

## Industry Review and Recommendations Associated With the Aircraft Threat Rule

### Aircraft Threat

A notice in the Federal Register (FR) Vol. 73, No. 70, April 10, 2008, page 19443, proposes to add new provisions regarding licensee procedures for responding to notifications of potential aircraft threat and for the mitigation of loss of large areas of their facilities due to large fires or explosions. These new provisions are similar to those previously imposed under section B.5 of "Interim Compensatory Measures (ICM) Order," dated Feb. 25, 2002. These new provisions are proposed for 10 CFR Part 50.54(hh) (aircraft threat rule).

The Emergency Preparedness Draft Preliminary Rulemaking (EPDPR) was published in February 2008. The purpose of the EPDPR is to enhance emergency preparedness regulations based on a review of EP regulations and guidance following the terrorist events of September 11, 2001, and to codify certain requirements already promulgated in commission orders and NRC bulletins.

The EPDPR consists of 11 proposed rule changes. There appear to be a number of provisions placed in both the aircraft threat rule and the EPDPR that are redundant and overlapping. The areas of overlap are discussed below in the context of three of the 11 EPDPR areas. After the three overlapping areas are discussed, a recommendation is provided following the three discussions under "Suggested Action"

### Emergency Response Organization Augmentation and Alternate Facilities

The FR notice, page 19446, column three, paragraph seven, states in part: "and for directing responding licensee personnel to pre-identified assembly area outside the site protected areas. When possible, the assembly area locations should be coordinated with off-site response organizations to facilitate off-site response plans, as well as ensure off-shift licensee personnel will not be unnecessarily prevented from arriving on site when needed."

The EPDPR proposed to add the following provisions (underlined text) to Appendix E to Part 50, E. Emergency Facilities and Equipment, 8. "A licensee on-site technical support center and a licensee emergency operations facility from which effective direction can be given and effective control can be exercised during an emergency; and an alternate facility (or facilities) for use when on-site emergency facilities may not be safely accessed that is capable of performing the following functions: staging of onsite responders, event classification, off-site notifications and repair team preparation.

### Coordination With Off-site Response Organizations

The FR notice, page 19447, column one, paragraph six, states: "2. Assessment of mutual aid fire fighting assets."

The EPDPR adds the following provisions to Appendix E to Part 50, A. Organization, 7: "Identification of, and assistance expected from, appropriate State, local, and Federal agencies with responsibilities for coping with emergencies. Before relying on off-site resources (e.g., local law enforcement, firefighting, medical assistance) licensees shall determine whether these resources have been assigned collateral duties in off-site emergency plans that would limit their availability to respond to the nuclear power plant site, including response to a hostile action event at the plant."

### Protection for On-Site Personnel

The FR notice, page 19446, column three, paragraph two, states: "The decision whether to shelter the remaining personnel in place or evacuate them in response to a potential aircraft threat ..."

The EPDPR adds the following provisions to Appendix E to Part 50, "I. Onsite Protective Actions During Hostile Action Events. The range of protective actions developed for the plume exposure pathway EPZ for emergency workers must include specific actions to protect onsite personnel during hostile action events.

### Suggested Action

Rulemaking efforts should be consolidated or at a minimum where appropriate in 10 CFR Part 50.54(hh) where emergency preparedness requirements exist, a reference back to the appropriate section of Appendix E should be provided.