

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

July 19, 2006

**NRC REGULATORY ISSUE SUMMARY 2006-12
ENDORSEMENT OF NUCLEAR ENERGY INSTITUTE GUIDANCE
“ENHANCEMENTS TO EMERGENCY PREPAREDNESS PROGRAMS
FOR HOSTILE ACTION”**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to endorse the Nuclear Energy Institute (NEI) guidance entitled “Enhancements to Emergency Preparedness Programs for Hostile Action,” dated May 2005 (revised in November 18, 2005). The NRC finds this document to contain an acceptable implementation methodology for licensees to apply in adopting the program enhancements discussed in NRC Bulletin 2005-02, “Emergency Preparedness and Response Actions for Security-Based Events.” This RIS requires no action or written response by addressees.

BACKGROUND INFORMATION

Nuclear power plant emergency preparedness (EP) programs are designed to address a wide range of event scenarios. After the terrorist attacks of September 11, 2001, NRC evaluated the EP planning basis to ensure it continued to protect the public health and safety in the current threat environment. In 2002, NRC issued Orders requiring compensatory measures which include nuclear security and EP. The NRC staff has reviewed all of the responses to these 2002 Orders. The NRC staff has observed licensee performance during security-event-based EP drills and exercises and security force-on-force exercises. The NRC staff has discussed security-related EP issues with Federal, State and local government officials and with licensees. The NRC staff determined that the EP planning basis continues to protect public health and safety, however, the NRC staff recognizes that enhancements are desirable to ensure effective plan implementation during security-related events. Examples of such enhancements include more timely NRC notification, improvement to onsite protective actions and revision of emergency action levels to identify security-related emergencies more succinctly.

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The NRC staff issued NRC Bulletin 2005-02 on July 18, 2005, to obtain information from licensees on progress in implementing security-event-related EP program enhancements. The NRC staff's evaluation of licensee responses to the bulletin indicate that all licensees are considering or have implemented enhancements to their programs. NEI developed the enclosed guidance, entitled "Enhancements to Emergency Preparedness Programs for Hostile Action" (May 2005, revised November 18, 2005), to clarify the various options available to licensees to implement these enhancements, and NEI also requested NRC endorsement of these options in a letter dated November 22, 2005.

SUMMARY OF ISSUE

The NEI guidance clarifies issues, enhances emergency action levels, and provides implementation methods in support of Bulletin 2005-02. The NRC staff finds that the NEI guidance remains consistent with the intent of the bulletin and is appropriate for licensee use. As such, the NRC staff endorses this NEI guidance document with the following clarifications:

1. The NRC staff recognizes the need for the U.S. Department of Homeland Security (DHS) to be involved in the review and endorsement of proposed enhancements to the drill and exercise program that impact the demonstration and evaluation of offsite response organization capabilities in response to a security event-based scenario. In coordination with DHS, the NRC staff will evaluate changes to the scenario scope or extent of play for the proposed security event-based EP biennial exercise after NEI submits forthcoming industry guidelines for the development of EP drill and exercise threat-based scenarios. Licensees are not expected to schedule security-based biennial exercises until NRC endorses, in coordination with DHS, forthcoming industry guidelines and completes revisions to regulation and guidance, as deemed applicable.
2. Attachment 4 ("Example Tools for the Development of Onsite Protective Actions") to the NEI guidance states in the discussion of possible actions, that the phrase "take cover" is an action intended to allow the use of an immediately available structure to provide personnel protection. These structures should be in designated locations that are located away from potential target buildings as discussed in NRC's Safeguards Advisory for Operating Power Reactors (SA 05-02). In addition, the examples of the protective action decision-making tools also should provide site-specific guidance for these locations.
3. Attachment 5 ("Integration and Demonstration of Emergency Response Security Events") to NEI guidance expects that over a 3-year period, each site will initiate an integrated drill, using a security event-based scenario, during a year when the licensee does not have to demonstrate a biennial EP exercise in accordance with Appendix E to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50. However, the project timeline in Attachment 5 incorrectly specifies this period as July 2006 through December 2008, which is only a 30-month period. Based on discussions with NEI, the appropriate period for conducting site integrated drills is from September 2006 through August 2009 to allow the opportunity for NEI to provide further guidance and training to industry.

Licensees using the NEI guidance to change their emergency plans should ensure that plan changes are coordinated with offsite response organizations. Although the NEI guidance provides an acceptable method for implementing enhancements, licensees may select other methods. If licensees adopt the changes as written in Bulletin 2005-02 and the NEI guidance, the NRC staff believes that those changes, on their own, would likely not pose a decrease in effectiveness and could be performed under 10 CFR 50.54(q) without prior NRC approval. However, licensees have the responsibility to ensure that changes do not decrease the effectiveness of the emergency plans and that the changed plans continue to meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. The NRC staff recognizes that other methods for implementing the enhancements also may be acceptable, but note that licensees should review these methods to ensure they do not decrease the effectiveness of the emergency plans. Without application to and approval by the NRC, licensee may not implement proposed changes that decrease the effectiveness of the approved emergency plans.

BACKFIT DISCUSSION

This RIS endorses NEI guidance entitled "Enhancements to Emergency Preparedness Programs for Hostile Action", revised November 2005, as an adequate methodology to implement the enhancements discussed in Bulletin 2005-02. Any action on the part of licensees to use the guidance endorsed by this RIS is strictly voluntary. This RIS neither imposes any new or modified NRC staff requirements, nor prescribes a unique way to comply with the regulations, nor does it require any action or written response. Therefore, this RIS is not a backfit under 10 CFR 50.109 and the NRC staff did not perform a backfit analysis.

CONGRESSIONAL REVIEW ACT

This RIS is a rule as designated by the Congressional Review Act (5 U.S.C. §§ 801-808) and, therefore, is subject to the Act.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was published in the *Federal Register* (71 FR 12716) on March 13, 2006. Comments were received from the public and comment resolution can be found in the Agencywide Documents Access and Management System under Accession No. ML061510364.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing collection requirements under 10 CFR Part 50 were approved by the Office of Management and Budget (OMB), approval number 3150-0011. The NRC may not conduct or sponsor, and a person is not required to respond to, an information collection unless the requested document displays a currently valid OMB control number.

CONTACT

Please direct any questions about this matter to one of the technical contacts listed below.

/RA/

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Enclosure: NEI Guidance, "Enhancements to Emergency Preparedness Programs Hostile Action", May 2005 (revised November 18, 2005) (Agencywide Document Access and Management System (ADAMS) Accession No. ML053290326)

Note: NRC generic communications may be found on the NRC public Web site, <http://www.nrc.gov>, under Electronic Reading Room/Document Collections.