

September 29, 2000

Ms. Karen Sagett
Operations and Planning Division
Response and Recovery Directorate
Federal Emergency Management Agency
500 C Street, SW
Washington, DC 20472

SUBJECT: NRC COMMENTS ON THE DRAFT RADIOLOGICAL ANNEX TO THE
FEDERAL RESPONSE PLAN

Dear Ms. Sagett:

We appreciate the opportunity to provide comments on the draft Radiological Incident Annex to the Federal Response Plan. Our specific comments are enclosed. In summary, the NRC believes that the current version of the Federal Response Plan adequately covers those areas originally envisioned for the Radiological Annex; therefore, the need for the Annex should be re-examined. The NRC is very interested in other perspectives from the FRERP signatory agencies and looks forward to the October 11, 2000, meeting at FEMA Headquarters. We would very much appreciate receiving a compilation of submitted comments by all agencies prior to that meeting so we can contribute accordingly.

Any questions, comments on our positions, or the compilation of comments can be addressed to Eric Weinstein of my staff at 301-415-7559 or at email EDW@NRC.GOV.

Sincerely,

/RA/ Frank J. Congel

Frank J. Congel, Director
Incident Response Operations

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NRC CONCERNS REGARDING THE REVISED RADIOLOGICAL ANNEX TO THE FEDERAL RESPONSE PLAN (FRP)

General Comments:

1. The objective of having an Annex is not clearly defined. It is possible that the need has been overcome by circumstances and time. When an Annex was originally conceived, there was no reference to radiological emergency response in the Federal Response Plan (FRP). The April 1999 FRP basic plan defers responses to radiological events to the Federal Radiological Emergency Response Plan (FRERP). Is this sufficient or is it necessary to generate the Annex rather than revising the FRERP if it is flawed? For example, areas needing further explanation relate to FEMA's ability to respond under FRERP and the transition to FEMA lead following a Presidential Declaration. Could these be addressed through development of internal FEMA procedures?
2. The FRP Basic Plan; pages 5, 11, 12, 14 provides the necessary link between the FRP and FRERP for the two plans to work together. In addition, Emergency Support Function (ESF) 10, page 7 stipulates that a response to a radiological event will be consistent with the FRERP. In essence, it defers radiological responses to the FRERP and the associated Lead Federal Agency (LFA) while utilizing the FRP structure to provide FEMA assistance. This is consistent with Section I.F. of the FRERP, "Relationship to the Federal Response Plan (FRP)."
3. The Annex is overambitious. It takes 16 pages to describe a 26-page document.
4. The Annex as submitted takes considerable liberty with the approved FRERP. The FRERP was signed at the most senior level of those participating 17 signatory agencies. The revision took 10 years and a lot of hard work and debate over wording. The Annex rewrites sections of it and the intent is to have it approved at the Office Director level, significantly below Agency Head. This should not be the path of choice. If the FRERP needs to be rewritten, then the Response Subcommittee of the Federal Radiological Preparedness Coordinating Committee (FRPCC) should be reconstituted and undertake a revision to it. An example of the liberty taken is the definition of "emergency" in the Annex. This issue was debated in the development of the May 1996 revised FRERP. Agencies voted not to include a definition as some felt it limited their ability to respond. The current Annex contains a definition of "radiological emergency" which, if needed, should be in the FRERP, not the Annex with much less formal approval process. The Annex should not be viewed as an opportunity to rewrite the FRERP.
5. There seems to be an overemphasis on conforming to the format established by the Terrorism Annex. While it is clearly advisable to maintain the format of annexes to the extent possible, the focus of the radiological annex should be on substance, not format. In addition, the terrorist annex has misinformation on the FRERP LFA. It is listed under DOE as a response element (see TI-12). We recommend that when a revision of the FRP occurs next, this mischaracterization should be corrected.

ENCLOSURE

6. If an annex is to be developed, it should be concise, primarily addressing areas needing clarification. It should also focus on those areas that are missing from the FRERP. These include, but are not limited to:
 - (a) What is FEMA's role and capability with and without a disaster declaration?
 - (b) What will FEMA do when multiple states are involved in a response – will a response require multiple DFOs?
 - (c) What spending and response authorities can FEMA employ in anticipation of a declaration?
 - (d) When a transition to a declaration occurs, what formal or informal transition needs to occur between the LFA OSC and the FEMA FCO?
 - (e) What is the relationship of the FRERP and FRP to the PDDs?
7. Consideration should be given to including a description of the relationship of the FRP and FRERP to the National Contingency Plan.
8. Including the section on Price Anderson (V.B. of the Annex) is not appropriate as it focuses solely on NRC (and a few DOE) licensees without regard to the other potential LFAs. We would recommend keeping the section general if included at all and possibly referencing, by footnote, information on Price Anderson is available in the Response Coordination Manual, NUREG/BR-0230 section P.

NRC Recommendations:

1. Discuss the objectives and overall need for the Annex at the proposed October 11 meeting. Re-examine the current version of the FRP to see if the Annex is still necessary and, if so, why. FEMA can develop the guidance associated with their role before and after a Declaration in the context of their internal procedures and provide them to the other LFAs for comment on issues related to the interface among agencies.
2. If it is determined by a majority of the 17 signatory FRERP agencies to go forward with the Annex, make it concise (1 or 2 pages) focusing only on those areas needing explanation concerning the interface between the two documents. Furthermore, when the FRP is ready for revision, assure that the Terrorist Annex is revised at the same time to reflect the interaction of the FRERP, FRP, and PDDs.
3. Consideration should be given to including the entire FRERP as an attachment to the FRP and referring readers in the basic plan to the attachment for guidance for response to radiological emergencies (this would eliminate the necessity to conform with the Terrorism Annex format).