

## PMLevyCOLPEm Resource

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**From:** Habib, Donald  
**Sent:** Tuesday, October 23, 2012 3:04 PM  
**To:** Bob Kitchen  
**Subject:** EP FAQ ML#s  
**Attachments:** ML12289A692.pdf; ML12278A266.pdf; ML12278A278.pdf; ML12278A392.pdf; ML12278A412.pdf; ML12279A176.pdf

The following documents appear in the ADAMS package for the EPFAQ. All documents are profiled as publicly available.

ML12279A176  
ML12278A278  
ML12278A392  
ML12278A266  
ML12278A412  
ML12289A692

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**Subject:** EP FAQ ML#s  
**Sent Date:** 10/23/2012 3:04:27 PM  
**Received Date:** 10/23/2012 3:04:00 PM  
**From:** Habib, Donald

**Created By:** Donald.Habib@nrc.gov

**Recipients:**  
"Bob Kitchen" <robert.kitchen@pgnmail.com>  
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Files	Size	Date & Time
MESSAGE	454	10/23/2012 3:04:00 PM
ML12289A692.pdf	417962	
ML12278A266.pdf	250656	
ML12278A278.pdf	414152	
ML12278A392.pdf	292464	
ML12278A412.pdf	122756	
ML12279A176.pdf	79569	

**Options**  
**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**

## EPFAQ 2012-005 Draft Response

### Question:

"What is the timeline for the implementation of protective action recommendations per the revised NUREG-0654, Supplement 3 following the ETE 180 day review period?"

### NRC Draft Response:

The guidance of Supplement 3 provides an acceptable method to comply with Appendix E to Part 50, Title 10 of the Code of Federal Regulations (10 CFR) Section IV, paragraph 3 in the use of evacuation time estimates (ETE) in the formulation of protective action recommendations (PARs) for the plume exposure emergency planning zone, and provides guidance for the provisions of 10 CFR 50.47(b)(10) in the development of a range of PARs. Supplement 3 also provides guidance to support the information in NUREG-0654/FEMA-REP-1 that the U.S. Nuclear Regulatory Commission finds to be an acceptable method of meeting the requirements in 10 CFR 50.47(b)(7) for the development of a public information program. However, licensees may identify alternative methods of compliance with these requirements.

Notice of the issuance of Supplement 3 to NUREG-0654/FEMA-Rep-1 Rev. 1, titled "Guidance for Protective Action Strategies," was published in the *Federal Register* on December 5, 2011 (76 FR 75771). In the notice, the NRC stated, "Licensees should meet the requirements of Appendix E, Section IV, paragraph 3 as soon as practical following the 180-day period in Appendix E, Section IV, paragraphs 4 and 6." Appendix E, Section IV, paragraphs 4 and 6 require that site evacuation time estimates be updated periodically. The 180 day period begins with submission of the ETE analysis to the NRC. Under Appendix E, Section IV, paragraph 4, licensees are required to provide updated ETE analyses to the NRC by the later of: the date 365 days after the date of the availability of the most recent decennial census data from the U.S. Census Bureau, or December 23, 2012. Under Appendix E, Section IV, paragraph 6, licensees must maintain their ETE analyses beyond the paragraph 4 deadline by providing updated ETE analyses to the NRC within 365 days of determining that the criteria for updating the ETE, located in paragraph 6, have been met.

Each licensee should begin development of emergency plan implementing procedures for site specific protective action strategies when its updated ETE analysis is completed and submitted to the NRC. This process should integrate ETE data with the protective action strategy and includes coordination with offsite response organizations (ORO) for preplanning various decision criteria. Revision of ORO procedures may also be necessary. Additionally, testing of the new strategy in drills and decision maker training should be planned accordingly.

Licensees should demonstrate implementation of the revised protective action recommendation procedures in the next biennial exercise following the year of implementation. Therefore, a licensee that implements revised protective action recommendation procedures in 2013, and has scheduled a biennial exercise in 2013, may delay demonstration until the 2015 exercise,

while a licensee that implements revised protective action recommendation procedures in 2013 with a scheduled biennial exercise in 2014 should demonstrate full implementation during this exercise.

Licensees that cannot implement the ETE-based strategy during the applicable biennial exercise may request an exemption from NRC. Also, the NRC finds acceptable the demonstration of the revised strategy during an exercise that is not expected to require a protective action recommendation.



## EPFAQ 2012-006 Draft Response

### Question:

Section 2.1.2 "Transient Population" of NUREG/CR-7002, Criteria for Development of Evacuation Time Estimate Studies, states "Large employers, defined as those with 50 or more employees working a single shift, should be listed and include the number of people per vehicle." Section 1.1, item b in Appendix B to NUREG/CR-7002 "ETE Review Criteria Checklist" reads, "Sources of demographic data for schools, special facilities, large employers, and special events should be identified."

Higher population-density sites (e.g., Catawba, McGuire, Indian Point, Turkey Point, St. Lucie, Diablo Canyon) may have hundreds of large employers. Phone calls to these employers have been less than fruitful in terms of producing employment data useful for an ETE analysis.

### NRC Response:

NRC staff has discussed the use of U.S. Census Bureau interactive website <http://lehd.did.census.gov/led/> for determining the number of employees that commute into a nuclear power plant (NPP) licensee's plume exposure pathway (10-mile) emergency planning zone, and observed its use. Staff has concluded that the use of this interactive website is a reasonable approach for determining the number of transient employees of large employers, defined as those employers with 50 or more employees working a single shift. Additionally, the use of this interactive website tool is not limited to only high population-density sites. However, licensees should also consider the following when utilizing this interactive website tool in their ETE analyses:

1. This interactive website tool would capture employee numbers for all employers, not just large ones. Therefore, if a licensee used methods in its ETE analysis for determining transient employees for other than large employers, the licensee should also ensure not to double count employees as a result of using the tool.
2. This tool provides a total number of transient employees and does not account for employers with multiple shifts. Therefore, licensees should account for employee numbers on each shift (e.g., dayshift, night shift, etc.) by making assumptions concerning how the total number of employees would be distributed among each shift.



## EPFAQ 2012-002 Draft Response

### Question:

Why has the NRC added inspection criteria to the offsite emergency declaration Classification/Notification process?

### NRC Response:

Criteria were added to inspection procedures to enable NRC inspectors to consistently evaluate licensees' demonstration of the emergency preparedness rule change requiring licensees to have the capability to assess, classify, and declare an emergency within 15 minutes. Capability is satisfied when the licensee has documented processes for both classification and notification that can be successfully performed in no more than 15 minutes.

A licensee's classification capability is defined by a documented process (e.g., a written procedure) for assessing and classifying an emergency such that the classification process can be completed within 15 minutes. The classification clock begins once indications are available to the licensee that an emergency action level (EAL) has been met or exceeded and stops when the licensee promptly declares the emergency condition.

A licensee's notification capability is defined by a documented process (e.g., a written procedure) to notify the responsible state and local governmental agencies of a declared emergency classification such that the notification process can be completed within 15 minutes. The notification clock begins when the licensee has declared an emergency and stops when all responsible state and local governmental agencies have been provided the emergency classification level.

Inspectors will use this additional detail to determine whether further assessment of a licensee's capability to declare an emergency or notify responsible offsite authorities is necessary.

A licensee's emergency declaration and notification implementation procedures may differ from how the declaration and notification capabilities will be evaluated. For example, a licensee's classification procedure may not consider the emergency declaration process complete until the initial notification form is complete. However, the capability would be evaluated based on the declaration being made promptly, which may or may not include completion of the notification form. Additionally, a licensee's assessment of a successful Drill and Exercise Performance (DEP) Performance Indicator (PI) notification opportunity may identify completion of the notification process when the first offsite authority is contacted. However, as stated previously, the clock ends when all responsible offsite authorities are notified of the ECL declaration. The detail added is considered necessary, in part, to clarify the difference between assessing regulatory compliance with a capability requirement and assessing successful performance utilizing criteria per the emergency preparedness DEP PI in NEI 99-02, Rev. 6, "Regulatory Assessment Performance Indicator Guideline" (ML092931123). Licensees should observe the classification and notification processes in their entirety to assess their capabilities during the conduct of DEP PI performance opportunities.

In summary, the implementation of this emergency preparedness rule change may vary from licensee to licensee. The variations may be caused by individual choice or specific site emergency plan commitments. Each licensee is required to follow and maintain the effectiveness of its individually-approved emergency response plan. Variations in emergency response organizational structures, emergency plan activation commitments, locations of where an emergency declaration is performed and others areas will create differences in how each licensee implements this rule change. The Commission's intent is that each licensee demonstrates the capability to assess, classify, and declare an emergency condition within 15 minutes after information is first available to a licensee decision maker and to promptly notify all responsible state and local governmental agencies of the declaration in accordance with the licensee's NRC-approved emergency response plan and commitments.



## EPFAQ 2012-004 Draft Response

### Question:

Appendix E to Part 50, Section IV.A.9 requires by December 24, 2012, for nuclear power reactor licensees, a detailed analysis demonstrating that on-shift personnel assigned emergency plan implementation functions are not assigned responsibilities that would prevent the timely performance of their assigned functions as specified in the emergency plan. An applicant for an early site permit under Part 52 that chooses to propose either major features of an, or a complete and integrated, emergency plan (§ 52.17(b)(2)), or a combined license under Part 52 (§ 52.79(a)(21)) whose application is docketed before December 23, 2011 may choose to defer compliance with this rule until December 31, 2013.

Question: How may an applicant comply with the A.9 requirement by December 31, 2013 when:

- EOPs, AOPs and EIPs are not yet written?
- There is not yet a qualified on-shift staff?
- Job task analysis for the on-shift staff are not completed?
- A simulator is not yet available to perform time-motion studies?

### NRC Response:

The NRC agrees with the proposed solution as stated:

Federal Register / Vol. 76, No. 226 / Wednesday, November 23, 2011, page 72579, Section IV, "Section-by-Section Analysis" states:

An applicant that defers compliance with this rule is expected to implement this rule under the same schedule as it would implement EP requirements in the absence of this rule. This means that this rule does not require any immediate implementation actions on the part of any applicant, but rather shall be implemented after receipt of a combined license, and under the licensee's schedule for completing EP-related requirements (e.g., through completion of EP related Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)). (End of Federal Register) Therefore, an applicant that chooses to defer compliance shall request to:

- Amend the combined license or early site permit no later than December 31, 2013.
- Revise its combined license or early site permit application no later than December 31, 2013 (if the applicant has not received a combined license or early site permit before December 31, 2013).

Proposed Solution: The amendment or revision to the combined license or early site permit shall commit to performing the On-Shift Staffing Analysis using NEI 10-05, Assessment of On-Shift ERO Staffing and Capabilities, Revision 0; shall specify when the NEI 10-05 analysis will be performed during implementation of other EP-related requirements; and will be tracked by a license condition (same process used for implementation of Emergency Action Levels using NEI 07-01).

**NUCLEAR REGULATORY COMMISSION**

**[NRC-2012-0248]**

**Draft Emergency Preparedness Frequently Asked Questions**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability and opportunity for public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is making available for comment Emergency Preparedness (EP) frequently asked questions (EPFAQs) No. 2012-002, No. 2012-004, No. 2012-005, and No. 2012-006. These EPFAQs will be used to provide clarification of guidance documents related to the development and maintenance of EP program elements. The NRC is publishing these preliminary results to inform the public and solicit comments.

**DATES:** Submit comments by **[INSERT 30 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]**. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

**ADDRESSES:** You may access information and comment submissions related to this document by searching on <http://www.regulations.gov> under Docket ID **NRC-2012-0248**.

You may submit comments by the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2012-0248**. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).



- **Mail comments to:** Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- **Fax comments to:** RADB at 301-492-3446.

For additional direction on accessing information and submitting comments, see “Accessing Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Roxanne Wray, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5485 or by e-mail at: *Roxanne.Wray@nrc.gov*.

## **SUPPLEMENTARY INFORMATION:**

### **I. Accessing Information and Submitting Comments**

#### *A. Accessing Information*

Please refer to Docket ID **NRC-2012-0248** when contacting the NRC about the availability of information regarding this document. You may access information related to this document by the following methods:

- **Federal Rulemaking Web Site:** Go to *http://www.regulations.gov* and search for Docket ID **NRC-2012-0248**.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS,

please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The draft EPFAQs are available electronically under ADAMS Accession No. ML12278A282, and are available on the NRC's Web site at <http://www.nrc.gov/about-nrc/emerg-preparedness/faq/faq-contactus.html>.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

#### *B. Submitting Comments*

Please include Docket ID **NRC-2012-0248** in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

## **II. Background**

The NRC is requesting comment on this draft EPFAQ. This process is intended to describe the manner in which the NRC may provide interested outside parties an opportunity to share their individual views with NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of EP guidance issued or endorsed by the NRC, before the NRC issues an official response to such questions.

Dated at Rockville, Maryland on October 15, 2012.

For the Nuclear Regulatory Commission.

**/RA/**

Mark Thaggard, Deputy Director  
for Emergency Preparedness,  
Division of Preparedness and Response,  
Office of Nuclear Security and Incident Response.



making the comment submissions available to the public or entering the comment submissions into ADAMS.

## **II. Background**

The NRC is requesting comment on this draft EPFAQ. The NRC has developed this program for the staff to provide clarification of guidance [ADAMS Accession Number for the EALFAQ process is ML112650253]. This process is intended to describe the manner in which the NRC may provide interested outside parties an opportunity to share their individual views with NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of EP guidance issued or endorsed by the NRC, before the NRC issues an official response to such questions.

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Division of Preparedness and Response,  
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J. Anderson, NSIR

**ADAMS Pkg Accession Number: ML12278A202**

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October 15, 2012

MEMORANDUM TO: Cindy Bladey, Chief  
Rules, Announcements, and Directives Branch  
Division of Administrative Services  
Office of Administration

FROM: Joseph D. Anderson, Chief **/RA for/**  
Operating Reactor Licensing and Outreach Branch  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

SUBJECT: NOTICE OF OPPORTUNITY TO PROVIDE WRITTEN  
COMMENTS – EMERGENCY PREPAREDNESS FREQUENTLY  
ASKED QUESTIONS (EPFAQ)

Enclosed please find one original *Federal Register* Notice for transmittal to the Office of the Federal Register for publication.

The Office of Administration, Division of Administrative Services, Rules, Announcements, and Directives Branch, has been given owner's rights to the Notice in the (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12278A412). The Nuclear Regulatory Commission's (NRC's) publicly available documents referenced in the Notice have been finalized in ADAMS and profiled for public release. ADAMS accession numbers for all such documents are provided in the text of the Notice.

Copies of this Notice and the document being made available for public comment have been forwarded to the Office of Information Services staff at [WEBWORK.Resource@nrc.gov](mailto:WEBWORK.Resource@nrc.gov) for posting to the NRC public Web site.

Enclosure:  
Federal Register notice

CONTACT: Roxanne Wray, NSIR/DPR  
(301) 415-5485

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Federal Register notice

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