



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, DC 20555 - 0001**

May 18, 2011

Mr. R.W. Borchardt
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: RESPONSE TO THE MARCH 1, 2011, EDO LETTER REGARDING DRAFT FINAL RULE, "ENHANCEMENTS TO EMERGENCY PREPAREDNESS," AND RELATED REGULATORY GUIDANCE DOCUMENTS

Dear Mr. Borchardt,

During the 583rd meeting of the Advisory Committee on Reactor Safeguards, May 12 - 14, 2011, we reviewed your March 1, 2011, letter responding to our January 24, 2011, report regarding the Draft Final Rule, "Enhancements to Emergency Preparedness," and related regulatory guidance documents. The draft final rule and guidance documents were discussed during the Plant Operations and Fire Protection Subcommittee meeting on November 1, 2010, and during the 579th ACRS meeting on January 13 - 15, 2011.

Our January 24, 2011, report included two recommendations, for which the staff has provided responses. With regard to the staff's response to our recommendations, we provide the following comments.

We recommended that before the staff issue the Emergency Preparedness (EP) Rule and associated documents, the staff needed to resolve issues associated with the location of the Emergency Operations Facility (EOF). The issues we identified are discussed below:

- The EOF should be staffed by personnel familiar with the details of the plant and who have senior line responsibility for the plant. Although current rules require that the EOF be staffed within one hour of the declaration of a "site area" or "general" emergency, the greater the distance between the plant site and the EOF, the less likely it will be that the proper personnel will be able to arrive at the EOF in a timely manner.
- An EOF serving multiple sites will be complex. The more sites it serves, the more complex will be the EOF communication and display systems. We ask for reasonable complexity.
- State and local agencies that may desire to base themselves at the EOF may find it more difficult to fulfill their responsibilities at a remote EOF, perhaps one in a different state than the reactor site which it serves.
- A remote EOF at a great distance from the site could also have the negative effect on public perception of the licensees' and regulatory agencies' apparent lack of concern for,

and involvement with, the safety and welfare of the public who are located nearer to the plant site.

STAFF RESPONSE

Your March 1, 2011, letter notes that the Statements of Consideration (SOC) in the draft final rule informs licensees and applicants that:

“...[t]he NRC believes it is important for licensees or applicants to consult with offsite agencies that send representatives to the EOF prior to relocating or consolidating such facilities. This consultation is particularly important when a licensee or applicant intends to use an EOF located more than 25 miles from a site to ensure that response times to the facility would be acceptable to offsite responders, adequate communications with offsite responders at other locations would be available, and there would be no jurisdictional concerns with the EOF location (e.g., when the EOF is located in a different State than a nuclear power plant).”

Your response also states “the staff believes that the language contained in the rule and the associated SOC and interim staff guidance document is adequate.”

COMMITTEE RESPONSE

The provision in the SOC of the draft final rule addresses one of the issues regarding the siting of an EOF. However, the SOC is not an appropriate or enduring place to document such significant NRC guidance. Additionally, we believe that the other three issues are equally important and need to be addressed by the staff.

Sincerely,

/RA/

Said Abdel-Khalik
Chairman

References:

1. Letter to Said Abdel-Khalik, Draft Final Rule, “Enhancements to Emergency Preparedness,” and Related Regulatory Guidance Documents, 03/01/2011 (ML110460188)
2. Letter to R. W. Borchardt, Draft Final Rule, “Enhancements to Emergency Preparedness,” and Related Regulatory Guidance Documents, 01/24/2011 (ML110270259)

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Letter to the Mr. R. W. Borchardt, EDO, NRC, from Said Abdel-Khalik, Chairman, ACRS, dated May 18, 2011

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