

## Kahler, Carolyn

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**From:** EPFAQ Resource  
**Sent:** Thursday, April 18, 2013 9:46 AM  
**To:** 'MTH@nei.org'  
**Cc:** Anderson, Joseph; Kahler, Robert  
**Subject:** RE: Response from "Submit a Question about Emergency Preparedness" (EPFAQ No. 2013-003)

Dear Mr. Hug:

Thank you for your recent submission of EPFAQ No. 2013-003, which lists several questions regarding the revised emergency preparedness regulation associated with coordination with offsite agencies in NSIR/DPR-ISG-01, Interim Staff Guidance, Emergency Planning for Nuclear Power Plants.

At this time, your comment has been accepted for review by appropriate U.S. NRC staff. You will be notified via email when EPFAQ No. 2013-003 has been added to [www.regulations.gov](http://www.regulations.gov) for a 30-day public comment period. At that time, the ADAMS accession number and Federal Register Notice docket number will be provided for your reference.

To track the status of your submitted question, please visit the website <http://www.nrc.gov/about-nrc/emerg-preparedness/faq/faq-contactus.html#status>. If you have any questions regarding submitting an EP FAQ, please feel free to contact me at [carolyn.kahler@nrc.gov](mailto:carolyn.kahler@nrc.gov) or 301-415-0705.

Sincerely,

### **Carolyn J. Kahler**

Communications and Outreach  
Office of Nuclear Security and Incident Response  
US Nuclear Regulatory Commission  
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-----Original Message-----

**From:** [MTH@nei.org](mailto:MTH@nei.org) [<mailto:MTH@nei.org>]  
**Sent:** Thursday, April 11, 2013 11:09 AM  
**To:** EPFAQ Resource  
**Subject:** Response from "Submit a Question about Emergency Preparedness"

Below is the result of your feedback form. It was submitted by

([MTH@nei.org](mailto:MTH@nei.org)) on Thursday, April 11, 2013 at 11:09:09  
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relevant-guidance: NSIR/DPR-ISG-01, Interim Staff Guidance, Emergency Planning for Nuclear Power Plants

revision-number: Revision 0

applicable-sections: Section IV.E, Licensee Coordination with Offsite Response Organizations

comments: Five questions are posed related to the revised emergency preparedness regulation associated with coordination with offsite agencies:

Question 1:

Interim Staff Guidance, Emergency Planning for Nuclear Power Plants, requires the licensee to review onsite emergency plans to determine the type and extent of Offsite Response Organization (ORO) resources needed to support onsite response activities. Does the identification of ORO resources include references to specific equipment by type and number?

Question 2:

The regulation states in part "By June 23, 2014, identification of, and a description of the assistance expected from, appropriate State, local, and Federal agencies with responsibilities for coping with emergencies, including hostile action at the site..." Approval of ORO emergency plan revisions, Memorandum of Understanding (MOU) or Letter of Agreement (LOA) may take State and local agencies time to review and approve. Is the regulatory requirement met once the identification of, and a description of the assistance expected from, State, local, and Federal agencies is completed and the request for either a plan change, revised MOU or LOA is formally transmitted to the State, local or Federal agency by letter for approval?

Question 3:

To define the extent of resources in the event of a hostile action, OROs may elect to cite mutual aid agreements with neighboring jurisdictions to identify and plan for additional resources. Is identification of a mutual aid agreement an adequate means to define the extent of ORO resources required to satisfy increased demands for a hostile action based event?

Question 4:

NRC Inspection Manual 71114.05, Section 03.08 requires the inspector to review LOAs/MOUs. It states in Section 03.08.b the type and extent of ORO resources needed to support onsite response activities during an emergency, including hostile action have been identified and documented. Commitments for ORO resources related to hostile action based events could also be identified in offsite emergency plans. Is this an acceptable means?

Question 5:

The original ORO Coordination draft rule initially required licensees to "ensure that offsite response organization resources (e.g., local law enforcement, firefighting, medical assistance) are available to respond to an emergency including a hostile action event at a nuclear power plant site". Following industry comments, the Rule language was revised in part to "identification of, and a description of the assistance expected from, appropriate State, local and Federal agencies..." The Statements of Consideration concluded "The NRC agrees with the comments that determining the adequacy of ORO emergency plans is under the jurisdiction of FEMA and other State and local organizations"

However NSIR/DPR-ISG-01 appears to direct licensees to exhort authority over the OROs. Specifically, the ISG (page 20) requires licensees to "Arrange for additional ORO resources as needed to address any remaining shortfalls."

Consistent with the Statement of Consideration, licensee's responsibility is to identify ORO support for emergency response as well as demonstrate that various ORO capabilities exist through biennial evaluated exercises. The action to "arrange for additional ORO resources as needed to address any remaining shortfalls" should not be a licensee responsibility evaluated by the NRC under the ISG.

Should "arrange for additional ORO resources as needed to address any remaining shortfalls" be interpreted to mean that licensees are expected to identify and describe the assistance expected from offsite agencies with responsibilities for coping with emergencies, including hostile action at the site?

proposed-solution: Proposed Solution Question 1:

Resources are limited to human resources. The following examples support this conclusion. The ISG on page 19, paragraph two provides a list of human resources: "officers designated to staff evacuation traffic control points may instead be responding to hostile action at the plant or firefighters designated to perform route alerting may instead be responding to major

fires at the plant resulting from hostile action”; Paragraph 4 on page 19 states “ensure adequate resources are available to respond to the site”; Paragraph 6 on page 19 states “increased demands on LLEAs”. Federal Register Vol. 76, No 226, page 72582 second column, 2nd paragraph states “offsite response organization resources (e.g., local law enforcement, firefighting, medical assistance) are available.”

Proposed Solution Question 2:

Compliance with the rule is achieved when the licensee updates existing arrangements as needed to clarify the type of assistance to be provided and the update is submitted by letter for review and approval by the State, local and Federal agencies. Licensees have no authority over OROs to approve the MOU/LOA by a specific date once resources are identified and provided to the State, local and Federal agencies.

Proposed Solution Question 3:

Identification of interstate or intrastate mutual aid agreement by a State or local agency is an adequate means to define the extent of ORO resources required to satisfy increased demands for a hostile action based event. Licensees are not responsible for ensuring or compelling specific actions by State, local agencies. The method of providing the resources identified by the licensee is left to the State, local or Federal agencies. ISG page 19, paragraph 6 sanctions the use of mutual assistance agreements by stating, “Licensees should consider expanding the use of mutual assistance agreements with neighboring authorities to identify and plan for additional LLEA resources, the reassignment of ORO functions to other than LLEAs, and other site-specific solutions to this issue.

Proposed Solution Question 4:

Offsite plan commitments for State or local resources related to hostile action based events could be identified in offsite plans. If specific resources are identified in Offsite Emergency Plans, it is not necessary to repeat these commitments in a MOU/LOA with the ORO.

Proposed Solution Question 5:

Licensees are expected to coordinate with State and local agencies to describe typical intrastate and interstate mutual aid assistance that may be expected from supporting offsite response organizations to respond to an emergency event (including a hostile action) event at a nuclear power plant site.

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