

August 27, 2013

MEMORANDUM TO: Scott Morris, Deputy Director
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

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

SUBJECT: SUMMARY OF AUGUST 20, 2013, CATEGORY 2 PUBLIC MEETING
WITH THE NUCLEAR ENERGY INSTITUTE, AND INDUSTRY TO
DISCUSS PUBLIC COMMENTS RELATED TO EMERGENCY
PREPAREDNESS (EP) FREQUENTLY ASKED QUESTION (FAQ)
NO. 2012-007, 2013-001, 2013-002, 2013-003, AND 2013-005

On August 20, 2013, a public meeting was held by the U.S. Nuclear Regulatory Commission (NRC) staff with representatives from the Nuclear Energy Institute (NEI) and industry at the NRC White Flint North Offices, 11601 Landsdown Street, North Bethesda, MD 20852. The purpose of the meeting was to allow for discussion of industry comments, submitted by NEI letter dated July 1, 2013, (Agency-wide Document Access and Management System (ADAMS) Accession No. ML13190A010) in response to proposed NRC resolutions to EPFAQ Nos. 2012-007, 2013-001, 2013-002, 2013-003, and 2013-005 (ADAMS Accession No. ML13141A641), which were published for 30-day public comment (*Federal Register Vol.78, 22862, dated June 5, 2013; Docket ID NRC-2013-0113*).¹

During this meeting, NEI/industry representatives were provided the opportunity to restate and explain their suggested changes to proposed NRC Resolutions to EPFAQ Nos. 2012-007, 2013-001, 2013-002, 2013-003, and 2013-005. Based on input provided by NEI/industry, the NRC will consider further changes to proposed NRC Resolutions before publishing as final.

CONTACT: Robert Kahler, NSIR/DPR
301-287-3756

¹ The Office of Nuclear Security and Incident Response (NSIR) Office Instruction EP-100, "Emergency Preparedness Program Frequently Asked Question (EPFAQ) Process provides details on the purpose, scope and process for the receipt, initial evaluation, opportunity for public comment, and final resolution of EPFAQs submitted by external stakeholders.

Significant aspects of these discussions included the following:

EPFAQ 2013-003

EPFAQ 2013-003 posed five (5) questions related to the revised EP regulation associated with licensee coordination with offsite response organizations (OROs). NEI/industry comments were on proposed NRC responses to 3 of the 5 questions initially posed in EPFAQ 2013-003.

On Question 1, NEI/industry was looking for additional clarity in the level of detail required in licensee emergency plans in regards to ORO resource commitments and the need to identify a timeframe within which ORO assistance can be expected to support on-site response activities. The difference between planning for ORO resources responding to the nuclear power plant (NPP) site versus the actual prioritization of ORO resources in response to an event was discussed. Clarification was provided by NRC staff that “resources” extended beyond just personnel and that the NRC’s intent under the recent EP Rule was that these ORO resources were applicable to more than just hostile action-based (HAB) events.

On Question 2, NEI/industry was looking for clarification in regards to documentation required to serve as basis for discussion of ORO resource availability in the licensee’s emergency plan. NRC staff clarified that a memorandum of understanding (MOU) or letter of agreement (LOA) between the licensee and appropriate ORO authority serves as only one possible means. However, it was stressed that the licensee is responsible for documenting basis for ORO resources identified in their emergency plan to response to the NPP site to show compliance with NRC regulations. The State governor’s authority to override existing MOUs/LOAs in an emergency and the intended function of incident command to effectively prioritize resources was also discussed.

On Question 5, NEI/industry asked for clarification on proposed NRC resolution language “Licensees are encouraged to coordinate with State and local agencies to identify shortfalls in ORO resources...” NRC staff clarified that intent was only in regards to ORO resources that had been identified in licensee’s emergency plan, to support onsite response activities during an emergency at the NPP site, and not in regards to potential ORO resource issues related to State and local emergency response plans.

EPFAQ 2013-001

NEI/Industry asked for clarification in regards to the “the longest 90% ETE [*evacuation time estimate*] value” as it pertains to annual sensitivity analysis, and how it should be applied to 2-, 5-, and 10-mile distances for various scenarios identified in NUREG/CR-7002, “Criteria for Development of Evacuation Time Estimate Studies.” Also discussed, were NEI/industry’s proposed changes to define various terms, including “Short periods of time,” “one-time event,” and “short duration and/or minimal impact.”

EPFAQ 2013-005

NEI/Industry asked for clarification in regards to the use of an existing NRC-approved emergency operations facility (EOF) greater than 30 miles from the NPP site to meet requirement under EP Rule for an alternate facility to perform the offsite notification function. NRC staff clarified that only stipulation would be that licensee EOF was activated at the Alert classification.

EPFAQ-2013-002

NEI/industry provided feedback that they felt the proposed NRC resolution was too long and detailed (specifically examples provided), thereby creating confusion in interpretation. NEI/industry discussed alternate wording that was more concise but still consistent with proposed NRC resolution.

Outside of the specific EPFAQ, NRC staff provided clarification that under the new EP Rule, an ETE update should have been incorporated directly or by reference in the licensee's emergency plan by December 23, 2012 (in reference to "365 day" implementation clock). NRC staff also provided further clarification in regards to EP Rule language (Appendix E to 10 CFR Part 50) stating that licensees shall wait 180 days before using it to form protective action recommendations and providing it to State and local government authorities for use in developing offsite protective action strategies. It was noted that ETE update would likely be available to OROs once it was incorporated into the licensee's emergency plan; however, the licensee should wait 180 days following submittal to NRC engage OROs in its use in protective action strategies.

EPFAQ 2012-007

NEI/industry sought clarification regarding the use of an industry's Task Performance Evaluation (TPE) process, in lieu of Job Performance Measures (JPMs) or Out of the Box Evaluations (OBEs), as a more efficient means of demonstrating initiating conditions used for emergency classification. This interpretation was based on industry's perception of discussions with NRC staff at previous EP Rule Implementation Forums. However, NRC staff clarified that under the EP Rule Interim Staff Guidance (ISG), demonstration needs to be a performance enhancing opportunity (similar to that in performance indicator space) rather than a one-on-one opportunity provided by a TPE. Since proposed use of TPEs conflicts with existing ISG, proposed change is out-of-scope under EPFAQ process and would need to be reconsidered under possible future guidance changes.

No public comments, specific to EPFAQs under discussion, were provided.

Attachments:

Enclosure 1 – List of Attendees

Enclosure 2 – Email from M. Hug to D. Tailleart on August 21, 2013

EPFAQ-2013-002

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EPFAQ 2012-007

NEI/industry sought clarification regarding the use of an industry's Task Performance Evaluation (TPE) process, in lieu of Job Performance Measures (JPMs) or Out of the Box Evaluations (OBEs), as a more efficient means of demonstrating initiating conditions used for emergency classification. This interpretation was based on industry's perception of discussions with NRC staff at previous EP Rule Implementation Forums. However, NRC staff clarified that under the EP Rule Interim Staff Guidance (ISG), demonstration needs to be a performance enhancing opportunity (similar to that in performance indicator space) rather than a one-on-one opportunity provided by a TPE. Since proposed use of TPEs conflicts with existing ISG, proposed change is out-of-scope under EPFAQ process and would need to be reconsidered under possible future guidance changes.

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ADAMS Accession Number: ML12172A416

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DATE	08/26/2013	08/26/2013	08/27/2013

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August 20, 2013 Public Meeting to Discuss Industry Comments On Proposed NRC Resolutions
to EPFAQ Nos. 2012-007, 2013-001, 2013-002, 2013-003, and 2013-005

List of Attendees

Joseph Anderson (U.S. NRC)
Robert Kahler (U.S. NRC)
Don Tailleart (U.S. NRC)
Randy Sullivan (U.S. NRC)
Edward Robinson (U.S. NRC)
Kara McCullough (U.S. NRC)
Carolyn Kahler (U.S. NRC)
Martin Hug (NEI)
David Burgin (PSEG)
Doug Walker (Exelon)
Dennis Jones (TVA)*
Steve Sawtscheko (First Energy)*
Kevin Weinisch (KLD) *
Douglas Brunson (Duke Energy)*
David Crozier (PVNGS)*
Fred Guynn (Entergy)*
Monica Ray (NEI)*
Sue Perkins Grew (NEI)*
Mike Jacobs (Constellation)*
Josh Costello*
Lori Tkaczyk (Enercon Services)*
Jaime Turner (Delaware Emergency Management)*
Diego Suarez (Columbia Generating Station)*
John Hawkinson (Enercon)*
Robert Reible (Comanche Peak)*

* Via conference bridge

From: [Tailleart, Don](#)
To: [Kahler, Robert](#); [Anderson, Joseph](#); [Kahler, Carolyn](#)
Subject: FW: Follow-up on yesterday's meeting
Date: Thursday, August 22, 2013 9:58:53 AM

FYI.

From: HUG, Martin [mailto:mth@nei.org]
Sent: Wednesday, August 21, 2013 11:07 AM
To: Tailleart, Don
Cc: PERKINS-GREW, Susan; Douglas.Walker@exeloncorp.com; HUG, Martin
Subject: Follow-up on yesterday's meeting

Don:

Three items of discussion yesterday that prompt changes to mark-up's provided in NEI's July 1st letter:

- Page 3 of 10, NRC Paragraph 4 mark-up – Disregard mark-up.
- Page 6 of 10, suggested NEI examples (e.g., EMS, Fire and Rescue and Traffic Control). Eliminate NEI provided traffic control example. Based on the public meeting discussion, this is not an example of assistance specific to the licensee's site (FAQ 2013-003, NRC Response, Question 3, provides this clarity).
- Page 9 of 10, question 5 mark-up - agree that sentences three and four should be left in NRC response.

Marty

Martin Hug
Sr. Proj. Mgr. EP

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Enclosure 2



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