

June 22, 2011

Dr. Said Abdel-Khalik, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: RESPONSE TO THE MAY 18, 2011, ADVISORY COMMITTEE ON
REACTOR SAFEGUARDS LETTER ON THE DRAFT FINAL RULE,
“ENHANCEMENTS TO EMERGENCY PREPAREDNESS,” AND
RELATED REGULATORY GUIDANCE DOCUMENTS

Dear Dr. Abdel-Khalik:

The staff of the U.S. Nuclear Regulatory Commission (NRC) and I appreciate your continued interest and comments on the development of the Enhancements to Emergency Preparedness Final Rule (RIN-3150-A110) and related regulatory guidance. The NRC staff is committed to working closely and cooperatively with the Advisory Committee on Reactor Safeguards (ACRS) to resolve the concerns presented in your May 18, 2011, letter (Agencywide Documents Access and Management System Accession No. ML111400358).

Your letter identified the following issues about the location of the emergency operations facility (EOF) for which the NRC staff has provided associated responses:

ACRS Issue No. 1

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.

NRC Response

The NRC staff agrees that personnel familiar with the details of the plant should staff the EOF. NUREG-0696, “Functional Criteria for Emergency Response Facilities,” published February 1981, Section 4.1, “Functions,” provides the following guidance regarding the function and management of the EOF:

It shall be the location where the licensee provides overall management of licensee resources in response to an emergency having actual or potential environmental consequences. A designated senior licensee official will manage licensee activities in the EOF to support the designated official in the TSC [technical support center] and the senior reactor operator designated the shift supervisor in the control room.

Section 4.3, "Staffing and Training," of NUREG-0696 also provides guidance regarding EOF staffing:

The EOF shall be staffed to provide the overall management of licensee resources and the continuous evaluation and coordination of licensee activities during and after an accident. Upon EOF activation, designated personnel shall report directly to the EOF to achieve full functional operation within 1 hour. A senior management person designated by the licensee shall be in charge of all licensee activities in the EOF.

Senior licensee officials with nuclear power reactor operating backgrounds and experience, but with no current responsibility for day-to-day plant operations, typically fill the lead EOF positions. In many cases, the licensee must locate the EOF near the senior licensee officials' normal workplace, such as a corporate office, to allow these officials and other licensee corporate staff to respond to the EOF within one hour (or other timeframe required by the licensee's emergency plan). The licensee normally assigns personnel who have senior line responsibility for the plant to lead positions in its onsite technical support center to provide plant management and technical support to the reactor operating personnel in the control room during an emergency. The lead technical support center personnel are also in direct contact with the lead EOF staff to review plant conditions and prognosis.

The NRC staff believes that the following draft final rule language in Section IV.E.8.c of Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," will also address the matter of ensuring EOF staff is familiar with the details of the plant or plants served by the facility:

...for a nuclear power reactor licensee's emergency operations facility required by paragraph 8.a of this section, a facility having the following capabilities...2) the capability to analyze plant technical information and provide technical briefings on event conditions and prognosis to licensee and offsite response organizations for each reactor at a nuclear power reactor site and for each nuclear power reactor site that the facility serves....

This requirement will ensure that the EOF staff is capable of understanding plant conditions for each type of reactor served by the facility and providing relevant information to both licensee staff and offsite officials. Additionally, NSIR/DPR-ISG-01, "Interim Staff Guidance Emergency Planning for Nuclear Power Plants," Section IV.I, "Emergency Operations Facility – Performance-Based Approach," states that the EOF will have the capability to analyze plant technical information and provide technical briefings on event conditions and prognosis as well as effectively respond to and coordinate response efforts.

ACRS Issue No. 2

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.

NRC Response

The NRC staff acknowledges the ACRS concern, but it believes that the proper design of the EOF and use of appropriate technology for EOF communication and display systems can address this issue. In both exercises and actual events, existing EOFs serving multiple sites, including one facility that serves six sites, have successfully demonstrated the capability to obtain and display plant data and radiological information for each nuclear power reactor at each site that the facilities serve. These facilities have also demonstrated the capability to effectively communicate with offsite and other onsite facilities.

The following draft final rule language in Section IV.E.8.c of Appendix E will also ensure the capability to deal with simultaneous events at more than one site is addressed:

...3) the capability to support response to events occurring simultaneously at more than one nuclear power reactor site if the emergency operations facility serves more than one site....

ACRS Issue No. 3

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.

NRC Response

The NRC staff agrees that the EOF location must be suitable for offsite officials who respond to the EOF. The draft final rule Statement of Considerations clearly state the NRC staff's expectations that should be considered as a result of the rule change. Specifically, an exception to the 25-mile limit will be allowed for an EOF as long as provisions for locating NRC and offsite responders closer to that nuclear power reactor site are made so they can interact in person with personnel going to and leaving the site for briefings and debriefings. During an event, NRC and offsite agency staff may wish to relocate from a remotely located EOF to another facility closer to the nuclear power plant site. Suitable space near the site must be available so NRC and offsite agency staff may coordinate their actions efficiently, communicate with responders in other onsite and offsite emergency response facilities, and interface directly with responders at the site as needed. This space will allow NRC site team and offsite response personnel, including Federal, State, and local responders, to conduct briefings and debriefings with emergency response personnel entering and leaving the site, communicate with responders at other emergency response facilities, maintain awareness of conditions at the site, and share information with other emergency response organizations via computer links, such as the internet. The NRC staff does not believe that the rule language should include provisions for the agreement or approval of the EOF location by offsite officials. It should be noted that licensees are dependent upon the support of State and local agencies in order to demonstrate reasonable assurance that protective actions can and will be taken to protect public health and safety. This capability is demonstrated during biennial exercises for FEMA evaluators and NRC inspectors. However, the NRC staff will add language to the Interim Staff Guidance to reinforce the need to coordinate EOF location and capabilities with responsible State and local agencies.

ACRS Issue No. 4

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.

NRC Response

The NRC staff acknowledges the ACRS concern, but it believes that the issuance of timely, relevant, and credible information to the public on the event and on the protective actions that the licensee takes to minimize the impact of the event on public health and safety can mitigate this issue. The licensee's responsiveness in issuing this information—more so than the EOF's location—is the key to gaining the public's confidence that licensee personnel, offsite officials, and regulatory agency personnel are effectively responding to the event. The additional requirement in the draft final rule language in Section IV.E.8.b of Appendix E to 10 CFR Part 50 may further mitigate this concern; this rule language states that a licensee with an EOF located more than 25 miles from a nuclear power reactor site should have provisions in place to locate NRC and offsite responders closer to the site during an event.

The NRC appreciates the additional feedback on the final rule and guidance provided by ACRS.

Sincerely,

/RA by Martin J. Virgilio for/

R. W. Borchardt
Executive Director
for Operations

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
SECY

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SECY

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