

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555-0001

July 13, 2005

**NRC REGULATORY ISSUE SUMMARY 2005-13
NRC INCIDENT RESPONSE AND THE NATIONAL RESPONSE PLAN**

ADDRESSEES

All licensees and certificate holders.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this Regulatory Issue Summary (RIS) to inform addressees of revisions to (1) the NRC Incident Response Plan, NUREG-0728, which conform to the recently implemented National Response Plan and (2) the NRC's incident response modes. No specific action or written response is required.

BACKGROUND INFORMATION

National Response Plan

In Homeland Security Presidential Directive 5 (HSPD-5), the President directed the development of the National Response Plan (NRP) and tasked all Federal departments and agencies to support and assist the Secretary of Homeland Security in this initiative and to conform to the NRP. The NRP integrates Federal domestic prevention, preparedness, response, and recovery plans into a single all-discipline, all-hazards plan. The NRP consists of a "base plan" plus multiple subject-specific annexes that expand on, and further delineate, interagency roles, responsibilities and activities in response to particular incidents. The NRP is built on the template of the National Incident Management System (NIMS), which provides a nationwide framework for Federal, State, local, and tribal governments to prevent, prepare for, respond to, and recover from domestic incidents.

The NRP emphasizes that each agency retain its independent authorities and responsibilities, while providing for coordination of agency actions by working through NRP-established multi-agency organizations. The Secretary of Homeland Security, consistent with HSPD-5, provides the mechanisms necessary to coordinate Federal operations and resources, and facilitates conflict resolution.

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NRC Incident Response Plan

The NRC Incident Response Plan, NUREG-0728 (hereafter, the Plan), governs the agency's overall response to radiological incidents and emergency events with a focus on those involving NRC licensees and certificate holders (hereafter, licensees). The Plan reflects Commission policy on planning and preparing for, responding to, and recovering from incidents, and assigns headquarters and regional responsibilities to assure the NRC fulfills its statutory mission. The Plan provides the basis for NRC's interface and coordination with licensees and other stakeholders. Although focused on incidents involving facilities and materials licensed by the NRC or an Agreement State, the Plan encompasses all incidents for which the NRC has a response role. The NRC responds to incidents under its own statutory authorities and responsibilities in accordance with the Plan and, if applicable, as an integral part of the overall response by the Federal Government consistent with the NRP. As a signatory of the NRP, the NRC has committed to the national-level policies, concepts, processes, and structures identified therein.

The scope and extent of the NRC response to a licensee incident depend on the incident's severity and typically correlate with the information reported by the licensee and the licensee's scope of response. The NRC performs (1) independent assessments of incidents and potential offsite consequences and, as appropriate, confirms or provides recommendations on public protective measures, and (2) oversight of the licensee by monitoring, evaluating protective action recommendations, advising, assisting, and, in rare circumstances, providing direction. The NRC may also dispatch an NRC team of technical experts to the licensee's site, if necessary.

Revision 4 to the Plan (issued for interim use effective April 14, 2005) incorporates (1) agency policy and organizational roles and responsibilities relative to incident response, (2) national-level incident management policy and mechanisms provided in the NRP and NIMS, and (3) agency programmatic updates. Revision 4 may be found on the NRC public web site at www.nrc.gov.

SUMMARY OF ISSUE

The following paragraphs discuss the revised NRC Incident Response Plan, NUREG-0728, and focus on topics anticipated to be of interest, or applicable, to licensees. It may be appropriate for licensees to address these topics in subsequent updates to their emergency preparedness programs, if applicable.

1. National Response Plan Concepts

Incident of National Significance

The Secretary of Homeland Security, in consultation with other Federal departments and agencies as appropriate, determines whether an incident is an Incident of National Significance. The criteria for an Incident of National Significance come from HSPD-5 and are generally qualitative (e.g., the resources of State, local and tribal authorities are overwhelmed).

For such incidents, the Department of Homeland Security (DHS) coordinates the overall Federal response according to provisions of the NRP and its annexes.

The NRC staff and DHS coordinated development of criteria for an Incident of National Significance involving nuclear/radiological facilities licensed by the NRC or an Agreement State. In general, the following will likely be considered Incidents of National Significance: (1) A General Emergency declaration at a nuclear power plant resulting from an accident (i.e., a non-terrorist incident), (2) an emergency declaration (Alert or higher) at a nuclear power plant or nuclear/radiological facility resulting from a terrorist incident, and (3) terrorist incidents outside nuclear/radiological facility boundaries involving an improvised nuclear device, radiological dispersal device, and/or radiological exposure device. Other incidents involving nuclear power plants, nuclear/radiological facilities, or materials licensed by the NRC or an Agreement State will likely be considered below the threshold of an Incident of National Significance.

Licensees should be familiar with the concept of an Incident of National Significance and the potential for an incident at their nuclear power plant or facility, or involving their licensed material, to be determined an Incident of National Significance.

Nuclear/Radiological Incident Annex

The NRP's Nuclear/Radiological Incident Annex, which supersedes the Federal Radiological Emergency Response Plan (FRERP), provides for timely, coordinated response by Federal agencies to nuclear or radiological incidents and is the principal annex applicable to the NRC. The annex applies to any incident that has actual, potential, or perceived radiological consequences within the United States, its territories, possessions, or territorial waters, and requires a response by the Federal Government. The annex does not create any new authorities or change any existing authorities and nothing in the annex alters or impedes the ability of the NRC or other Federal agencies to carry out their specific authorities and perform their responsibilities under law. Under this annex, the NRC roles and responsibilities are analogous to those under the superseded FRERP, and the annex conforms closely to the FRERP.

The annex may be implemented concurrently with, and as integral part of, the NRP for Incidents of National Significance or independently as a stand-alone Federal interagency protocol for incidents below the threshold of an Incident of National Significance. Under the annex, the "Coordinating Agency" is the Federal agency that owns, has custody of, authorizes, regulates, or is otherwise deemed responsible for the radiological facility or activity involved in the incident. ("Coordinating Agency" corresponds to "Lead Federal Agency" under the FRERP.) "Cooperating Agencies" are those Federal agencies that provide support to DHS and the Coordinating Agency as appropriate and consistent with their respective authorities and responsibilities.

For incidents involving facilities and/or materials licensed by the NRC or an Agreement State, NRC is the Coordinating Agency. Accordingly, the NRC performs the specified Federal-level response functions, as appropriate and consistent with the agency's authorities and responsibilities, including (1) coordinating actions of Federal agencies related to the overall

response; (2) coordinating Federal activities related to response to and recovery from the radiological aspects of the incident; (3) coordinating security activities related to Federal response operations; (4) ensuring coordination of technical data (collection, analysis, storage, and dissemination); (5) ensuring Federal protective action recommendations are developed in a timely and effective manner and providing advice and assistance to State, local, and tribal governments for their implementation; (6) coordinating release of Federal information to the public; (7) coordinating release of Federal information to Congress; (8) informing the White House about all aspects of the incident; and (9) ensuring coordination of demobilization of Federal assets.

The designated cooperating agencies (e.g., Department of Energy, Environmental Protection Agency, Department of Agriculture) provide assistance and support to the NRC.

For incidents below the threshold of an Incident of National Significance, the NRC, as the Coordinating Agency, performs the Federal-level functions and coordinates the overall Federal response as provided in the annex. For Incidents of National Significance, DHS is responsible for the overall coordination of Federal response activities and the NRC, as Coordinating Agency, performs the annex-specified Federal-level functions in concert with DHS.

Licensees should be aware that the Nuclear/Radiological Incident Annex to the NRP has superseded the FRERP, and aware of coordination between NRC and DHS.

Homeland Security Operations Center (HSOC)

The HSOC, located at DHS headquarters, serves as the primary national-level hub for operational communications and information on incidents. The HSOC is a standing 24/7 interagency organization that facilitates homeland security information sharing and operational coordination among Federal, State, local, tribal, and nongovernmental emergency response organizations.

The NRC headquarters reports incident-related information to the HSOC on licensee emergency events (including facility events and transportation events). In addition, the NRC headquarters provides staff-level technical representation to the HSOC on a situation-specific basis for in-person coordination and support to DHS and other Federal departments and agencies.

Licensees should be aware of the multi-agency communication and coordination provided by the HSOC.

Interagency Incident Management Group (IIMG)

The IIMG, which consists of management-level representatives of DHS components, other selected Federal departments and agencies, and selected State, local and tribal agencies, is convened during Incidents of National Significance and periods of heightened national alert as requested by the Secretary of Homeland Security. The IIMG, located at DHS headquarters, provides policy-level support to the Secretary and other national authorities. IIMG members officially represent, and provide time-sensitive reach-back to, their respective agencies. The

NRC headquarters provides managers at the Senior Executive Service (SES) level as representatives to the IIMG.

Licensees should be aware of the IIMG.

Principal Federal Official (PFO) and Joint Field Office (JFO)

The PFO and JFO are established as part of the DHS-coordinated Federal response to an Incident of National Significance. The PFO is the Federal official designated by the Secretary of Homeland Security to act as his/her representative to locally oversee, coordinate, and execute the Secretary's incident management responsibilities under HSPD-5. The PFO is typically located at the JFO and coordinates the activities of the Federal officials involved in incident management activities acting under their own authorities. In addition, the PFO provides a channel for communicating with the media and the public about the incident. The PFO does not direct or replace the incident command structure and does not have directive authority over Federal and State officials, including the NRC Site Team members, who retain their authorities as defined in existing statutes and directives.

The JFO, a temporary Federal facility established to coordinate Federal assistance to the affected jurisdiction(s), provides a central location for Federal, State, local, tribal, nongovernmental, and private-sector organizations with primary responsibility for incident support and coordination. The JFO's focus is to support on-scene efforts and conduct broad support operations beyond the incident site. The JFO is intended to combine, within a single Federal facility, the traditional functions of the Federal Bureau of Investigation's Joint Operations Center, the Federal Emergency Management Agency's Disaster Field Office, and, in some situations, joint information centers.

As the Coordinating Agency under the Nuclear/Radiological Incident Annex, the NRC supports the JFO by providing staff appropriate to the specific incident. The NRC may staff the JFO with a senior NRC official and additional technical staff. JFO staffing is typically provided by the respective regional office with headquarters and other regional offices providing backup personnel to support shift work and/or long-term activities.

Licensees should be aware of the JFO and the possibility that NRC may provide staff for the JFO. In addition, for an incident involving a licensee, the licensee may be encouraged, but not required, to provide representatives to the JFO.

Interagency Modeling and Atmospheric Assessment Center (IMAAC)

The IMAAC is the Federal center responsible for providing hazardous materials, atmospheric dispersion modeling, and health effect predictions during an Incident of National Significance. With DHS coordination, IMAAC generates the single Federal prediction of atmospheric dispersion and consequences utilizing the best available resources from the Federal Government. IMAAC products are to be recognized for single utilization by Federal agencies and for distribution to all levels of government and to local responders.

For an incident involving a licensed facility, NRC uses the NRC-developed radiological assessment tools and methodologies to independently generate a source term and dose assessment based on facility and incident conditions and other data supplied by the licensee. As Coordinating Agency, the NRC shares source term information with IMAAC and uses IMAAC capabilities to confirm and/or modify the NRC assessments. When available, IMAAC results are compared to those obtained by the NRC and licensee. As Coordinating Agency, the NRC may request and coordinate data from the IMAAC, and coordinate the release of the data to other government agencies.

Licensees should be aware of the IMAAC and the joint NRC/IMAAC coordination for incidents involving licensee facilities.

2. NRC Response Modes

The NRC's overall response to any incident is under the direction of the Chairman, or his/her designee. Response personnel at headquarters and regional offices are organized by teams and the Chairman is the Director of the Executive Team (ET) at headquarters. The agency's response at the regional level is under the direction of the respective Regional Administrator or designee. If an NRC Site Team is established and dispatched to the licensee's site, the Site Team Director (i.e., director of the NRC Site Team) assumes lead responsibilities under specific authorities delegated by the Chairman.

The NRC response is flexible and tailored to the specific incident. Predesignated response modes enable the agency to activate response capabilities in a structured manner and focus the agency's response, as appropriate, at the region, headquarters, or incident site. This flexibility permits the NRC response to be commensurate with incident characteristics and severity and with licensee activities.

The appropriate response mode is based on the NRC's assessment of incident severity and/or uncertainty. For an incident at a specific licensed facility, the NRC response mode is determined by consideration of the licensee's emergency classification and the NRC's independent assessment of incident conditions. The NRC response mode for other types of incidents (e.g., a transportation incident involving regulated material, a regional electric grid incident affecting multiple licensed facilities, a large-scale natural disaster, a national-level domestic threat, and/or a terrorist threat/attack *not* focused on a specific facility) is determined by the NRC's independent assessment of the aggregate of available incident-related information, including information from licensees and other sources. The four modes are as follows:

NORMAL Mode

The routine (i.e., normal) state of NRC operations includes all activities designed to maintain incident response readiness (e.g., 24/7 staffing at the headquarters operations center by Headquarters Operations Officers/Headquarters Emergency Response Officers). In addition, the NRC is poised to respond to its alternate Continuity of Operations (COOP) site and the regional offices are prepared to back up headquarters

and each other. When warranted, the NRC may dispatch staff to the HSOC and other sites to enhance coordination and communications.

MONITORING Mode

The NRC escalates to the MONITORING mode, a heightened state of readiness for incident assessment, upon a decision by designated headquarters and regional managers. For a facility- or region-specific incident, the responsible regional office has the lead for agency response and appropriately staffs its incident response center. Headquarters supports the region and may have specific individuals participating in monitoring and/or analysis activities.

The NRC may escalate to the MONITORING mode for situations that are not facility- or region-specific (e.g., natural phenomena involving multiple licensees, multiregion electric grid incidents, terrorism-related incidents). For such situations, headquarters has the lead for agency response and the regions provide appropriate support.

ACTIVATION Mode

The NRC escalates to the ACTIVATION mode if an incident is sufficiently complex or uncertain that it warrants extensive analysis and evaluation, if it warrants consideration for sending an NRC Site Team to the vicinity of the incident, or if the incident involves terrorist activities. In the ACTIVATION mode, the lead for agency response shifts from the region to headquarters. The headquarters operations center is activated with partial staffing by the support teams under the leadership of a partially staffed ET. For a facility- or location-specific incident (e.g., a transportation incident), the responsible regional office continues staffing its incident response center and may prepare an NRC Site Team to travel to the licensee's site or the incident location. Headquarters and the regional office maintain continuous communication and evaluate available information. Other regional offices provide appropriate support.

EXPANDED ACTIVATION Mode

The NRC escalates to the EXPANDED ACTIVATION mode if the severity of the incident and/or the uncertainty of the situation warrants the full response capabilities of the agency. EXPANDED ACTIVATION may be initiated in response to a facility-specific incident at a licensee's site, incidents involving multiple licensees' facilities, terrorist attack or other incidents in which the full capabilities of the NRC are needed to support the overall Federal response. Headquarters typically continues to lead the agency's response in the EXPANDED ACTIVATION mode. The ET Director leads the agency response and the headquarters operations center is activated with full staffing by the ET and support teams. Team membership is tailored to the specific incident. The regional office incident response center is fully staffed and, if appropriate, staffing is adjusted to accommodate an NRC Site Team. Other regional offices may partially staff their incident response centers or provide resources and/or personnel to the NRC Site Team.

The EXPANDED ACTIVATION mode may involve dispatch of an NRC Site Team to the licensee's site or the vicinity of an incident under the leadership of the Regional Administrator or designee. The ET Director delegates specific authorities to the NRC Site Team Director. The focus of NRC response is the incident site and the NRC Site Team may have the lead for most of the agency response. At the site, the NRC Site Team Director assumes supervision of NRC personnel, represents NRC in interactions with other agencies (e.g., represents the NRC locally as Coordinating Agency), and decides what response actions must be taken, consistent with the delegated authority.

The ET Director retains any authority not specifically delegated to the NRC Site Team Director.

Licenses should be aware of the NRC's pre-designated response modes and the roles of NRC headquarters and regions, and recognize that an NRC Site Team may be dispatched to the licensee's site.

BACKFIT DISCUSSION

This RIS does not impose new or modified staff requirements or prescribe a unique way to comply with the regulations or require any action or written response. Therefore, this RIS does not constitute a backfit under 10 CFR 50.109, 70.76, 72.62, or 76.76, and the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because this RIS is informational and pertains to a staff position that does not depart from current regulatory practice.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT of 1996

The NRC has determined that this action is not subject to the Small Business Regulatory Enforcement Fairness Act of 1996.

PAPERWORK REDUCTION ACT STATEMENT

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

CONTACT

Please direct any questions about this matter to the technical contact listed below, the appropriate project manager, or the appropriate regional office.

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Attachment: List of Recently Issued NMSS Generic Communications

Note: NRC generic communications may be found on the NRC public website, www.nrc.gov, under Electronic Reading Room/Document Collections.

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DISTRIBUTION: RIS File

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DATE	07/11/2005	07/13/2005	07/13/2005		

* Concurrence sheets are attached.

Recently Issued NMSS Generic Communications

Date	GC No.	Subject	Addressees
07/11/05	RIS-05-11	Requirements for Power Reactor Licensees in Possession of Devices Subject to the General License Requirements of 10 CFR 31.5	All holders of operating licenses for nuclear power reactors and generally licensed device vendors.
06/10/05	RIS-05-10	Performance-Based Approach for Associated Equipment in 10 CFR 34.20	All industrial radiography licensees and manufacturers and distributors of industrial radiography equipment.
04/18/05	RIS-05-06	Reporting Requirements for Gauges Damaged at Temporary Job Sites	All material licensees possessing portable gauges, regulated under 10 CFR Part 30.
04/14/05	RIS-05-04	Guidance on the Protection of Unattended Openings that Intersect a Security Boundary or Area	All holders of operating licenses or construction permits for nuclear power reactors, research and test reactors, decommissioning reactors with fuel on site, Category 1 fuel cycle facilities, critical mass facilities, uranium conversion facility, independent spent fuel storage installations, gaseous diffusion plants, and certain other material licensees.
6/23/05	IN-05-17	Manual Brachytherapy Source Jamming	All medical licensees authorized to possess a Mick applicator.
05/17/05	IN-05-013	Potential Non-conservative Error in Modeling Geometric Regions in the Keno-v.A Criticality Code	All licensees using the Keno-V.a criticality code module in Standardized Computer Analyses for Licensing Evaluation (SCALE) software developed by Oak Ridge National Laboratory (ORNL)
05/17/05	IN-05-012	Excessively Large Criticality Safety Limits Fail to Provide Double Contingency at Fuel Cycle Facility	All licensees authorized to possess a critical mass of special nuclear material.

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