  
21 focuses on the key stakeholders in the same manner  
22 in which we performed the pilot phase.

23 During the transition period,  
24 demonstrating a hostile action-based scenario in an

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1 evaluated setting might provide less value than that  
2 achieved in non-evaluated setting. We feel that  
3 evaluation creates a distraction from our focus on  
4 improving functional performance of hostile action-  
5 based drill objectives and with the inclusion of --  
6 if you are practicing those objectives, and also  
7 have the inclusion of the required REP requirements  
8 that are being evaluated. We feel that that provides  
9 a distraction from what we are trying to focus on,  
10 which is improved performance of the hostile action-  
11 based aspects of the program.

12 For example, combining 2002 REP criteria  
13 that would be evaluated with new draft criteria in  
14 support of a hostile action-based program that  
15 wouldn't be evaluated may be somewhat confusing for  
16 the drill participants.

17 Thirdly, hostile action-based table tops  
18 and drills in a non-evaluated setting provide an  
19 opportunity, which we saw during the pilot, which is  
20 extremely valuable for on-the-spot coaching,  
21 adjustment in the ability to stop and openly discuss  
22 performance, and possible modifications for our  
23 processes and our procedure improvements.

24 The procedures and processes developed

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1 to accommodate the hostile action-based scenario  
2 would still be best vetted in a non-evaluated  
3 setting so as not to detract from the evaluated  
4 portion. We can focus on those areas that need the  
5 most improvement.

6 Fourthly the transition period focus we  
7 feel should be really redirected from evaluation to  
8 identification of those licensees and off-site  
9 partners who may need additional assistance and  
10 identify opportunities for additional FEMA field  
11 technical assistance in preparation for the final  
12 rule.

13 As we know from our pilot experience,  
14 there are various degrees of participation and  
15 performance and some came out stronger and others  
16 were identified as needing a little bit more work.  
17 So I think rather than focus on opportunities to  
18 evaluate this, let's look for opportunities where we  
19 can provide greater assistance to both the licensees  
20 and to some of our off-site partners.

21 An example of this would be that some  
22 off-site partners would benefit from additional  
23 coaching or technical assistance on implementing  
24 incident command or other assistance with making

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1 different protective action decisions with the  
2 inclusion of input from incident command. There  
3 might be some opportunities there for some  
4 assistance.

5 You might hear that in some cases, with  
6 the colleagues I have here today, their off-site  
7 response partners have indicated their preference  
8 that in the interim, to conduct any hostile action-  
9 based preparation activities in a non-evaluated  
10 setting, such as an off-year drill or a tabletop.

11 So what would be an alternative  
12 approach? As I indicated earlier the industry is  
13 already committed to some level of planned, hostile  
14 action-based, functional demonstrations. And again  
15 because everyone has different needs along with  
16 their off-site response organization partners,  
17 there's not a one size fits all that we have  
18 determined that will take place over the transition  
19 phase.

20 The activities will take place in  
21 various forms. NEI has agreed to work with the  
22 industry to determine the level of effort by various  
23 licensees to maintain their performance and  
24 proficiencies. For instance, we know that there are

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1 licensees out there that are planning on conducting  
2 full drills with their off-site response  
3 organization partners. They have already decided to  
4 do that.

5 There are some that feel that they are  
6 just going to continue with table tops using hostile  
7 action-based scenarios and there might be other  
8 gradations in-between the full drill as well as the  
9 tabletop.

10 NEI will reach out and work with the  
11 industry and determine what that looks like and get  
12 a snapshot for the industry. We will also reach out  
13 to those licensees who have not participated since  
14 the inception of this pilot.

15 There are some licensees out there who  
16 were good enough to volunteer for the first phase,  
17 which if you recall was the tabletop phase. Then we  
18 had a second phase which was I think one or two  
19 combined functional drills before we entered into  
20 the Revision 1 demonstration, Revision 1 of NEI 06-  
21 04.

22 So we would make a concerted effort to  
23 reach out to those licensees to see where they feel  
24 that they are at in preparation for eventual

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1 evaluation.

2 We feel that for the same points, I  
3 think that you and Mr. Kish brought up Chris, we  
4 think that this alternate approach provides the same  
5 opportunities first of all to ensure that we have an  
6 opportunity to full vet Revision 2 of our guidance,  
7 that we hope the NRC will endorse in the future for  
8 the future evaluation.

9 We also feel that this provides good  
10 observation opportunities, because when you are in  
11 an evaluated situation you are probably less apt to  
12 invite other licensees or other organizations to  
13 observe.

14 We also feel that we can introduce in a  
15 non-evaluated setting this concept of the  
16 radiological release of a reasonable magnitude. And  
17 that most importantly, we will generate even more  
18 operating experience or lessons learned that we can  
19 again infuse into the program going forward.

20 And I think one thing that we need to  
21 take a good look at -- I am not sure that we have  
22 done it yet, and I just put this out as a suggestion  
23 When we continue to embark on a hostile action-based  
24 scenario, whether it be a full drill setting or a

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1 table top setting, take a look and visualize in the  
2 future where what activities would be best  
3 demonstrated out-of-sequence.

4 Because as we know we are adding a lot  
5 more demonstration when you include the hostile  
6 action-based drill component to a REP exercise, and  
7 we already have a practice where we conduct certain  
8 REP-required activities out-of-sequence. I think  
9 this bears an opportunity to take a different look  
10 at that so when we do go into evaluation space, what  
11 would be best serve for our off-site partners to  
12 demonstrate in an out-of-sequence evaluation?

13 And the other benefit I think of this  
14 alternate approach, which is similar, and I think we  
15 are all talking the same thing. we would still  
16 partner with the NRC and FEMA in providing  
17 opportunities for observations so that the NRC, if  
18 you do have a temporary instruction, or your future  
19 evaluated checklist, or draft inspection procedure I  
20 should say, you would still have an opportunity to  
21 perhaps come and observe and walk through that draft  
22 procedure.

23 Similarly FEMA could do the same with  
24 any draft evaluation criteria. Whatever is coming to

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1 be through the proposed draft program manual  
2 changes.

3 Also I think this gives FEMA an  
4 opportunity, as we continue to engage with the  
5 licensees and the off-site response organizations,  
6 to perhaps identify as I said earlier additional  
7 opportunities for assistance that could be provided  
8 out there in the field. As we know, there are  
9 varying degrees of performance and based on the  
10 timing of the drill demonstration in the pilot, and  
11 also where every region, every jurisdiction operates  
12 a little bit differently.

13 I think we need to satisfy ourselves  
14 that if there is a need for additional assistance to  
15 bring everyone to more of a level playing field or  
16 similar playing field that we would be best using  
17 this opportunity in the next couple of years to  
18 identify those opportunities.

19 In summary, we feel that we can maximize  
20 the value of a hostile action-based functional  
21 demonstration in a non-evaluated setting. The  
22 industry will continue to work through NEI with our  
23 off-site response organization partners to determine  
24 what's the appropriate value-added demonstration to

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1 best prepare us for eventual evaluation, that would  
2 look different in various jurisdictions.

3 NEI will continue to dialogue with the  
4 industry. We have an Emergency Preparedness Working  
5 Group meeting coming up in February. With the  
6 outcome of this public meeting and with the outcome  
7 of future discussions, we will probably put together  
8 some direction and some guidance for the industry  
9 going forward for this transition period.

10 That concludes our prepared remarks. So  
11 I guess Lisa, we will take a break, and then we will  
12 enter into our dialogue.

13 MODERATOR GIBNEY: Yes, let's do that,  
14 let's take a 10-minute break and that will give us a  
15 chance to work on a couple of technical things that  
16 are still bothering me here in the room and so we  
17 will be back in about 10 minutes. I'm sorry, 15  
18 minutes.

19 It's 20 after two Eastern time now, so  
20 at 2:35, Eastern time.

21 Thanks.

22 (Whereupon the above-entitled matter went off the  
23 record at 2:19 p.m. and resumed at 2:34 p.m.)

24 MODERATOR GIBNEY: Okay, we are back from

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1 our break.

2 Okay so hopefully everyone had a chance  
3 to stretch a little bit, and we will be starting  
4 back up. Chris, you had a couple of questions or  
5 comments for NEI folks?

6 MR. MILLER: Well yes, I just think we  
7 want to have a little bit of dialogue back and forth  
8 here between NEI, FEMA and NRC, and then open it up  
9 to other questions from the audience.

10 So yes, I had a couple of questions on  
11 NEI's presentation, and so if we could, we would  
12 just start it but I don't want to be the only one  
13 asking questions. I am sure we have other questions,  
14 and Jim as well.

15 I have two thoughts that came into my  
16 head while you were making those presentations. One,  
17 it's a different approach than what we took. We took  
18 our approaches because the Commission received a lot  
19 of feedback from off-site response organizations  
20 that it was a costly method having to do off-year  
21 drills in addition to what they are already doing  
22 with the exercises.

23 So I just wanted to make sure that you  
24 had factored that into your pulsing the off-site

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1 response organizations that you are planning on  
2 encouraging to do these drills and table tops to  
3 ensure that they have the resources to accomplish  
4 this effort. Can you talk to that a little bit, Sue?

5 MS. PERKINS-GREW: Yes, I'll start it off  
6 and I will look to my colleagues out in the  
7 audience. Originally we thought that we could get  
8 some voluntary demonstrations of an evaluated  
9 exercise, but when we broached that further with the  
10 industry working group. The feedback that they were  
11 getting from their partners was that in fact that  
12 they would prefer a lighter side of that, an off-  
13 year, non-evaluated setting.

14 So that's why we came here with this  
15 alternate approach. And I think Monica Ray from  
16 Arizona Public Service has some insights from her  
17 off-site partners.

18 MS. RAY: Thank you, Sue. As you said my  
19 name is Monica Ray. I'm from the Arizona Public  
20 Service, Palo Verde, and also a representative of  
21 U.S.A. Alliance. During our hostile action-based  
22 drill last week, we received some excellent feedback  
23 from Maricopa County partners regarding a portion of  
24 our scenario that included a hostage, response to a

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1 hostage situation.

2           The feedback that they gave to us is  
3 that running that scenario was not particularly  
4 helpful for them, However, if we had devoted a day  
5 to allow them to develop a strategy to deal with  
6 that hostile action, or the hostage situation, and  
7 then execute that strategy, that would have been  
8 much greater value-added for them.

9           So to Sue's point in the presentation,  
10 having the flexibility to break this down into  
11 perhaps smaller elements, even be it table top or  
12 smaller drills, would be less expense to the off-  
13 site agencies, allow us to focus in a little bit  
14 more detail on aspects that we want to improve on  
15 specifically, and then take off some of the pressure  
16 that does come in an evaluated setting where people  
17 don't feel as free to make an error, and it's a  
18 better learning opportunity.

19           So we took that feedback very seriously.  
20 We are going to look to pursue that with that group.

21           MR. MILLER: Can I ask you a follow-up  
22 question on that Monica? Thank you, and I have heard  
23 great things about the drill that you had last week.  
24 I look to get the full report on that, so

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1 congratulations on that. I think there's a lot of  
2 good learning that was done.

3 So they said that had it been done a  
4 little bit differently it would have provided more  
5 value. Did they also seem to indicate that they  
6 would be willing to participate in an off-year kind  
7 of thing as you're talking about in the future, if  
8 you were to include them?

9 MS. RAY: They didn't specifically  
10 reference off-year. This could be on-going. We do  
11 quarterly table tops.

12 MR. MILLER: Okay.

13 MS. RAY: And it's a program we have just  
14 started to implement last year. This year we plan in  
15 2010 to expand that to include more off-site  
16 agencies even if it's just practicing with phone  
17 communications. But we have the flexibility to take  
18 that to our table top scenario and have people come  
19 out on site or spend all day if we really want to  
20 and focus on just that one thing.

21 It's not limited to off-year. It may be  
22 a couple of times in a two-year period, depending on  
23 the topic we want to address. We are trying to make  
24 it more of an on-going, learning process rather

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1 than: "Well, it's been two years. It's time to go do  
2 something." We really want to keep that momentum  
3 going and break down additional elements wherever we  
4 find the opportunity.

5 MR. KISH: I think I would like to jump  
6 in here just for a minute. I have a kind of a large  
7 framed question that I've got to make a couple of  
8 observations to get to.

9 PARTICIPANT: Could you identify yourself  
10 please?

11 MR. KISH: Yes, my name is Jim Kish. I  
12 have to tell you, I see some of what came through  
13 the briefing from NEI and some of the discussion we  
14 are having here now more as an indicator of some  
15 kind of a cultural limitation and I don't know how  
16 else to say it, or the way that this program has  
17 evolved.

18 I heard specifically that you know, if  
19 we do an evaluated exercise, that prevents us from  
20 doing any coaching or counseling, and I absolutely  
21 reject that notion. I think that one of the reasons  
22 why we are trying to instill more challenging  
23 scenarios and you know, get ourselves away from the  
24 proscribed manner in which these exercises have been

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1 done, that you know, the legendary, okay it's time  
2 for lunch in the general emergency, evolves because  
3 we take that approach.

4           You know, I will depart from you know,  
5 "the federal government kind of guy," and talk about  
6 military background for just a minute. You know if  
7 you took a formation, a large combat formation to  
8 the National Training Center and said, we are going  
9 to get ready, from here we are going to a war zone  
10 and we are going to pick up combat operations.  
11 That's a pretty high intensity training event, you  
12 know, that's a pretty high intensity, no-fault  
13 event.

14           But even at that level, as very  
15 challenging as those very strongly evaluated  
16 exercises are, they are absolutely in the teach,  
17 coach and counsel mode. No one gets fired for  
18 failing a particular aspect of mission, unless you  
19 have a safety violation and someone really gets hurt  
20 on that then you put jobs in peril.

21           But you know if there's a performance  
22 issue, the purpose behind challenging people and  
23 putting them into a very rigorous environment is so  
24 that you can see what people know, what they don't

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1 know, and help them learn so that they are capable  
2 of meeting those standards that they are supposed to  
3 meet.

4 And you know, now back in character  
5 here, I think we have developed over the years a  
6 methodology that at times emanates and says, "Well  
7 if we evaluate this then you know, this is a fail or  
8 no-fail exercise." There's something about learning  
9 that stops and that's kind of an observation that  
10 does get me to part of the question here: "One size  
11 fits all?"

12 I absolutely agree we don't have a one-  
13 size-fits-all requirement here. We have to have that  
14 kind of site adaptability which is why we want to  
15 see licensees, OROs and the responsible oversight  
16 mechanisms from FEMA and the NRC around the table  
17 determining what those requirements are.

18 I think if we had a full transition,  
19 success would look like that. They would be  
20 determining what components of the exercise  
21 activities, or the reasonable assurance activities,  
22 can be done during the exercise, which ones can be  
23 done out of sequence, and what's the best  
24 methodology that's most efficient for all the

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1 players and how could we do that.

2 That gets you into a position where you  
3 can make some of those agreements. We are not there  
4 today.

5 And the other part of this is that out  
6 of sequence activities. What things can we look at  
7 and give credit where credit is due and then try and  
8 take advantage of that.

9 So I put it out to not just the people  
10 who are in this room but on the line, ideally that's  
11 where from my perspective we are trying to take this  
12 program. I know we are not there today. I know that  
13 that's a lot of angst and anxiety about this so I'm  
14 going to try and ask for some feedback. We are  
15 starting a long dialogue here and we are covering a  
16 lot of ground. We even threw the word reasonable  
17 assurance into this.

18 So I am really looking for some educated  
19 feedback from all the stakeholders, not just in here  
20 but certainly on the line because I know we have got  
21 some people out there at the state and local level  
22 that have got some really significant inputs into  
23 this. So with that I am just going to stop.

24 MS. PERKINS-GREW: This is Sue Perkins-

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1 Grew. Jim, I agree, you know, there is a cultural  
2 limitation here with this fail, no-fail concept, but  
3 that's how this program as we have identified in all  
4 the public meetings in the last three years. This is  
5 what we've grown into.

6 I applaud your effort for trying to  
7 change the program and get more in the coaching type  
8 of environment, but we are not there yet. We are,  
9 whether we like it or not, still in the fail, no-  
10 fail type of environment in the current state of  
11 evaluated exercises.

12 So while I think I hear what you are  
13 saying, and I would love to get there at some point  
14 in time, I think right now we are dealing with the  
15 current reality which has that kind of angst about  
16 having someone sitting behind you with a clipboard  
17 and for the new players. The incident command or  
18 whoever the off-site response partners are, are  
19 still new in this integration of response with  
20 incident command. The licensees and the emergency  
21 management community would like to try and take  
22 advantage of the current two, three-year reprieve to  
23 work on that a little bit more without someone with  
24 a clipboard.

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1           The other part is too, you know part of  
2 the process is that public meeting that comes after  
3 the evaluated exercise and I think the way they have  
4 gone over the past history has shown that it might  
5 be a harder sell to you know, have someone  
6 voluntarily participate in an evaluated exercise  
7 knowing that in the potential public meeting two  
8 days later that their command and control capability  
9 may possibly be criticized.

10           And I think we are not really there yet.  
11 I think we will get there, but you know, that is  
12 part of the whole change process that we look  
13 forward to.

14           MR. RENZ: If I could tag onto this too,  
15 because I am, this is Bill Renz with Entergy. I am  
16 in full agreement with Mr. Kish's comments and also  
17 very supportive of NEI's comments. Entergy actually  
18 agrees that the hostile action-based activities have  
19 been a great success in the last three years,  
20 particularly in helping to further the public-  
21 private partnership that the industry enjoys with  
22 their state and local stakeholders.

23           But the results of these activities have  
24 been very revealing and I would like to speak a

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1 little bit outside the box, or the box that is under  
2 construction. The lessons learned at least from our  
3 perspective is that the real benefit of these  
4 activities has been seen or realized at the State  
5 and local off-site response organization level.

6 That is to integrate federal, State and  
7 local law enforcement into what historically has  
8 been an emergency management response to an incident  
9 at a nuclear site. I think correctly that that focus  
10 is on the right area, and I guess it's our  
11 suggestion that --. I am very encouraged at the  
12 words I heard from Mr. Kish and it's in line with  
13 our comment here, but from our perspective this is  
14 more of a focus, I would say a FEMA focus, perhaps  
15 more so than an NRC focus, because for the hostile  
16 action-based exercise integration of off-site  
17 resources, typically from the licensee standpoint,  
18 it's limited point of contact, perhaps radiation  
19 protection, security and operations, and to see that  
20 develop a success path under the circumstances that  
21 are dealt in the scenario, has been very good and we  
22 agree that it should probably be performed outside  
23 of an evaluated structure.

24 That is to go to the effort of

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1 conducting, whether it's a table top or an exercise  
2 of this nature, to go to that degree, to really reap  
3 the benefits is to help improve the program moving  
4 forward rather than sitting on the outside and  
5 taking it for grade.

6 MR. SHERWOOD: Yes, this is Harry  
7 Sherwood, with FEMA Region 9, and really to follow  
8 on to Sue Perkins-Grew's comments on exercise  
9 results and the possibility that we might have  
10 exercise issues coming up in public meetings, where  
11 we have gravitated towards in recent years in our  
12 exercise program particularly when we present the  
13 preliminary findings of the exercise. One of the  
14 things that we stress both ourselves and NRC,  
15 because it is a joint public meeting that we are  
16 having following the exercise, is just the very  
17 preliminary results.

18 We do have a debrief of our controllers  
19 and evaluators and the exercise players, but that is  
20 a closed meeting where we present some of our  
21 preliminary findings. But as we have moved into a  
22 more after-action conference type of environment,  
23 one of the things that we have found is that  
24 although we talk about the outcome of the exercise,

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1 the participants in the exercise, and we present to  
2 the public the fact that we did conduct this  
3 exercise, who took part of it, what the purpose of  
4 the exercise was, and that there will be a report  
5 coming out and that would be due in 90 days.

6 We do not actually present any  
7 criticisms at that time in the public meeting  
8 because those are preliminary findings, because we  
9 do want to come back with the off-sites, discuss  
10 those things, because what our evaluator observed is  
11 not necessarily what actually happened.

12 So we have moved into developing a  
13 process where we can make a determination. This is  
14 jointly with the players, with the exercise  
15 controllers and with the evaluators to get a better  
16 ground truth of what occurred during the exercise.  
17 We are not ready to present that in the public  
18 meetings, so we have moved away from that.

19 MODERATOR GIBNEY: Thank you, Harry. Don  
20 I see you, Don Mothena is at the table, is there, do  
21 you have something you wanted to add for us today?

22 MR. MOTHENA: It's a combination of  
23 things. One is that I applaud the direction. The no-  
24 fault is a great concept: training, coaching during

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1 drills. I mean really when you take a step back  
2 that's the HSEEP process. That's where we all know  
3 that we are going to end up.

4 I think finding the means to transition  
5 to that is really what we are all looking to. We are  
6 just taking baby steps on HSEEP at this point in  
7 time and quite frankly it's going to be a radical  
8 culture change both in the off-site arena, as well  
9 as among the evaluators, because contrary to popular  
10 belief, we get counseled if we coach in the middle  
11 of an evaluated exercise and we will get an ARCA  
12 from FEMA for helping the responders move forward or  
13 the NRC will get us for inappropriate controller  
14 behavior. So I think we know where we want to be. I  
15 know it's the right thing to do. How do we get there  
16 and the next three years probably is going to be as  
17 much of a challenge as the HAB process is going to  
18 be.

19 Now coming back to an earlier point, one  
20 of the learnings that we really found from the last  
21 year when we had a couple of HAB drills in Florida  
22 is that when you take a step back, probably 80  
23 percent of the behavior in an EOC is no different  
24 than any REP exercise. It's consequence management.

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1 It's really that simple.

2 So if you are trying to look at what the  
3 impact for doing for doing an off-year exercise or  
4 table top or drill, it'll really allow the  
5 organization to narrow down what I call the touch  
6 points between incident command and that's the EOC  
7 command organization, the incident command support  
8 that comes from the utility and some of the actions  
9 on-site.

10 That's nowhere near the size of a  
11 typical evaluated exercise involving on-site and  
12 off-site personnel so if it allows a more productive  
13 environment for on-the-spot coaching, for really  
14 doing planning, because that's what a lot of these  
15 are really turning out to be, planning exercises on  
16 how you are going to fine-tune your program to be in  
17 a better position to deal with the hostile action.

18 I think that the next three years, we  
19 ought to be focusing on integrating those learnings,  
20 both from an evaluation standpoint and from a  
21 performance standpoint, to make sure when we finally  
22 do this for, to use the phrase a grade, that we are  
23 all in a better position to be successful.

24 MR. KISH: Those were very valuable

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1 comments and I wanted to key back in on that  
2 transition comment you made as you introduced your  
3 remarks. I think really the nexus going forward from  
4 here, and I know we are going to get to some  
5 comments from out in the field here in a few  
6 minutes, to me, the resolution is saying much better  
7 much more well-formed if we have involvement in some  
8 of the stakeholders out there to develop that  
9 transition plan.

10 I have kind of waxed on philosophically  
11 a little bit a while ago but I think it's important.  
12 People need to understand intent, and that's been  
13 the intent for quite some time. Now as we turn to  
14 look in the practical way we try to implement that  
15 intent, I want to widen the aperture as wide as we  
16 can because we cannot get there without the ORO  
17 folks that are helping us to shape that transition,  
18 plan so anyway thank you very much for that.

19 MR. MILLER: I have a couple of  
20 questions, Sue, that you might be able to answer  
21 based on what your plan and then with your new  
22 proposal.

23 One of them is pretty easy. If a  
24 licensee, a particular licensees or off-site

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1 response organization comes to you and says, "We  
2 would still like to do it as part of the evaluated  
3 exercise." Is that something that you guys still see  
4 as a workable solution, if you've got one that's  
5 volunteering to do that?

6 MS. PERKINS-GREW: What I indicated  
7 earlier when we take the dialogue that we are having  
8 today back to the Emergency Preparedness Working  
9 Group that NEI sponsors and poll the industry and  
10 find out who has what intentions, what do their  
11 preparation activities look like along with their  
12 off-site partners.

13 If there is someone, a licensee out  
14 there that wants to substitute a hostile action-  
15 based scenario for their biennial exercise, you  
16 know, that would be fine, we would support that, but  
17 I think what we are going to have to do is just with  
18 the fleet partners that we have in this room as well  
19 as the other representatives that represent 64  
20 sites, is to have them go back and take a good look.

21 Some of them already have informally  
22 polled their off-site partners to kind of get their  
23 feel, so we want to have probably a more better  
24 constructive idea and then decide where we are at

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1 from that point. Does that answer your question,  
2 Chris?

3 MR. MILLER: It does answer it. Let me  
4 tell you the general picture that I want to paint  
5 with why I'm asking the question and that is our  
6 Commission, and I might have mentioned this earlier,  
7 our Commission is interested in this process, in  
8 this transition process, and they want to hear about  
9 it.

10 There's a Commission meeting coming up  
11 where they talk about, it's a NSIR program brief and  
12 they have asked us to give them a rundown on where  
13 we are going with this HAB transition initiative.

14 Given that and also given the feedback  
15 from some of the off-site response organizations  
16 that this last 64-drill initiative was very resource  
17 intensive, they are going to be kind of interested  
18 in seeing you know what kind of plan we have moving  
19 forward.

20 So I will ask a second question in that  
21 line. Following your polling, can you put it  
22 together, as somewhat of a not a commitment, but a  
23 plan to show us, you know how you plan on moving  
24 forward with that?

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1 MS. PERKINS-GREW: Yes, I kind of  
2 hesitate to use the word plan without running it by  
3 the working group. However, the vision is to harness  
4 the activities that are already planned by the  
5 licensees and off-site response organizations. I  
6 think there are even some members from the industry  
7 in the room who already have some agreement with the  
8 off-site partners to do a table top, to do what  
9 refer as a Combined Functional Drill, things like  
10 that.

11 So what I am trying to do is harness  
12 those activities that have already reached agreement  
13 by off-site partners and find out where the  
14 opportunities will lie in the next couple of years  
15 and for the interested industries to vet the NEI  
16 guideline, the Rev 2 that we all want to work on,  
17 and hopefully achieve NRC endorsement.

18 So at the very least we will be looking  
19 for industry to, you know, partner with NEI to have  
20 a drill with enough participation to fully vet the  
21 guidelines, and also to encourage our off-site  
22 partners at looking at some of the draft program  
23 changes that are in the draft program manual and  
24 maybe start practicing how they would look in an

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1 evaluated setting.

2           So again, I am hesitant to use the word  
3 plan right now, but we will harness what activities  
4 are taking place and look for those opportunities  
5 that we could share with both the NRC and FEMA for  
6 observation opportunities, or just further  
7 partnering so we can continue our learning process  
8 over the transition.

9           MR. MILLER: Can you give me a time frame  
10 when we might see what that looks like?

11           MS. PERKINS-GREW: Well, the next EP  
12 Working Group meeting is on right now. We are  
13 tentatively scheduled for February 18, so we will  
14 have a better look at what the industry wants to do  
15 at that point as far as you know, formulating --  
16 again I hate to use the word plan -- but a schedule  
17 of activities or who is doing what.

18           Some of them may not even know at this  
19 point. Some probably have committed to maybe a  
20 routine drill scenario in 2010, but I cannot speak  
21 to that right now other than just sharing some  
22 informal conversations I have had with the  
23 licensees.

24           MR. KISH: I think it is important to

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1 also note that there is an operational component  
2 that the REP staff in each one of the FEMA regions  
3 has responsibility for in order to go out and  
4 conduct outreach activities with their State and  
5 local counterparts, try and digest what is  
6 digestible and doable in their minds, and then to  
7 bring that in and get it consolidated and those are  
8 facts that need to be weighed in.

9 If the on-site licensee and then the  
10 fleets here are heading in a certain direction,  
11 again, if it's not tethered to the off-site folks  
12 it's not going to be effective. So we have an equal  
13 burden to share in that and so I hope some of the  
14 RACs are listening because they have got some work  
15 to do.

16 MR. MOTHEANA: And I am going to jump in  
17 real quick because I agree with both of you, but  
18 what it is really going to turn out for us is we  
19 will have to have dialogue with our local  
20 communities and the State. They are going to have to  
21 in turn work with the law enforcement component and  
22 the fire component because this typically does reach  
23 far beyond the classic drill.

24 And if you have got a community that let

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1 say is having a Super Bowl or having a Pope visit or  
2 something like that, they are really not going to  
3 want to play in a drill at a similar time so it's a  
4 lot of people that have to come to the table and say  
5 yes.

6 MODERATOR GIBNEY: Thank you Don, Don  
7 Mothena. Actually I'm saying Don's name again as a  
8 reminder that if we could just maybe identify  
9 yourselves as you go it's a little hard for those on  
10 the phone to hear. Okay speaking of those on the  
11 phone, let's see if we can get that technology to  
12 work.

13 We had a couple of folks from the phone  
14 who had asked if they could speak and had something  
15 they wanted to share with us. Kevin Leuer? Are you  
16 with us?

17 MR. LEUER: Yes, I'm here.

18 MODERATOR GIBNEY: Okay, great, thanks  
19 Kevin, the floor is yours.

20 MR. LEUER: All right then, Kevin Leuer  
21 with the State of Minnesota Homeland Security and  
22 Emergency Management. And I've got four comments  
23 that I'd like to make in regards to the use of the  
24 transition period that we have right now. We have

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1 gone through and done roughly 64 hostile action-  
2 based drills and table top events to try to  
3 determine what the goals and strategies are as we  
4 move forward.

5           During the transitional period now, we  
6 really need to look at establishing what are those  
7 emergency planning and security response planning  
8 requirements. What do we need to have in the plans?  
9 We have identified some of the things that have come  
10 out of these exercises but there really doesn't seem  
11 to be a focus forward at updating those plans so we  
12 have an actual plan to exercise.

13           There is not a focus or an emphasis or a  
14 priority put on the integration of that on-site  
15 security and that off-site response plan and that's  
16 where the rubber is going to meet the road in these  
17 exercises, is that interface between those off-site  
18 organizations responding on-site and interacting in  
19 the hostile action-based activities.

20           And we are still struggling with getting  
21 from the utility side and the off-site response  
22 perspective an actual integrated plan and being able  
23 to share the critical information with each other in  
24 planning. I mean we are still seeing duplication of

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1 roles. Law enforcement has a role in hostile action.  
2 They also have a role should there be a release.  
3 Those are the items that are really not getting  
4 addressed currently and I think that the interim  
5 period should focus on.

6 And then the goal of this was to have  
7 these 64 drills and to come back and establish the  
8 evaluation criteria and the planning requirements  
9 for the hostile action-based event. I see us wanting  
10 to continue exercising, but we are not getting back  
11 to saying, "Okay, what did we learn and what are the  
12 criteria that we need to now meet?" And I think  
13 that's one of the areas that this interim period,  
14 our efforts could be more focused more on. How do we  
15 make this planning work and make the integration  
16 versus just continuing to do more of the same of  
17 what we have been doing and coming back to that  
18 planning perspective.

19 Without clearly definable and measurable  
20 criteria both in the planning and exercise and  
21 evaluation areas, the continuation of the exercises  
22 is just really more of the same, and unless we start  
23 to really focus on the planning and the criteria and  
24 updating, and then actually exercising those plans,

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1 I don't think that we are gaining more by just  
2 trying to do four or five more of these exercises in  
3 the interim period. Those are my comments. Thank  
4 you.

5 MODERATOR GIBNEY: Thanks Kevin. Jim,  
6 Chris, anybody have, Sue, anybody have a thought for  
7 that for Kevin?

8 MR. KISH: Yes, Kevin, this is Jim Kish,  
9 I want to thank you for that comment. I know that is  
10 something that I have heard before and there is no  
11 surprise. I want to point back to you that we  
12 certainly want to engage with the NEMA Subcommittee,  
13 with yourself, with any other interested  
14 stakeholders out there to help us to develop those  
15 things.

16 You mentioned that you went pretty  
17 deeply down the planning road. From what you have  
18 seen in the guidelines that have come out through  
19 the CPG series, do those offer any hope or any  
20 resolution to that or is that a component that we  
21 are going to have to go back and update and revise  
22 as we go through this transition window?

23 MR. LEUER: I really think you are going  
24 to have to go back and revise that. I mean we have

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1 looked at the CPG guidance and all that and they are  
2 not specific to the hostile action event enough and  
3 the integration between what we need to accomplish  
4 in a hostile action event and a facility that has  
5 radiological material and that blending I think is  
6 there. Because really the hostile event is not a  
7 radiological emergency unless it's not successfully  
8 put down, and I think that's where we struggle with  
9 trying to put REP criteria onto a hostile action  
10 event when they're really two separate events. You  
11 have the hostile act and all of its stuff and then  
12 you may or may not actually have a radiological  
13 emergency that results from that hostile action and  
14 how those need to be incorporated.

15 MR. KISH: Okay well thanks for that.

16 Ideally we wouldn't have two separate plans. You  
17 know, ideally we would mesh these together such that  
18 you didn't have to have two different systems to  
19 plan. I think you would probably agree with that.

20 The definable and measurable criteria  
21 piece, I know that links over to another component  
22 of the preparedness system. I know this might draw a  
23 few guffaws or laughs talking about target  
24 capabilities and measurable in the same sentence as

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1 they currently exist, and I know that there has been  
2 a substantial amount of effort to try and revise  
3 those and there's hope.

4 I will tell you that the recent draft,  
5 especially when you start talking about MAC EOC  
6 operations, WMD HazMat operations and incident  
7 command, there is some very well structured things  
8 that I think some of the people that are on the call  
9 have had an opportunity to weigh in on helping to  
10 formulate that we have looked at in earnest, We  
11 probably want to bring those into this transition  
12 window if we are going to do any of these subsequent  
13 exercises for candidates, and we probably want to  
14 try and use those as templates to try and conduct  
15 our look at whatever activities are undertaken.

16 So I am going to turn to you when we  
17 start moving down this road so you know your penance  
18 for coming up with good ideas are going to be  
19 involvement.

20 MR. LEUER: That is understood and our  
21 commitment is into this program and to try to make  
22 things work that are right, What I really see as our  
23 biggest challenge right now, especially in this  
24 interim period, is that integration of that security

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1 planning with our typical off-site planning and  
2 there still is a tremendous resistance to share  
3 information with the key players.

4 So we have got to figure out a barrier  
5 or a way around the barrier of some of the  
6 safeguards information, getting people with the  
7 appropriate clearances but we have got to integrate  
8 it. Our actions that we have done here and our  
9 exercising, that still comes down in the fundamental  
10 piece that we don't have the integrated response for  
11 this and that is the key to success.

12 MR. MILLER: Thanks Kevin. Chris Miller  
13 with the NRC. Good point that you bring up and I  
14 want to go back to an earlier point that you made.  
15 First of all I do agree that integrated responses is  
16 where we are headed here and I saw some  
17 significantly improved integration I think over the  
18 three years of when we were doing these drills I  
19 have to say.

20 But I understand your point. We have got  
21 more work to do there. Also, to get back to your  
22 point that we are really just continuing business as  
23 usual, in a way that's true, but in a way we all  
24 are. We are already working on the requirements and

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1 I know from the on-site requirements, we are doing  
2 that working with the inspection procedures and the  
3 guidance that we are going to be using.

4 You know you can't finalize that if you  
5 don't have the rule finalized because you don't know  
6 what the Commission is going to finally speak to.  
7 Once we get that, we will finish up that effort, but  
8 I would hate to see us just lose the momentum and  
9 just put ourselves on hold while we wait. I don't  
10 think that's what you were going towards, but I just  
11 want to make sure that that's not. I think we can do  
12 both in parallel instead of in series.

13 MODERATOR GIBNEY: Thanks, Chris. We have  
14 had one other request. Michael Younger, are you  
15 still there? Thank you for your patience.

16 MR. YOUNGER: Okay this is Michael  
17 Younger with the Florida Division of Emergency  
18 Management. First of all let me say that I  
19 appreciate --

20 First of all let me just say that I  
21 appreciate both the NRC and FEMA's role in engaging  
22 with the off-site folks for perspectives and  
23 certainly this impacts us you know, very, in a very  
24 significant manner regarding the planning process.

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1 You know obviously that this is something that we  
2 need to plan for and going through the pilot stage  
3 of all this. Certainly there's a great deal to like  
4 from the State level as well as with the locals.

5 Certainly one of the concerns going  
6 forward that I have is a little bit of preconditions  
7 when they occur. You used the term reasonable  
8 assurance today, and I just think that there are  
9 certain criteria that they need to find reasonable  
10 assurance out of the 2002 Exercise Evaluation  
11 Methodology.

12 But I certainly want to make sure that  
13 we avoid preconditions with HAB events, like saying  
14 that they will always lead to a release scenario for  
15 the purposes of demonstrating a reasonable  
16 assurance. It's been hammered home today. I think,  
17 that the "one-size fits all" approach certainly does  
18 not work, and I agree with the NEI comments from Sue  
19 that certainly I think going forward HABs and the  
20 planning processes that go on after these and before  
21 these that certainly there is a better benefit in a  
22 non-evaluated environment that takes the stigma out  
23 of that.

24 I think that's more productive for the

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1 off-site folks to build the necessary bridges for  
2 that interface with the on-site folks.

3           Somebody also stated that I would like  
4 to see it become an option for the off-site  
5 organizations to work with the licensees if we  
6 wanted take this into an ideal exercise. It is an  
7 option for us, not necessarily a requirement.  
8 Certainly, there may be dovetailing with the NRC's  
9 force-on-force exercises that are conducted at each  
10 site on a regular basis anyway and building that  
11 bridge. I think the avenue already exists to go into  
12 these HAB events through those requirements that are  
13 already there for the licensee.

14           But again, I like what I have seen in  
15 the transition plan. I certainly would like to  
16 consider the option moving forward in post-  
17 transition and, depending on how the final rule  
18 takes shape that evaluation of these hostile-action  
19 exercises, be left as an option for the OROs and the  
20 licensees, because I think that supplies a better  
21 avenue for development of plans and reintegration.  
22 With that, that will conclude my comments and I  
23 appreciate the opportunity.

24           MODERATOR GIBNEY: Thank you Michael we

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1 appreciate you taking the time to join us today and  
2 your patience. Jim Kish?

3 MR. KISH: Mike thanks very much for  
4 those comments. You raised a really interesting  
5 point that was raised last week at the, I think it  
6 was last week, time flies, down at the FEMA Region  
7 IV Planning Seminar, when they conducted a panel  
8 discussion down there. One of the States raised as  
9 an issue the notion that right now we have three  
10 distinctly different components to the way we  
11 evaluate and get to that finding of reasonable  
12 assurance, the practical aspects of it, and the on-  
13 the-ground stuff.

14 You have the traditional REP stuff, we  
15 do, and the NRC conducts periodic force-on-force  
16 exercises and we do. Now we are introducing the  
17 notion of the HAB. The question was put on the table  
18 for consideration, and I don't have an answer to it.  
19 I'm kind of parroting the question I heard last  
20 week: Why we are separating those three when all  
21 three of them you know could conceivably have  
22 elements that could be integrated?

23 And I thought it was an interesting  
24 question, and I don't throw it out there to propose

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1 any endorsement in a particular direction. I just  
2 think we are at a point where we start talking about  
3 some of these bigger issues in terms of migrating  
4 the program towards more challenging scenarios that  
5 we should think about stuff like that and talk it  
6 through.

7 But thanks for your comments Mike.

8 MR. MILLER: Yes, Mike, you brought up  
9 some good points. Let me get back to a couple of  
10 them. Working it with force-on --

11 MODERATOR GIBNEY: Say who you are.

12 MR. MILLER: Oh, I'm sorry, I'm Chris  
13 Miller with the NRC. Working it with force-on-force  
14 is not something that we could do right now because  
15 of the structure of that, but it certainly is an  
16 enticing thing to move towards that in the future  
17 because there are certain elements it would sure be  
18 nice to work the design basis and then beyond design  
19 basis. Then what you know from a security aspect and  
20 what do you do with an emergency preparedness  
21 aspect, put those all together and see how it plays  
22 out.

23 That's going to take some work to get  
24 that kind of a vision going in the long term, but it

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1 is a good thought process to engage in. I think I  
2 heard something at the end where you were saying you  
3 hope that we can get to when we are near the end of  
4 this or at the end of this transition period that we  
5 get to, where it is included in an evaluated  
6 exercise, and I may have heard you wrong.

7 But what we are doing right now  
8 certainly will be part of the evaluated exercise  
9 process, and we will use the whole planning  
10 processes for these when we get into the 2012, 2013  
11 once the rule that is now being considered by the  
12 Commission. Once it becomes effective, then we will  
13 go back to that standard process and you will have  
14 the benefit of the larger group planning process and  
15 the larger review.

16 So we look forward to that and what we  
17 are trying to do is get through the period now and  
18 figure out what is the best way to conduct this  
19 practice right now.

20 MODERATOR GIBNEY: Thanks Chris. Keith,  
21 we have one more comment.

22 MR. KEMPER: Yes, hi. I'm Keith Kemper  
23 from Exelon. I would just like to make one more  
24 comment. Also, I would just like to reemphasize all

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1 that's been said already about the positive nature  
2 of this early phase of the project and the learnings  
3 that have occurred on all levels. It's been very  
4 good.

5           We have done 10 of these drills across  
6 Exelon and we learned something in every one of  
7 them. I am also encouraged by a lot of the things  
8 that I have heard here today, and I think the  
9 direction that we may be headed in having both  
10 options, that you could do it as evaluated or  
11 unevaluated, really sounds like it might be a good  
12 direction.

13           The reason I just want to continue to  
14 reemphasize, with the risk of beating a dead horse,  
15 is the non-evaluated portion. You know we have  
16 talked in here, and some phrases, we have talked  
17 about no-fault, and coaching, and doing drills  
18 without criteria developed, without plans being  
19 developed and I know for the on-site portion of the  
20 business too, without all our procedures fully  
21 developed.

22           The thought of doing that in an  
23 evaluated setting is just counter to what I think we  
24 would be willing to do. There's a lot of learning

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1 that can happen in the mode that we are in but to  
2 try to mix evaluated and unevaluated. Where's the  
3 line?

4 And to say that the hostile action  
5 portions aren't to be evaluated is, I think, can be  
6 misleading because a lot of the hostile stuff does  
7 integrate to the evaluated portion. I can just see  
8 there being confusion not only from the players but  
9 from the evaluators, the people doing the critiques  
10 about what is in and part of the graded portion, and  
11 what is out and part of the non-graded. So thank  
12 you. That is my comment.

13 MR. MILLER: Keith, Chris Miller. You  
14 brought up some good points and believe me, those  
15 points have been hashed out among my staff and among  
16 the FEMA/NRC team that's been looking at that. That  
17 does not get beyond us. I mean we know that you  
18 know, drawing that line, what's in, what's out, is  
19 very difficult to do. So in a way there's, if people  
20 have the resources to apply to it, there is some  
21 beauty in doing it in an unevaluated setting in some  
22 cases.

23 Maybe not in every case, but I agree  
24 with you. I think having two options there is

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1 probably a good way to go. I'll be anxious to hear  
2 what the off-site response organizations come back  
3 and tell us regarding that.

4 MODERATOR GIBNEY: Thanks Chris. Before  
5 we go to closing comments, anybody else from the  
6 phone that's listening that may have thoughts or  
7 comments they wanted to add?

8 Hang on one second it looks like we've  
9 got one. Okay can you tell us your name and  
10 organization please? There we go hang on. That  
11 sounds like Bill King. Two words I got. Am I right?

12 MR. KING: Bill King, FEMA Region V,  
13 Chicago.

14 MODERATOR GIBNEY: Thank you, Bill.

15 MR. KING: I have a couple of comments  
16 that I would like to make. First of all I wanted to  
17 agree with most everyone on the benefits over the  
18 last three years for most drills and exercises, and  
19 we have attended most of those. I think just the  
20 chance for all those players to come together and  
21 start to meet each other and identify the needs, and  
22 they have become a lot more savvy as it has moved  
23 along.

24 So the last three years has been an

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1 excellent period of transition in learning and  
2 developing this kind of aspect, that we know a lot  
3 more coming to the table today and what it should  
4 like.

5 Second of all, a recommendation I guess  
6 that I have is using the next several years, while  
7 the rules and such are being finalized, to implement  
8 that planning process that has been talked about. A  
9 great deal of things could be done in the planning  
10 process even in a draft form that would be much more  
11 ready for implementation at the time the rules are  
12 published.

13 And some of those include, I put them in  
14 what I consider a logical order, you know drafting  
15 HAB planning standards, development of planned  
16 procedures, SOPs and guidance document development.

17 We talked about teams that seems like a  
18 great opportunity for a team from all the entities  
19 to look at development and have input in a guidance  
20 document that would help do those interface things  
21 that are needed in a HAB situation.

22 The third is distribution of that  
23 guidance document out into the field where some time  
24 is allotted for those planned SOPs, procedures and

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1 such to be able to use that guidance document and  
2 update any plans, procedures, guidelines, SOPs that  
3 the various players would need whether they are from  
4 law enforcement or they are from medical or fire,  
5 EMS. You know along those lines, incident command in  
6 the Ops surrounding the incident command post and  
7 such.

8           The fifth thing would be identifying  
9 training courses, and just as an example, this could  
10 be done and put together for even an interim --  
11 things like an incident command post, operations-  
12 type training, you know, incident communications in  
13 an HAB, "just in time" training for rioting and  
14 other things in an HAB, so things that are not  
15 currently part of the 96-04 training requirements  
16 that are a little different for an HAB. We probably  
17 need to identify and you know, work together toward  
18 training, established training, in that area.

19           A sixth thing, identification cadre -  
20 the identification of a cadre that could do that  
21 evaluation. Seven pilot exercises that are being  
22 talked about. It could be an excellent to test some  
23 of those things and use that interim time and you'd  
24 have time for revisions of that guidance, the rules

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1 that we've been speaking of get published, any  
2 changes are done after that and then implementation  
3 of that schedule into integrated exercises for the  
4 future.

5 So I really think that idea, the team  
6 effort to do some of the planning process that  
7 includes States, towns, utilities, NEMA  
8 subcommittees, the RACs, headquarters NRC and FEMA,  
9 region NRC and FEMA is the right team to develop. I  
10 would put that before I would let's say the  
11 recommendation on my part, before I would put  
12 together the idea that 06-04 is updated by any  
13 separate group that maybe doesn't have all the off-  
14 site aspects to it during the interim and we still  
15 all need to come together at the end of that.

16 I know that was kind of lengthy, but I  
17 appreciate your time.

18 MODERATOR GIBNEY: Thanks, Bill, I  
19 appreciate you hanging in and listening to us today.  
20 On the panel any comments to that?

21 MR. MILLER: Chris Miller. Bill it sounds  
22 like got yourself on another team now. Good  
23 comments, and I think all of those things, as we are  
24 looking forward in the transition process, we are

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1 thinking about all the training, the procedures, how  
2 we are going to move this thing from where we are  
3 now to when we are fully doing evaluated exercises  
4 in the future.

5 So it's a very good point that you make,  
6 thank you.

7 MODERATOR GIBNEY: Okay thank you. Okay  
8 one last request out to the phones. One last call  
9 for comments from the phones. Okay.

10 MR. MARZANO: Anthony Marzano from Will  
11 County, IL.

12 MODERATOR GIBNEY: Hi Anthony.

13 MR. MARZANO: Hello, just a brief comment  
14 and again thank you for the opportunity to be  
15 involved. As I was listening to Mr. Kemper, and I  
16 believe Mr. Kish, they brought up some separate  
17 comments that I kind of wanted to lump together.

18 Initially speaking, from a local  
19 emergency management perspective, we were pretty  
20 much okay with the thought of going on board with  
21 the draft guidance that is a proposal of working a  
22 hostile-action based group, if of course our States  
23 and our utility were amiable to it.

24 And now that I'm thinking about it more

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1 and based on what Mr. Kemper brought up, one of the  
2 scenarios that perhaps came to mind as I am thinking  
3 all of this through, relates back to dosimetry. If  
4 we have a hostile action-based group of fire and  
5 police that are working on the HAB non-punitive  
6 portion and they for example make a dosimetry error.

7           These are from people, from agencies, we  
8 have traditionally provided that training to, they  
9 should have known better. It's in a hostile action-  
10 based non-punitive environment, but it was an error  
11 that is covered in the course of normal REP training  
12 and evaluated in the course of REP training. So I  
13 started to think, well, is that going to be held  
14 against us or not?

15           I was looking to the draft guidance and  
16 I really didn't see a clear example to that and that  
17 kind of ties into a comment that Mr. Kish made with  
18 regard to a non-punitive environment. Just to throw  
19 out there that ARCA and planning issues are one  
20 thing to the Federal level and they are totally  
21 other thing to the local level.

22           I can give you specific instances where  
23 people at the local level have suffered career  
24 consequences as a result of an ARCA. Whether that's

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1 the intent at the Federal level or not, that's a  
2 reality at the local level when the FED command say  
3 you know you didn't do this right and this needs to  
4 be done differently in the future.

5 There are folks at our level of  
6 government that perhaps take that with a different  
7 degree of seriousness than it may be intended at the  
8 Federal level. So those are some of the things that  
9 drive the thought process here at the local level. I  
10 also agree that I think we can get there. We've just  
11 got a little bit more work and communication to move  
12 forward.

13 MODERATOR GIBNEY: Thanks Anthony. Thank  
14 you for hanging in with us today and thank you for  
15 your thoughts.

16 MR. MILLER: Anthony, Chris Miller, let  
17 me just comment on what you brought up. Great  
18 thoughts, you are very insightful as you have been  
19 in the past and I appreciate you chiming in and  
20 working with us.

21 You know, the dosimetry issue that you  
22 bring up is the bright line that there isn't a  
23 bright line on how do you decide what's in and  
24 what's out in the exercise plain?

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1           We have wrangled with that. What we  
2 think we can do is cover much of that in the pre-  
3 exercise planning process, but I would agree with  
4 you that you are not going to be able to anticipate  
5 every issue so you have to have a reasonable  
6 approach to get through it. But your point certainly  
7 points towards why an evaluated exercise may not  
8 work as well as a non-evaluated drill or table top,  
9 so I appreciate that feedback.

10           Also in regards to the feedback on the  
11 perspective from the local organizations. We don't  
12 always see it the same way as somebody else in a  
13 different pair of shoes.

14           MODERATOR GIBNEY: Right. Thanks Chris.  
15 Okay that, we've looked for one more round of  
16 comments from the phone, how about in the room?

17           Okay looks like we have taken care of  
18 that. So time now for some closing comments. Sue,  
19 would you like to go first please?

20           MS. PERKINS-GREW: Yes, thank you, Sue  
21 Perkins-Grew for the Nuclear Energy Institute. I  
22 want to thank everyone for this opportunity. I think  
23 it was very valuable to hear your input, and I think  
24 the message I will take back to NEI and with our

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1 industry partners is, that given all the input that  
2 we've gotten here today, ,when we further engage our  
3 off-site partners, determine what is the appropriate  
4 course of action over the next couple of years that  
5 provides or yields the most value added for not only  
6 the licensees but our off-site partners, as we  
7 together prepare for eventual evaluation.

8 It may look differently at different  
9 jurisdictions, maybe it will be a voluntary  
10 evaluated exercise. I don't know that at this point  
11 in time because it's not NEI's decision. It's really  
12 left up to the licensees and their off-site  
13 partners.

14 Clearly a lot of good input and valuable  
15 feedback was discussed, but I think at this point we  
16 still feel that there's a lot of work. We feel that  
17 the best use of this transition period is to further  
18 our performance enhancing opportunities in a non-  
19 evaluated setting, but we will take that back and  
20 see what our off-site partners have to say and  
21 determine the best course of action.

22 So thank you NRC, thank you FEMA, for  
23 this opportunity and for this engagement.

24 MODERATOR GIBNEY: Thank you Sue. James?

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1 MR. KISH: Yes I am going to be real  
2 brief. I will try to parrot a couple of things back  
3 that I heard. We have pretty much got the left and  
4 right limits identified. You know, evaluated, non-  
5 evaluated, and what I heard coming from the field,  
6 which to me is probably the most crisp and best  
7 input I got was let's preserve options.

8 And so that's a center line thing that  
9 we heard and I think we ought to take heart in that.  
10 I also heard the Bill King seven-point plan, which  
11 probably is going to be more valuable to us than the  
12 Marshall Plan was to the United States.

13 We certainly think, by the way Bill I  
14 happen to know that you were well informed by other  
15 people around the call when you developed that plan,  
16 so I think it's very methodical and rational and  
17 it's a good approach. I think it's something we can  
18 build on in terms of really developing a more  
19 coherent transition strategy.

20 Beyond that I don't really want to go  
21 into any great detail. I know there's a bunch of  
22 other players that we really need to reach out and  
23 touch. I heard in here also that there's a concern  
24 about the information sharing components to this.

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1 Well that really gets into an area that we don't  
2 typically get involved in with the REP exercise  
3 activities.

4 Information sharing is a huge issue  
5 across the Department of Homeland Security. There  
6 are other agencies involved; there's other systems  
7 involved that need to be drawn in or at least  
8 touched and figure out what the rational touch  
9 points ought to be.

10 So that's another component and Kevin  
11 Leuer thank you for that.

12 Also in regards to the CPG, the  
13 Community Planning Guide development, that's not  
14 something that we inside my office really own, so  
15 there's cross-agency coordination that we are going  
16 to have to undertake with that.

17 And it's also pretty big work because  
18 you know the Community Planning Guides have been  
19 undertaken and developed over time and there's a  
20 review process to that and so another very good  
21 point that was brought in from the field today.

22 I do appreciate the time that the  
23 licensees, especially the folks that came from  
24 Florida gave us input in very meaningful ways. I

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1 mean all the way from almost the west coast; that  
2 was very good.

3 And thanks to the NRC for allowing us to  
4 participate in their public meeting because I didn't  
5 have to put the Public Register notice together.  
6 Thank you.

7 MR. MILLER: Thank you Jim. I wanted to  
8 just very quickly mention a couple of things. I  
9 think I heard and was encouraged by the energy I  
10 heard coming from various different players saying  
11 that we think this is a good idea. We have learned  
12 some things. We have got some more things to learn.  
13 We think we want to continue the initiative.

14 And I think that's a very positive  
15 message. We certainly heard that there's different  
16 ways of doing that and I think that we came here to  
17 hear those ways and we heard some and I think we  
18 have got some more work to do to figure out how that  
19 looks.

20 I know we have other licensee members to  
21 poll and we will certainly be glad to hear back from  
22 you, Sue, or any licensees that want to contact my  
23 staff directly, it's easy to find our numbers, but  
24 you're more than welcome to contact us and let us

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1 know you know how you'd like that.

2 I know I heard Jim saying that the FEMA  
3 staff is very interested in hearing what the states  
4 and the locals and the off-site response  
5 organizations feel about how they ought to be moving  
6 forward and how it affects them.

7 As I said before our Commission is very  
8 concerned in both those directions. I want to see  
9 this initiative move forward but they also don't  
10 want to you know feel like the federals are putting  
11 undue pressure on something in that area.

12 So, I would be very glad to hear back on  
13 the initiative that you have. I think we have kind  
14 of a date maybe out there some time in February when  
15 we can share notes and see what you are hearing from  
16 Sue on your side, the OROs that your licensees are  
17 working with, and then hopefully we can work with  
18 FEMA and get some of that feedback from the off-site  
19 response organizations so that we can further put  
20 our plans together.

21 I think I can feel confident when I tell  
22 the Commission in our briefing in January that you  
23 know it was a positive response. We are going to be  
24 doing, working on issues, and we need to hear more

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1 from the stakeholders on how that should look.

2 So, appreciate everybody's efforts. I  
3 want to thank Lisa and her team for making this  
4 available to people who couldn't travel here. We  
5 could hear a really good feedback from them in other  
6 locations, and I think that live meeting is  
7 continuing to show itself very valuable. So thank  
8 you for that.

9 And do we want to talk about evaluations  
10 and the like?

11 MODERATOR GIBNEY: We do. You were  
12 reading my mind. This is Lisa Gibney and thanks  
13 again everyone who joined us. Before I forget, I do  
14 have a note that the slides are now available in  
15 ADAMS. Those of you that are viewing on the web, you  
16 will see the ML number of how you access them in the  
17 top right-hand corner of the slide, but let me read  
18 it for the folks who are on the phone. It's  
19 ML093500161.

20 That will let you get to the slides from  
21 today. We do have feedback forms for those of you  
22 that are here in the back of the room. If you're not  
23 here in the room, you can always send an email to  
24 anybody on our staff if you have other feedback

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1 specifically to the meeting and how we could make  
2 that better. We are always looking to try and  
3 improve that process.

4 So thank you very much for everyone for  
5 joining us today and we are adjourned. Thank you.

6 I'm sorry I just got the tail end of  
7 that could you repeat that please?

8 MR. WILLIAMS: Will the transcript for  
9 the comments become available?

10 MODERATOR GIBNEY: Yes, the transcript  
11 will be available and the meeting summary will also  
12 be available.

13 And could you tell me who asked the  
14 question about the transcripts being available?

15 MR. WILLIAMS: Steve Williams, Washington  
16 State Emergency Management.

17 MODERATOR GIBNEY: Great, thank you  
18 Steve. Steve asked the question and the answer to  
19 Steve's question about transcripts is yes, they will  
20 be available along with the meeting summary. It  
21 typically takes us about 30 days to get that up. And  
22 I heard one other question someone was asking about  
23 contact maybe? Okay, great, thank you, we are again  
24 adjourned.

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(Whereupon the meeting was concluded at  
3:34 p.m.)

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