

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF INSPECTION AND ENFORCEMENT  
WASHINGTON, D.C. 20555

July 15, 1985

IE INFORMATION NOTICE NO. 85-55: REVISED EMERGENCY EXERCISE FREQUENCY RULE

Addressees:

All nuclear power reactor facilities holding an operating license (OL) or a construction permit (CP).

Purpose:

This notice is to alert licensees of revised requirements regarding the frequency of participation by state and local governments in emergency preparedness exercises at nuclear power reactor sites. It is expected that addressees will review the information provided for applicability to their program. Suggestions contained in this notice do not constitute NRC requirements; therefore, no specific action or written response is required.

Description of Circumstances:

On July 6, 1984, the Commission published in the Federal Register (49 FR 27733) (Attachment 1) a revised rule effective August 6, 1984, relating to emergency preparedness exercises. The revised 10 CFR Part 50, Appendix E, Section IV.F. relaxes the frequency of participation by state and local governments in emergency preparedness exercises from annually to biennially. This relaxation applies to state and local governments that have fully participated (as defined in the revised rule) in a joint exercise since October 1, 1982. In addition, the new rule requires (1) each licensee at each site to conduct an exercise of its on-site plan annually, (2) each licensee to provide an opportunity for state and local governments to participate annually, (3) each state within the plume exposure pathway EPZ of a given site to fully participate in an offsite exercise for that site at least once every 7 years, (4) each state within any ingestion exposure pathway EPZ to exercise its plans and preparedness related to ingestion exposure pathway measures every 5 years at some site, and (5) the NRC, in consultation with FEMA, to determine the need for and extent of state and local participation in remedial exercises.

This rule change also specifies that a full participation exercise shall be held within 1 year before operation above 5 percent of rated power and "shall include participation by each [s]tate and local government within the plume exposure pathway EPZ and each [s]tate within the ingestion exposure pathway EPZ." (Note, however, that the United States Court of Appeals for the D.C. Circuit in UCS v. NRC, 735 F.2d 1437 vacated the 1982 amendment to the NRC's regulations which stated that emergency preparedness exercises were part of the operational inspection process and not part of any operating license hearing. Therefore, an


applicant should consider scheduling a full participation exercise to permit litigation of issues concerning the implementation of emergency preparedness as demonstrated by the exercise.)

To meet the intent of this revised regulation, the NRC staff has determined that licensees should conduct exercises involving onsite participation at least once each calendar year (annually) and joint exercises involving the participation of offsite agencies, which meet the above requirements, at least once every second calendar year (biennially).

The degree of participation of offsite agencies is specified in the regulation. The licensees are expected to coordinate the scheduling of the participation of offsite agencies with the appropriate state and local governments and with the NRC and FEMA regional offices. For example, a licensee holding a joint exercise in November of 1985 would meet the biennial requirement by holding another joint exercise during 1987, and would meet the annual requirement by holding an onsite exercise during 1986. The conduct of a remedial exercise does not alter annual and biennial exercise requirements.

Licensees were previously requested by the respective NRC Regional Administrators to use the milestones established in FEMA Guidance Memorandum #17, "Conducting Pre-Exercise and Post-Exercise Activities," dated January 8, 1981, in submitting exercise objectives and scenarios for FEMA and NRC review (Attachment 2). Licensees should continue to adhere to these milestones for each exercise involving offsite participation. Guidance concerning the criteria to be used for determining when remedial exercises will be required is contained in the attached FEMA Guidance Memorandum EX-1 (Attachment 3).

No specific action or written response is required by this information notice. If you need additional information regarding this matter, please contact the Regional Administrator of the appropriate NRC regional office or this office.

  
Edward E. Jordan, Director  
Division of Emergency Preparedness  
and Engineering Response  
Office of Inspection and Enforcement

Technical Contact: Edward M. Podolak, IE  
(301) 492-7290

Attachments:

1. Federal Register Notice 49 FR 27733
2. FEMA Guidance Memorandum #17.
3. FEMA Guidance Memorandum EX-1
4. List of Recently Issued IE Information Notices

proviso that, if all major elements in the emergency plan are performed in a satisfactory manner during the annual exercise, FEMA may recommend and the NRC may find that another exercise with State and local government participation is not required for up to 2 years. The proposed rule did not relax in any manner the annual requirement for onsite exercises that each licensee is required to conduct which include exercising the control room, technical support center, and emergency operation facility functions.

Immediately after the Commission approved publication of the proposed rule, the Director of FEMA wrote to NRC Chairman Palladino, urging the Commission to " . . . adopt biennial exercise frequency language . . ." in 10 CFR Part 50, Appendix E to assure consistency in the regulations.

FEMA's final regulation, 44 CFR 350, published in the Federal Register on September 28, 1983 (48 FR 44332), reduced State and local participation in emergency preparedness exercises to a frequency of once every 2 years. The FEMA final rule is not consistent with the position taken by the Commission in the NRC proposed rule (an annual frequency with a specific NRC finding necessary for relaxation). This difference was a source of some concern to both agencies and to some of the commenters on the NRC proposed rule. The FEMA regulation requires that a State within the plume exposure pathway EPZ fully participate in an exercise every 2 years with no requirement on the return frequency at a specific site. Typically, therefore, a State with two sites might be expected to fully participate in an exercise at a specific site at least every 4 years, a State with three sites, every 6 years; four sites, every 8 years; five sites, every 10 years, etc. Whereas, the enclosed NRC rule change stipulates that a State within the plume exposure pathway EPZ fully participate in an exercise every 2 years with a return frequency of at least once every 7 years at a specific site. Both rules require a multi-site State, when not fully participating in an exercise at a specific site, to partially participate every 2 years at that specific site in order to support the participation of the appropriate local governments.

The Commission has selected a return frequency of 7 years because presently no State has more than 7 operating and/or planned reactors and States with that number of sites or less would not be required to exercise in a full participation mode more often than about once a year.

#### Public Comments

The NRC proposed rule was published in the Federal Register with a 60-day comment period on July 21, 1983 (48 FR 33307). Seventy-one comment letters were received and evaluated by the NRC staff.

Those commenters (55) favoring relaxing the frequency of State and local governmental participation in emergency preparedness exercises were utilities, consulting firms representing utilities, two State Governors, State and local governmental agencies, FEMA and private citizens.

Those commenters (14) opposing relaxing the frequency of State and local governmental participation in emergency preparedness exercises were an information service, environmental groups, a State Governor, State and local governmental agencies, EPA and private citizens.

The comments raised several significant issues, to which the Commission responds as follows:

#### Issue No. 1

Should the Commission adopt a biennial exercise frequency for State and local government participation with a proviso for remedial exercises for the correction of serious deficiencies rather than the exercise frequency contained in the proposed rule?

*Discussion:* This issue was addressed by many State and local governmental comment letters whose concerns are generally characterized by the following quote from the FEMA comment letter:

The NRC proposal will be difficult to administer. For example, objective criteria will need to be developed for use in determining whether State and local governments have performed in a satisfactory enough manner to warrant an exemption from the succeeding year's exercise. It will be difficult to apply such criteria to the satisfaction of State and local governments. The NRC proposal would create complex situations such as what to do if some jurisdictions perform in an unsatisfactory manner and the others in a satisfactory manner. Would all jurisdictions have to exercise the next year or only the unsatisfactory ones? If only the unsatisfactory ones, an unworkable condition would result wherein some jurisdictions would be on annual and others on biennial frequency. Inequities would result. Further, the time involved for evaluating exercise results, including getting commitments from State and local governments to take corrective actions, has proved time consuming in the past. If we add time for the NRC to make a finding after FEMA's recommendation, a good portion of a year could be consumed. This would cause uncertainty and instability in State and local governments, which should be avoided.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

#### Emergency Planning and Preparedness

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

**SUMMARY:** The Commission is amending its regulations to relax the frequency of participation by State and local governmental authorities in emergency preparedness exercises at nuclear power reactor sites. This relaxation reflects experience gained in observing and evaluating over 150 emergency preparedness exercises since 1980.

**EFFECTIVE DATE:** August 6, 1984.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Jamgochian, Accident Source Term Program Office, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443-7815.

**SUPPLEMENTARY INFORMATION:** On July 21, 1983, the Commission published in the Federal Register a proposed rule relating to emergency preparedness exercises (48 FR 33307). The proposed rule retained the presently required annual, full-participation exercise with a

**Commission Response:** The Commission recognizes the implementation difficulties with the proposed NRC approach (annual frequency with a finding to relax). This was pointed out by the NRC emergency preparedness regional inspectors, a majority of the comment letters, the general thrust in two petitions for rulemaking,<sup>1</sup> and the ACRS.

#### Issue No. 2

Will less frequent exercises result in making personnel and equipment less effective or reliable and therefore reduce the level of safety?

**Discussion:** A few commenters, primarily citizens and governmental organizations, addressed this issue by pointing out that State and local emergency response organizations must frequently respond to various natural and man-made emergencies. This continuum of real life emergencies exercises personnel, equipment, communication networks and organizational structures on a frequent basis.

The following quote from a comment letter summarizes this concern:

While an emergency situation at a nuclear power plant may call for some procedures that are different from those used under other emergency situations, many of the response and evacuation measures will be similar, if not identical. A myriad of major and minor emergencies demand the maintenance of a force of personnel trained in these procedures. By responding to other emergency situations such as chemical spills, the emergency response personnel will be rehearsing many of the procedures they would use in the event of an emergency situation at a nuclear power plant. Some examples of these procedures would include notification of appropriate local authorities, establishing communication links between local, regional and state emergency response personnel, and evacuating or finding shelter for the affected population.

**Commission Response:** Because emergency response personnel at the State and local government level continuously respond to actual emergencies, the Commission does not consider that relaxing the frequency of State and local government participation in emergency preparedness exercises would adversely affect the health and safety of the public.

A provision has been added in the final rule to permit State or local

government participation in the licensee's annual exercise. A State or local government may consider its response capability to be less than optimal because of an unusually large personnel turnover or because there have been limited responses to real emergencies in the community. The final rule requires the licensee to provide for State or local government participation if they indicate such a desire.

#### Issue No. 3

Will the deletion of NUREG-0654<sup>2</sup> as a footnote adversely affect the interface between offsite emergency plans and the licensee's emergency plans?

**Discussion:** The proposed rule included a provision to delete references to NUREG-0654 throughout the regulations. NUREG-0654 provides specific criteria for the evaluation of the standards in § 50.47 and is titled, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Plants." A few commenters, primarily a utility and a state governmental official, felt that the deletion of the NUREG-0654 footnote in the regulations would preclude its use by reviewers in determining the adequacy of emergency preparedness.

**Commission Response:** The deletion of a reference to NUREG-0654 will not affect its use as a guidance document for emergency planning. In the 1980 rulemaking, the Commission included this reference as a means of formally approving the use of NUREG-0654. See 45 FR 55402, 55408 (August 19, 1980). NUREG-0654 is endorsed by Regulatory Guide 1.101,<sup>3</sup> and will continue to be used by reviewers in evaluating the adequacy of emergency preparedness at nuclear power reactor sites.

#### Issue No. 4

Do adequate procedures exist for NRC and FEMA to evaluate whether major elements are performed satisfactorily during an exercise?

**Discussion:** Many commenters, primarily State and local governmental authorities as well as utilities, pointed out that there is a need for uniform evaluation of exercise performance.

**Commission Response:** The Commission concurs with the commenters. In order to provide for uniform evaluation of emergency

preparedness exercises, FEMA has developed and now uses a document titled "Procedural Policy on Radiological Emergency Preparedness Plan Reviews, Exercise Observations and Evaluations and Interim Findings." These procedures were forwarded to the FEMA regions for use on August 5, 1983.

Having considered all comments received, experience gained since 1960, input from emergency preparedness regional inspectors, the general thrust of two petitions for rulemaking, and ACRS comments, the Commission has concluded that the requirements for frequency of participation by State and local governmental authorities in emergency preparedness exercises around nuclear power reactors should be relaxed. The Commission therefore is promulgating a final rule which:

1. Continues to require licensees to conduct an annual onsite emergency preparedness exercise.
2. Requires that State and local governments participate in emergency preparedness exercises every 2 years with a provision for remedial exercises to assure that deficiencies are corrected.
3. Provides that at least once every 7 years, all States within the plume exposure pathway EPZ of a given site must fully participate in an offsite exercise for that site.
4. Requires licensees to provide an opportunity for State and local government participation in the licensee's annual emergency preparedness exercise, and
5. Requires FEMA to determine the need for and extent of remedial exercises.

The final rule is not totally consistent with FEMA's final regulation (44 CFR 350). This inconsistency lies in the area of return frequency for multiple-site states as previously discussed. The FEMA position on return frequency is a significant departure from the NRC's proposed regulation (48 FR 33307) dated July 21, 1983. The Commission believes that more study is needed before deletion of the return frequency requirement can be justified.

The Commission is adopting a biennial exercise frequency for State and local government participation with a proviso for remedial exercises to assure the correction of serious deficiencies. These changes to the emergency preparedness regulations are being made because:

- a. Experience in observing and evaluating over 150 exercises has shown that a disproportionate amount of

<sup>1</sup> Guidance for determining the need for, and extent of, remedial exercises is being developed.

<sup>1</sup> On March 27, 1982, the Commission received a petition for rulemaking (PRM-80-33) from National Emergency Management Association. On August 30, 1982, the Commission received a petition for rulemaking (PRM-80-34) from the Adjutant General of the State of South Carolina. The general thrust of both petitions urged the relaxation of the frequency of emergency preparedness exercises.

<sup>2</sup> Copies of these documents are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of these documents may be purchased from the Government Printing Office. Information on current prices may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Publications Sales Manager.

Federal, State and local government and licensee resources are being expended in order to conduct and evaluate annual emergency preparedness exercises. As a result of the substantial expenditure of resources for these exercises, fewer resources are available to establish and maintain the essential day-to-day upgraded state of emergency preparedness.

b. State and local governments respond to a variety of actual emergencies on a continuing basis, thus frequently exercising their emergency preparedness capabilities.

c. The flexibility provided for in a biennial frequency will be an incentive for State and local governments to perform in a satisfactory manner in order to avoid conducting remedial exercises.

And lastly, the Commission notes that FEMA has had almost 3 years of experience with evaluating State and local government radiological emergency planning and preparedness. With few exceptions, this experience has revealed a significant increase in the level of State and local government radiological preparedness as demonstrated in joint exercises. FEMA has evaluated approximately 150 exercises. In only five instances did FEMA determine that State and local governments did not demonstrate adequate preparedness. The Commission believes that this enhanced level of preparedness should be recognized by allowing State and local governments to exercise jointly with utilities on a biennial frequency.

On March 17, 1982, the Commission received a petition for rulemaking (PRM-50-33) from National Emergency Management Association. On August 30, 1982, the Commission received a petition for rulemaking (PRM-50-34) from the Adjutant General of the State of South Carolina. The petition from the National Emergency Management Association requested the NRC to relax the frequency of full participation by State and local governments in emergency preparedness exercises from annually to biennially. The petition from South Carolina requested that the NRC reduce the frequency with which local governments must participate in a full scale emergency preparedness exercise.

The promulgation of this final rule relaxes the frequency of full participation by State and local governments in emergency preparedness exercises from annually to biennially. This rule completes NRC action by granting both petitions for rulemaking.

#### Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. See 10 CFR 51.20(a)(1). Moreover, the Commission has determined, pursuant to 10 CFR 51.32, that the final rule has no significant environmental impact. This determination has been made because the Commission cannot identify any impact on the human environment associated with reducing the frequency of full participation of State and local governments in emergency preparedness exercises from annually to biennially.

The alternative approaches that were considered in this rulemaking proceedings were:

1. To retain the annual full participation exercise with a provision to enable relaxation to every 2 years.
2. To incorporate by reference into the NRC's regulations, the FEMA regulations governing the frequency of full participation of State and local governments in emergency preparedness exercises.
3. To relax the frequency of full participation of State and local governments in emergency preparedness exercises from annually to biennially.

There were no environmental impacts identified from any of the alternatives considered.

Because FEMA is directly involved in the evaluation of offsite emergency preparedness exercises and is affected by the promulgation of these amendments, the NRC consulted extensively with FEMA during the development of this rule.

#### Paperwork Reduction Act Statement

The final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

#### Regulatory Analysis

The Commission has prepared a regulatory analysis of this regulation. The analysis examines the costs and benefits of the rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying, for a fee, at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Michael

T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443-7815.

#### Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The final rule clarifies certain elements and findings necessary for the issuance of an operating license for a nuclear power plant licensed pursuant to sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies which own and operate nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. Accordingly, there is no significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980.

#### List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 50 is published as a document subject to codification.

#### PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 162, 163, 166, 169, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 63 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 68 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Sec. 50.7 also issued under Pub. L. 95-607, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Secs. 50.57(d) 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Sec. 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Secs. 50.80-50.81 also issued under sec. 164.

68 Stat. 956, as amended (42 U.S.C. 2234). Secs. 50.100-50.102 also issued under sec. 186, 68 Stat. 855 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 956, as amended (42 U.S.C. 2273), §§ 50.10(a), (b), and (c), 50.61, 50.63, 50.65, and 50.80(a) are issued under sec. 181b, 68 Stat. 948, as amended (42 U.S.C. 2207(b)); §§ 50.10(b) and (c) and 50.54 are issued under sec. 181l, 68 Stat. 952, as amended (42 U.S.C. 2207(i)); and §§ 50.56(e), 50.56(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161a, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§ 50.47 (Amended)

2. In § 50.47, Footnote 1 is removed.

3. In Appendix E, section IV.F is revised to read as follows:

**Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities**

IV. . . .

**F. Training.**

The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties, and (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel:

- a. Directors and/or coordinators of the plant emergency organization;
- b. Personnel responsible for accident assessment, including control room shift personnel;
- c. Radiological monitoring teams;
- d. Fire control teams (fire brigades);
- e. Repair and damage control teams;
- f. First aid and rescue teams;
- g. Medical support personnel;
- h. Licensee's headquarters support personnel;
- i. Security personnel.

In addition, a radiological orientation training program shall be made available to local services personnel; e.g., local emergency services/Civil Defense, local law enforcement personnel, local news media persons.

The plan shall describe provisions for the conduct of emergency preparedness exercises as follows: Exercises shall test the adequacy of timing and content of implementing procedures and methods, test emergency equipment and communications networks, test the public notification system, and ensure that emergency organization personnel are familiar with their duties.<sup>3</sup>

1. A full participation<sup>4</sup> exercise which tests as much of the licensee, State and local

emergency plans as is reasonably achievable without mandatory public participation shall be conducted for each site at which a power reactor is located for which the first operating license for that site is issued after July 13, 1982. This exercise shall be conducted within 1 year before the issuance of the first operating license for full power and prior to operation above 5% of rated power of the first reactor, and shall include participation by each State and local government within the plume exposure pathway EPZ and each State within the ingestion exposure pathway EPZ.

2. Each licensee at each site shall annually exercise its emergency plan.

3. Each licensee at each site shall exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially, with full or partial participation<sup>5</sup> by States and local governments, within the plume exposure pathway EPZ. State and local governments that have fully participated in a joint exercise since October 1, 1982, are eligible to fully participate in emergency preparedness exercises on a biennial frequency. The level of participation shall be as follows:

(a) A State shall at least partially participate in each offsite exercise at each site.

(b) A State shall fully participate in at least one offsite exercise every 2 years.

(c) At least once every 7 years, all States within the plume exposure pathway EPZ for a given site must fully participate in an offsite exercise for that site. This exercise must also involve full participation by local governments within the plume exposure pathway EPZ.

(d) Partial participation by a local government during an offsite exercise for a site is acceptable only when the local government is fully participating in a biennial exercise at another site.

(e) Each State within any ingestion exposure pathway EPZ shall exercise its plans and preparedness related to ingestion exposure pathway measures at least once every 5 years.

(f) Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participate in annual exercises when requested by such State or local government.

4. Remedial exercises will be required if the emergency plan is not satisfactorily tested during the biennial exercise, such that NRC, in consultation with FEMA, cannot find reasonable assurance that adequate protective measures can be taken in the event to a radiological emergency. The extent of State and local participation in remedial exercises must be sufficient to show that appropriate corrective measures have been taken regarding the elements of the plan not properly tested in the previous exercises.

5. All training, including exercises, shall provide for formal critiques in order to identify weak or deficient areas that need

correction. Any weaknesses or deficiencies that are identified shall be corrected.

4. In Appendix E, footnotes 1 and 4 are removed; footnotes 2 and 3 are renumbered as footnotes 1 and 2; and new footnotes 3, 4, and 5 are added to read as follows:

<sup>3</sup> Use of site specific simulators or computers is acceptable for any exercise.

<sup>4</sup> "Full participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite local and State authorities and licensee personnel physically and actively take part in testing their integrated capability to adequately access and respond to an accident at a commercial nuclear power plant. "Full participation" includes testing the major observable portions of the onsite and offsite emergency plans and mobilization of State, local and licensee personnel and other resources in sufficient numbers to verify the capability to respond to the accident scenario.

<sup>5</sup> "Partial participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite authorities shall actively take part in the exercise sufficient to test direction and control functions; i.e., (a) protective action decision making related to emergency action levels, and (b) communication capabilities among affected State and local authorities and the licensee.

Dated at Washington, D.C. this 29th day of June 1984.

For the Nuclear Regulatory Commission,  
Samuel J. Chalk,

Secretary of the Commission.

[FR Doc 84-17784 Filed 7-4-84; 8:45 am]  
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Attachment 2  
IN 85-55  
July 15, 1985  
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Guidance Memorandum 17  
Radiological Emergency Preparedness Division

### JOINT EXERCISE PROCEDURES

In the interest of assuring that the health and safety of the public is protected in the event of an accident at a nuclear power plant, it is necessary for the licensee (applicant), to conduct an emergency preparedness exercise jointly with appropriate State and local agencies. The role of the Federal government at such exercises is to evaluate the capability of the utility and the State and local governments to protect the public health and safety in the event of an accident at the facility. The FEMA official responsible for this activity is the appropriate Regional Director.

Over the last few months there have been several joint exercises where FEMA and NRC have made reviews both orally in an open meeting, and in written form. We find however, significant variation among regions in the procedures used for providing the evaluation. The need for a standardized approach is evident and the following is a guide for both FEMA and NRC personnel involved in exercise evaluation.

Assignments for offsite observers will be made by the RAC Chairman. Onsite observers will be assigned locations by the NRC Team Leader. A meeting of all parties should be conducted prior to the exercise to assure that all observer locations are staffed by an evaluator, as well as to make whatever last minute changes are necessary based on field conditions, number of evaluators available, etc.

The exercise should be followed as soon as possible by a critique. The critique is a working session for preliminary review of the exercise between the participants (State and local officials and utility representatives and the Federal observer teams headed by FEMA and the NRC). It should be open to the public and the media. They should, however, attend as observers, and not participate in the discussions. If local circumstances dictate that a private session be held with the State authorities, it must be scheduled in advance and the information provided by the RAC Chairman at the private meeting should be repeated in the open session.

It is desirable to conduct the critique with all the principal parties present, (e.g. the RAC, the involved State and local authorities, the licensee and NRC). There may be situations where such a joint critique is not feasible and separate sessions (one related to licensee participation and one related to State and local participation) are necessary due to logistical or funding constraints. These situations are to be cleared in advance thru the FEMA/NRC Steering Committee. In such cases the RAC Chairman should be available for both critiques.

The joint critique should be chaired by the RAC chairmen and should be within or near the 10 mile EPZ. As part of the overall format the RAC Chairman will discuss observations of the offsite response and the NRC will discuss observations of the onsite response. The State, local governments and utility should be present at this meeting to make presentations. For the joint critique to be effective, it should take place within the 24-hour period immediately following the exercise. There should also be opportunity for clarification, questions or comments by licensee, State and local officials.

The RAC Chairman's overview statement should be based on comments from RAC members and other FEMA observers as well as his own observation. It should include the strong points as well as a general statement on the deficiencies noted. Under no circumstances will the RAC Chairman's comments indicate that the State or local plans passed or failed. He/she should indicate that the comments are preliminary to be followed by a comprehensive evaluation within 14 days. The final FEMA findings and determination, as well as approval of a State and/or local plan, submitted according to 44 CFR 350 of which the exercise is a part, is reserved to the Associate Director for Plans and Preparedness in Washington.

The principal milestones for FEMA and NRC exercise observation and critique are given in Enclosure 1. These milestones are for planning purposes and actual schedules may need to be different because of local circumstances.



MILESTONES FOR EXERCISE OBSERVATION AND CRITIQUES

- 75 days\* State and licensee jointly submit exercise objective to FEMA and NRC Regional Offices.
- 60 days FEMA and NRC Regional Offices discuss and meet with licensee/State as necessary and prepare response.
- 45 days State and licensee scenario developers submit exercise scenario to FEMA and NRC Regions for review.
- 35 days FEMA and NRC Regions notify State and licensee of scenario acceptability.
- 30 days FEMA and NRC Regions develop specific post exercise critique schedule with the State and advise FEMA and NRC headquarters.
- 15 days The RAC Chairman and NRC team leader will meet to develop observer action plan (where stationed, how many from each organization, what to look for).
- 1 day Meeting, in the exercise area, of all Federal observers both onsite and offsite to finalize assignments, and give instructions.
- E day Exercise
- E day FEMA and RAC observers caucus to collate observations. NRC observers also caucus to collate observations.
- E day RAC Chairman and NRC team leader meet, as soon after their respective caucuses as practical, to coordinate Federal participation in critique.
- E to + 1 day Joint RAC/NRC critique

General Agenda

- A. State, locals and licensee present their views.
  - B. Critique of offsite actions, by RAC Chairman.
  - C. Critique of onsite actions, by NRC.
  - D. Critique of Federal response (if applicable), by RAC Chairman.
  - E. Opportunity for clarification questions or comments by licensee, State and locals (press and public questions will not be entertained during the critique).
- + 15 days Written critiques by FEMA Region to State, with copies to FEMA headquarters and NRC and by NRC Region to licensee with copies to NRC headquarters and FEMA.

\* (Recommended Suspense Dates)



# Federal Emergency Management Agency

Washington, D.C. 20472

July 1, 1985

GUIDANCE MEMORANDUM EX-1

## REMEDIAL EXERCISES

### Purpose

This Guidance Memorandum provides criteria and procedures for requiring and scheduling remedial exercises and other remedial actions to correct deficiencies identified in exercises to test State and local radiological emergency response plans. It also provides guidance for determining the extent of participation in remedial exercises.

### Background

The Federal Emergency Management Agency (FEMA) rule, 44 CFR 350, and the Nuclear Regulatory Commission (NRC) rule, 10 CFR 50, Appendix E, require that State and local governments participate in periodic, joint exercises with utilities. These rules require remedial exercises and other corrective measures if the results of these exercises do not give reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency or the deficiencies identified are significant enough to impact on the public health and safety. The NRC rule (10 CFR 50, Appendix E, IV.f.4.) calls for NRC-FEMA consultation in making a determination as to whether a remedial exercise is needed. The FEMA rule (44 CFR 350.9.c.5) leaves the determination of the participation required from State and local governments to the appropriate FEMA Regional Director.

For the purpose of exercise assessment, FEMA uses an evaluation method to apply the criteria of NUREG-0654/FEMA-REP-1.\* FEMA classifies exercise inadequacies as deficiencies or areas requiring corrective actions. Deficiencies are demonstrated and observed inadequacies that would cause a finding that offsite emergency preparedness was not adequate to provide reasonable assurance that appropriate protective measures can be taken to protect the health and safety of the public living in the vicinity of a nuclear power facility in the event of radiological emergency. Because of the potential impact of deficiencies on emergency preparedness, they are required to be promptly corrected through appropriate remedial actions including remedial exercises, drills or other actions. Areas requiring corrective actions are demonstrated and observed inadequacies of State and local government performance, and although their correction is required during the next scheduled biennial exercise, they are not considered, by themselves, to adversely impact public health and safety. In addition to these inadequacies, FEMA identifies areas recommended for

\* The method currently in use is incorporated in the August 5, 1983, memorandum from the FEMA Deputy Associate Director of State and Local Programs and Support to the FEMA Regional Directors, subject: "Procedural Policy on Radiological Emergency Preparedness, Plan Reviews, Exercise Observations and Evaluation, and Interim Findings."

improvement, which are problem areas observed during an exercise that are not considered to adversely impact public health and safety. While not required, correction of these would enhance an organization's level of emergency preparedness.

#### Guidance on Determining the Need for a Remedial Exercise

The following criteria shall be used in determining the need for requiring a remedial exercise.

1. A deficiency in one or more of the following planning standards of NUREG-0654/FEMA-REP-1 will require a remedial exercise. Exceptions to this requirement may be made when correction of deficiencies can be demonstrated by other remedial actions.
  - o Assignment of Responsibility (Organization Control) (A);
  - o Alert and Notification Methods and Procedures (E);
  - o Emergency Communications (F);
  - o Public Education and Information (areas related to emergency public information) (G);
  - o Accident Assessment (including field monitoring and radiological assessment) (I);
  - o Protective Response (including evacuation and other protection responses and decisionmaking) (J);
  - o Radiological Exposure Control (K); and
  - o Medical and Public Health Support and Services (L).
2. Remedial exercise action may be required when areas requiring corrective actions collectively raise doubts as to whether adequate protective measures can be taken in the event of an emergency.

#### Procedures for Reporting on the Need for and Scheduling of Remedial Actions

When evaluation of a joint exercise indicates that there is the potential or need for remedial action, the following procedures will be followed.

1. The FEMA Regional Office will immediately notify FEMA Headquarters, by telephone, of the nature of exercise inadequacies. FEMA Headquarters will, in turn, notify and discuss these inadequacies with NRC Headquarters.
2. The FEMA Regional Office will promptly initiate a consultation process with the members of the Regional Assistance Committee(s) (RAC), the State(s) and FEMA Headquarters for these purposes: (a) To classify all exercise inadequacies, (b) to specify appropriate remedial actions, including remedial exercises, drills, or other actions, for both deficiencies and areas requiring corrective actions and (c) to determine which organizations are to be involved in remedial actions. During this period, FEMA Headquarters will continue to consult with NRC Headquarters.

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3. Within 30 days of the exercise, the FEMA Region will transmit a letter and draft report consisting of, at least, a summary table of the exercise inadequacies to the State(s) with a copy to FEMA Headquarters and the RAC(s). The letter and summary table will confirm the results of the consultations with the State(s). The State will be asked to use this letter and summary table of exercise inadequacies as a basis for working with the FEMA Region in accomplishing the remedial actions.
4. Within 60 days from the exercise, the FEMA Region will prepare and transmit copies of the exercise report to the State(s), RAC(s) and FEMA Headquarters. If the remedial exercise or other remedial actions have been taken and evaluated prior to the end of the 60 day period, the FEMA Region will incorporate its evaluation of these actions within the exercise report. (In this case, the report will be completed and forwarded within 30 days of the remedial exercise or other remedial actions.)
5. FEMA Headquarters will forward a copy of the exercise report to NRC Headquarters within 10 days of receipt from the FEMA Regional Office.
6. If the remedial exercise or other remedial actions are not conducted prior to the preparation and forwarding of the exercise report, they should be completed as soon as possible but not later than 60 days after the report is forwarded to FEMA Headquarters.
7. If the evaluation of the remedial exercise or other remedial actions are not incorporated into the exercise report, the FEMA Regional Office will prepare and forward an evaluation report of these remedial actions to the State(s), RAC(s) and FEMA Headquarters within 30 days of the conduct of their completion.
8. FEMA Headquarters will forward a copy of the remedial action evaluation report to NRC Headquarters within 10 days of receipt from the FEMA Regional Office.

#### Extent of Participation

The extent of State and local government participation in a remedial exercise shall be determined by the FEMA Regional Director. Some factors to consider in this determination include:

1. The remedial exercise should address only those activities that are necessary to demonstrate correction of the identified deficiencies.
2. To the extent possible, the remedial exercise participation should be limited to organizations having the deficiency(ies).
3. When the corrective action by one organization cannot be demonstrated without involvement of other organizations, their participation should be at a level necessary to confirm the corrective action. This includes participation by utilities which should be arranged through the appropriate NRC Regional Administrator.

Action on Inadequately Performed Remedial Exercises

When evaluation of a remedial exercise indicates that an organization did not adequately demonstrate correction of identified deficiencies, one of the following actions are to be taken.

1. If FEMA has not approved offsite planning and preparedness for the involved site under 44 CFR 350, FEMA may, in consultation with NRC, require another remedial exercise and the NRC may consider enforcement actions.
2. If FEMA has approved offsite planning and preparedness for the involved site under 44 CFR 350, FEMA may initiate steps to withdraw the 350 approval or schedule another remedial exercise under the provision of 350.13 and the NRC may consider enforcement actions.

Coordination with NRC

This Guidance Memorandum has been prepared in coordination with the NRC staff.

LIST OF RECENTLY ISSUED  
IE INFORMATION NOTICES

Information Notice No.	Subject	Date of Issue	Issued to
85-54	Teletherapy Unit Malfunction	7/15/85	All NRC licensees authorized to use teletherapy units
85-53	Performance Of NRC-Licensed Individuals While On Duty	7/12/85	All power reactor facilities holding an OL or CP
85-52	Errors In Dose Assessment Computer Codes And Reporting Requirements Under 10 CFR Part 21	7/10/85	All power reactor facilities holding an OL or CP
85-51	Inadvertent Loss Or Improper Actuation Of Safety-Related Equipment	7/10/85	All power reactor facilities holding an OL or CP
85-50	Complete Loss Of Main And Auxiliary Feedwater At A PWR Designed By Babcock & Wilcox	7/8/85	All power reactor facilities holding an OL or CP
85-49	Relay Calibration Problem	7/1/85	All power reactor facilities holding an OL or CP
85-48	Respirator Users Notice: Defective Self-Contained Breathing Apparatus Air Cylinders	6/19/85	All power reactor facilities holding an OL or CP, research, and test reactor, fuel cycle and Priority 1 material licensees
85-47	Potential Effect Of Line-Induced Vibration On Certain Target Rock Solenoid-Operated Valves	6/18/85	All power reactor facilities holding an OL or CP

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OL = Operating License  
CP = Construction Permit