

From: Chawla, Mahesh
Sent: Friday, October 29, 2010 11:59 AM
To: Alan I Hassoun
Cc: Norris, Michael; Anderson, Joseph
Subject: Response to RAIs regarding Fermi 2 Exemption Request for Biennial Emergency Preparedness Exercise - Dated 10/22/10 - ME4459

Sam,

You provided the above response to address the staff RAIs. After the review, the NRC staff has provided the following comments. Please arrange a teleconference so we can discuss these comments with your representatives. I am going to be out of the office on Nov. 1 and 2. We can do it after that in the middle of the week. Thanks

NRC STAFF COMMENTS:

10 CFR 50 App. E IV.F.2.b states in part, “the licensee shall take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills...”

Regulatory Issue Summary (RIS) 2006-03, states:

“A licensee request for an exemption should include a list of all drills, exercises, and other training activities conducted since the previous biennial exercise and all drills, exercises, and other training activities scheduled before the next biennial exercise. *The list helps establish a basis for assurance that the licensee has regularly exercised its emergency response strategies and personnel in coordination with offsite authorities, that postponing the biennial exercise will not pose an undue risk to public health and safety, and that a good faith effort has been made to satisfy the underlying purpose of the rule.*” [bold/italics added]

In our review of the exemption request and subsequent RAI responses, we have noted discrepancies in the information provided regarding drills conducted since the last biennial emergency preparedness exercise. The following is a summary of those discrepancies:

1. In the original exemption request, NRC-10-0061 (ADAMS No. ML102230442), the licensee states in the enclosure, “Basis for the Exemption” Section (#2) that “Eighteen (18) drills have been conducted since the last biennial evaluated exercise.”
2. In NRC-10-0061, Attachment 2, under the “drills” section, the licensee states, “13 drills were conducted since the last biennial evaluated exercise and were performed on the following dates.” Following this line stating that 13 drills were conducted are 18 dates.
3. The final date listed in the “drills” section of Attachment 2 to NRC-10-0061 is 06/09/2010. This date is three days after the tornado of June 6, 2010, one day after the

scheduled (and subsequently canceled) biennial evaluated emergency preparedness exercise, and one day after the conduct of the limited scope biennial exercise with full offsite participation.

4. The licensee's RAI response, NRC-10-0074 (ADAMS No. ML102950490) states that its Enclosure 2 provides drill critique summaries for drills conducted since the last biennial exercise. Enclosure 2 to NRC-10-0074 includes 8 "Drill/Exercise Critique Summaries" vice the 18 referenced in NRC-10-0061 or the 13 referenced in Attachment 2 to NRC-10-0061.
5. The dates of the "Drill/Exercise Critique Summaries" provided in Enclosure 2 to NRC-10-0074 correspond to 7 of the 18 dates provided in Attachment 2 to NRC-10-0061. The 12/09/2009 date of the "Drill/Exercise Critique Summary" provided in Enclosure 2 to NRC-10-0074 is not listed in Attachment 2 to NRC-10-0061.

These discrepancies need to be resolved and an accurate accounting of drills conducted since the last biennial emergency preparedness exercise needs to be reviewed in order to properly evaluate whether the licensee has, per 10 CFR 50 App. E IV.F.2.b, taken "actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills..." and whether, based in part upon the drills conducted, postponing the 2010 biennial exercise would increase risk to public health and safety. Please provide an accurate and complete listing of drills conducted since the last evaluated biennial exercise and associated drill critique summaries for the staff's review to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises.

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Subject: Response to RAIs regarding Fermi 2 Exemption Request for Biennial
Emergency Preparedness Exercise - Dated 10/22/10 - ME4459

Sent Date: 10/29/2010 11:48:54 AM

Received Date: 10/29/2010 11:59:00 AM

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Files	Size	Date & Time
MESSAGE	13418	10/29/2010

Options

Expiration Date:

Priority: olImportanceNormal

ReplyRequested: False

Return Notification: False

Sensitivity: olNormal

Recipients received: