



Draft Final Emergency Preparedness Rule & Guidance

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EP Rulemaking – Brief Background

- Post 9/11 Enhancements
- Comprehensive Review
- 2005 – 2008 Public Meetings
- 2009 – 150 Day Comment Period
 - 12 Public Meetings – 6 Locations
- Comment Resolution
- Draft Final Rule Language Public

Draft Final EP Rule

| # | RULEMAKING TOPIC | ONSITE GUIDANCE |
|----|--|------------------------|
| 1 | On-Shift Multiple Responsibilities | Interim Staff Guidance |
| 2 | Emergency Action Levels for Hostile Action Events | Reg. Guide 1.101 |
| 3 | Emergency Response Organization Augmentation at Alternative Facility | Interim Staff Guidance |
| 4 | Licensee Coordination with Offsite Response Organizations | Interim Staff Guidance |
| 5 | Protective Actions for Onsite Personnel | Interim Staff Guidance |
| 6 | Challenging Drills and Exercises | Interim Staff Guidance |
| 7 | Alert and Notification System Backup Means | Interim Staff Guidance |
| 8 | Emergency Declaration Timeliness | Interim Staff Guidance |
| 9 | Emergency Operations Facility – Performance-Based Approach | Interim Staff Guidance |
| 10 | Evacuation Time Estimate Updating | NUREG/CR-7002 |
| 11 | Emergency Plan Change Process | Reg. Guide 1.219 |
| 12 | Removal of One-Time Requirements | N/A |

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On-Shift Multiple Responsibilities

- Rule Language
 - No changes
- Interim Staff Guidance
 - events should include Design Basis Accidents and Design Basis Threat

Hostile Action Emergency Action Levels

- Rule Language
 - Most current EAL scheme
- Reg Guide 1.101
 - No changes

Emergency Response Organization Augmentation at Alternative Facility

- Rule Language
 - Multiple facilities collectively have required characteristics
- Interim Staff Guidance
 - Changes to reflect final rule

Licensee Coordination with Offsite Response Organizations

- Rule Language
 - Clarify the intent of the change
 - IV.A.7. Identification of, and a description of the assistance expected from, appropriate State, local, and Federal agencies with responsibilities for coping with emergencies. ~~Nuclear power plant licensees shall ensure that offsite response organization resources (e.g., local law enforcement, firefighting, medical assistance) are available to respond to an emergency, including hostile action at the site.~~
- Interim Staff Guidance
 - Changes to reflect final rule

Protective Actions for Onsite Personnel

- Rule Language
 - No changes
- Interim Staff Guidance
 - Multiple procedure usage

Challenging Drills and Exercises

- Rule Language
 - Six to eight year exercise planning cycle
 - Elimination of frequency
 - Ingestion exercise once per cycle
 - Commencement of first planning cycle
 - A licensee shall begin its first eight year exercise planning cycle no later than the date of its first biennial exercise conducted after **[INSERT DATE 395 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, and that first biennial exercise must include a hostile action scenario.

Challenging Drills and Exercises

- Interim Staff Guidance
 - Sites with differing technologies or vintange
 - Clarification of no release/minimal release exercise participation
 - At least a Site Area Emergency declaration
 - NRC expectations on frequency

Alert and Notification System Backup Means

- Rule Language
 - ANS responsibility
 - No time limits on backup ANS
- Interim Staff Guidance
 - Changes to reflect final rule

Emergency Declaration Timeliness

- Rule Language
 - Capability vs Performance
 - Appropriate classification
- Interim Staff Guidance
 - 15 minute time requirement
 - Starts when indications first become available
 - Includes assessment, classification, and declaration actions
 - Validation or confirmation is part of assessment.
 - EAL thresholds related to analyses (e.g., dose assessments, chemistry sampling, and/or inspections)
 - 15-minute declaration period starts with analysis results
 - 15-min ends with emergency declaration
 - Promptly definition
 - EAL thresholds that specify a duration (eg., fire > 15 min)
 - emergency declaration process runs concurrently

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Emergency Operations Facility – Performance Based Approach

- Rule Language
 - No changes
- Interim Staff Guidance
 - No changes

Evacuation Time Estimate Updating

- Rule Language
 - Change of 25% or 30 minutes, whichever is less
 - Provide ETEs to State and Local governments
 - Updates extended from 180 to 365 days
- NUREG/CR-7002
 - Changes made to reflect rule language

Emergency Plan Change Process

- Rule Language
 - Summary of analysis
 - “Effective” date
- RG 1.219
 - Not retroactive
 - Interaction with NRC
 - The concept of “margin”

Removal of One-Time Requirements

- Rule Language
 - No changes
- Interim Staff Guidance
 - No changes

Requests for Input

- Inclusion of National Incident Management System/Incident Command System in Onsite EP Programs
- Shift Staffing and Augmentation
- Effective Date Impact on Applications
- Non-Power Reactors
- Implementation Schedule
 - Nov 15th, Rockville Hilton

Implementation Dates

| | EP RULE TOPIC | FINAL RULE CITATION | PROPOSED RULE IMPLEMENTATION PERIOD | REQUESTED IMPLEMENTATION PERIOD | DRAFT FINAL RULE IMPLEMENTATION PERIOD ¹ | IMPLEMENTATION PERIOD CHANGE (Final vs. Proposed) |
|---|---|--|--|---------------------------------|--|---|
| 1 | Amended Emergency Plan Change Process | 10 CFR 50.54(q) | 30 days after date of final rule publication in <i>Federal Register</i> | 12 months | 30 days after date of final rule publication in <i>Federal Register</i> | No change |
| 2 | Evacuation Time Estimate Updating | 10 CFR Part 50, Appendix E, Section IV.3 | 6 months after date of final rule publication in <i>Federal Register</i> | 12 months | Within 365 days of the later of the date of availability of decennial census data from the U.S. Census Bureau or effective date* of final rule | +6 months |
| 3 | Licensee Coordination with Offsite Response Organizations | 10 CFR Part 50, Appendix E, Section IV.A.7 | 6 months after date of final rule publication in <i>Federal Register</i> | 24 months | 365 days after date of final rule publication in <i>Federal Register</i> | +6 months |
| 4 | On-Shift Multiple Responsibilities | 10 CFR Part 50, Appendix E, Section IV.A.9 | 6 months after date of final rule publication in <i>Federal Register</i> | 36 months | 180 days ² after date of final rule publication in <i>Federal Register</i> | No net change |
| 5 | Emergency Action Levels for Hostile Action | 10 CFR Part 50, Appendix E, Section IV.B.1 | 6 months after date of final rule publication in <i>Federal Register</i> | 36 months | 180 days after date of final rule publication in <i>Federal Register</i> | No net change |
| 6 | Emergency Declaration Timeliness | 10 CFR Part 50, Appendix E, Section IV.C.2 | 6 months after date of final rule publication in <i>Federal Register</i> | 12 months | 180 days after date of final rule publication in <i>Federal Register</i> | No net change |

Implementation Dates

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|----|--|--|--|---------------------------------|--|---|
| 7 | Alert and Notification System Backup Means | 10 CFR Part 50, Appendix E, Section IV.D.3 | 1 st biennial exercise more than 1 year after effective date* of final rule | 36 months | 1 st biennial exercise more than 395 days after date of final rule publication in <i>Federal Register</i> | No net change |
| 8 | Emergency Operations Facility – Performance-Based Approach | 10 CFR Part 50, Appendix E, Section IV.E.8.a-c | 6 months after date of final rule publication in <i>Federal Register</i> | No comment | 180 days after date of final rule publication in <i>Federal Register</i> | No net change |
| 9 | Emergency Response Organization Augmentation at Alternative Facility | 10 CFR Part 50, Appendix E, Section IV.E.8.d | 6 months after date of final rule publication in <i>Federal Register</i> | 36 months | 180 days after date of final rule publication in <i>Federal Register</i> | No net change |
| 10 | Challenging Drills and Exercises | 10 CFR Part 50, Appendix E, Section IV.F.2 | 1 st biennial exercise more than 1 year after effective date* of final rule | 6 months | 1 st biennial exercise more than 395 days after date of final rule publication in <i>Federal Register</i> for hostile action-based exercise | No net change |
| 11 | Protective Actions for Onsite Personnel | 10 CFR Part 50, Appendix E, Section IV.I | 6 months after date of final rule publication in <i>Federal Register</i> | 90 days | 180 days after date of final rule publication in <i>Federal Register</i> | No net change |

* The effective date is 30 days after EP rule is published in the *Federal Register*.

1 Applicants whose COL or ESP applications are docketed as of the final rule effective date will be allowed to defer compliance until December 31, 2013 or prior to operation, whichever is earlier.

2 The draft rule will be revised to allow 365 days for implementation of the new requirements for staffing analysis

Rollout and Implementation

- Oct 8th – Draft Final Rule Public
 - [regulations.gov](http://www.regulations.gov) NRC-2008-0122
- Nov 1st - ACRS Subcommittee
- Nov 15th - Implementation Dates Public Meeting
- Dec 2nd – Full ACRS Committee
- Feb 28th - Submittal to Commission
- Publish in Federal Register
- Public Workshops

Contact Information

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