

UNITED STATES

## **NUCLEAR REGULATORY COMMISSION**

OFFICE OF NUCLEAR REACTOR REGULATION

WASHINGTON, DC 20555-0001

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### **NRC REGULATORY ISSUE SUMMARY 2009-XX COMMUNICATIONS BETWEEN THE NRC AND REACTOR LICENSEES DURING EMERGENCIES AND SIGNIFICANT INCIDENTS**

#### **ADDRESSEES**

All holders of operating licenses for nuclear power plants under the provisions of 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

All current holders for a combined license for a nuclear power plant under the provisions of 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants".

#### **INTENT**

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to provide stakeholders with a characterization of the types of information that the NRC may request from licensees during an emergency or other significant incident while NRC is implementing its Incident Response Plan. This RIS provides additional updated information since the issuance of RIS 2002-16, "Current Incident Response Issues," dated September 13, 2002, regarding the NRC response processes. Other types of response issues were addressed in RIS 2002-16. This RIS does not contain any new requirements or staff positions and requires no action or written response.

#### **BACKGROUND INFORMATION**

The NRC staff has occasionally experienced difficulty during nuclear power plant exercises in obtaining accurate and timely information necessary to understand plant conditions and the current situation. This includes information for both safety and security-related issues being addressed by the licensee. Because of the heightened awareness due to the events of 9/11 and the increased focus on security-related issues throughout the federal government, the NRC incident response organization has found it necessary to ask extensive security-related questions during significant incidents or declared emergencies at NRC-licensed facilities.

Understanding plant conditions allows NRC responders to effectively assess and represent the situation to key stakeholders (e.g., White House, Congress, Department of Homeland Security, Federal Bureau of Investigation, State and local decision-makers, etc.) and to understand what support the licensee might need. Providing licensees with a clearer understanding of the NRC's information needs should promote more efficient and clear communications during emergencies and significant incidents.

## **SUMMARY OF ISSUES**

Title 10, Sections 50.72(c)(3) and 73.71(b)(1), of the *Code of Federal Regulations (CFR)* requires licensees reporting events pursuant to 10 CFR 50.72(b)(3)(v) or Appendix G of 10 CFR Part 73 to, "maintain an open and continuous communication channel with the NRC Operations Center upon request by the NRC."

The NRC believes that two key areas of communication can be further enhanced: communication with the NRC Executive Team Director, and communication of security-related information to the NRC response teams. Lessons learned from past nuclear power plant exercises have shown that improved communication in both of these areas would have allowed the NRC to better understand the evolving event, provide improved support to the licensee and offsite response organizations, and respond more effectively to stakeholder questions.

The issues addressed in this RIS involve communications with the NRC Executive Team Director and communications of security-related information. When either of these areas of communications occurs, it is expected that all the licensees' initial reporting would have been fulfilled and that the NRC Headquarters response organization would be fully staffed and acting in an assessment role. Specifically, this RIS provides topics of interest to NRC decision-makers to assist licensees in expected communication with the NRC Executive Team Director. In addition, this RIS provides a description of the NRC's Security Bridge and the information discussed on this bridge to help promote a continuous, clear method of communicating security-related information.

### **Communication with the NRC Executive Team Director**

During an incident at an NRC-licensed facility that is serious enough to potentially require onsite or offsite protective actions, or that involves a significant security event, it is likely that the NRC Executive Team (ET) Director (NRC Chairman or designated Commissioner) will desire to speak periodically with the licensee's management representative.

The ET Director is responsible for informing the President of the United States, Congress, DHS, and the heads of Federal departments and agencies about the situation and for facilitating requests for Federal support in response to the incident. In addition, the ET Director is likely to be responsible for briefing the news media regarding the incident. During any event that the White House, Congress, or other Federal agencies become aware of, the NRC receives requests for information during and after the event. The information provided to these stakeholders should be current at the time of the call.

The ET Director receives information from the NRC staff responding to the incident. However, the ET Director may wish to receive a periodic executive summary from the licensee's management representative before passing it on to other stakeholders. Generally, it is not necessary for the ET Director to be briefed by the licensee's management representative on the detailed sequence of events, but rather on key issues for which the NRC may be able to provide assistance and utilize to inform briefings. Table 1 lists some questions that the ET Director is likely to ask.

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**Table 1. Topics that the NRC ET Director Is Likely To Discuss with the Licensee's Authorized Representative**

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- What are the licensee's current top priorities for the station?
  - Are there significant uncertainties about any aspect of the event?
  - Does the licensee need help from the NRC or other Federal agencies?
  - Is the licensee having any communication or staffing problems?
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The primary responsibilities of licensees during an event are to mitigate the accident, secure the facility, classify the event, and make notifications and protective action recommendations to State and local officials. Meeting those primary responsibilities takes precedence over discussions with the ET Director regarding the event. If taking time to talk to the ET Director would interfere with their primary responsibilities, the NRC expects that the licensee's designated manager will direct a subordinate to take the call. If this is not feasible, the NRC will inform the licensee when the ET Director would subsequently like to speak with the licensee's designated representative.

### **Communication of Security-Related Information**

One method of meeting the requirement for "an open and continuous communication channel" for discussing security-related information is the use of a separate telecommunications Security Bridge. The NRC anticipates that the licensee will join the Security Bridge upon request from the NRC during events that meet the threshold for continuous communication with the NRC and have security implications. The use of this line will promote a clear communication method and not interfere with communications established by the ENS (Emergency Notification System) or HPN (Health Physics Network). The spokesperson representing the licensee on the Security Bridge should be able to speak knowledgeably regarding security status and activities.

The Security Bridge is placed on the same conferencing system that hosts other communications bridges used by the NRC, such as the ENS and the HPN. The Security Bridge is for communication among NRC Headquarters Safeguards Team personnel, NRC regional responders, and licensee security personnel. The NRC will staff this bridge whenever there is an incident reported pursuant to 10 CFR 50.72(b)(3)(v) or Appendix G of 10 CFR Part 73, as either may have multiple security implications. During a reported incident, the NRC Safeguards Team will continuously monitor the Security Bridge so that the licensee can readily re-establish communication for situational updates or for other important security-related communications. Following the initial discussions and evaluation, the Safeguards Team will coordinate periodic,

scheduled update conversations so that licensee personnel can return to other essential duties between scheduled updates to the NRC.

The Security Bridge is recorded, but it is not a secure line. It is not approved for routine discussions involving classified or Safeguards Information (SGI). The NRC Resident Inspector's office at the facility and the Safeguards Team Room at the NRC Headquarters Operations Center are equipped with secure telephones for discussing and transmitting (via facsimile) classified information and SGI. Although NRC resident's secure phone may not be within the protected area, if feasible, this secure line should be used for discussing and transmitting classified information and SGI. However, 10 CFR 73.21(g)(3) does permit the transmission of SGI over a non-secure line, such as the Security Bridge, during "emergency and extraordinary conditions" (e.g., an ongoing attack). Table 2 summarizes the type of information of interest to the Safeguards Team.

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**Table 2. Information that the NRC Is Likely To Request on the Security Bridge**

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- Has the facility sustained significant damage (including the central and secondary alarm stations), damage to the physical security features or security force, or loss of licensed materials?
  - What are the sources and status of offsite emergency assistance (e.g., local law enforcement, State, Federal (especially Federal Bureau of Investigation), National Guard)?
  - Is additional Federal assistance required (e.g., personnel, material, communications)?
  - What compensatory measures have been implemented (e.g., temporary barriers, relocation of responders)?
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## **BACKFIT DISCUSSION**

The NRC is issuing this RIS to inform stakeholders of the types of information the NRC would consider useful for performing an independent assessment in the event of an emergency or significant incident. The purpose of this RIS is to provide stakeholders with examples of the emergency communication methods established in 10 CFR 50.72, "Immediate Notification Requirements for Operating Nuclear Power Reactors," 10 CFR 73.21, "Requirements for the Protection of Safeguards Information," and 10 CFR 73.71, "Reporting of Safeguards Events." The internal processes of the NRC and examples provided do not affect licensee procedures required for operating the plant in an emergency and do not require action by the licensee. This RIS requires no action or written response. Therefore, pursuant to 10 CFR 50.109(a)(1), the backfit rule does not apply, and a backfit analysis is not required.

## **FEDERAL REGISTER NOTIFICATION**

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because the RIS is informational and does not represent a departure from current regulatory requirements. However, a public meeting to discuss the RIS and obtain comments from interested parties was held on March 23, 2009. The meeting summary is available under ADAMS accession number MLXXXXXXXXX.

## **CONGRESSIONAL REVIEW ACT**

The NRC has determined that this RIS is not a rule under the Congressional Review Act (5 U.S.C. §§ 801–808) and, therefore, is not subject to the Act.

## **PAPERWORK REDUCTION ACT STATEMENT**

This RIS does not request any information collection and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

### **PUBLIC PROTECTION NOTICE**

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

## **CONTACT**

If you have any questions about this RIS, please contact the person listed below or the appropriate Office of Nuclear Reactor Regulation licensing project manager.

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