

April 28, 2014

MEMORANDUM TO: Robert Lewis, 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 PUBLIC MEETING BETWEEN THE U.S. NUCLEAR  
REGULATORY COMMISSION, THE NUCLEAR ENERGY  
INSTITUTE, AND INDUSTRY ON POWER REACTOR  
DECOMMISSIONING TRANSITION ISSUES

The purpose of this public meeting with members of the Nuclear Energy Institute's (NEI) Emergency Preparedness Decommissioning Transition Working Group was to discuss generic issues related to proposed changes to a licensee's emergency plan prior to Commission approval of a formal exemption request to the requirements of 10 CFR 50.47 and Appendix E to Part 50. The meeting did not discuss any specific licensing activities currently under review or licensee-specific enforcement actions. A copy of NEI's presentation slides is publicly available on the U.S. Nuclear Regulatory Commission's (NRC) Agency-wide Document Access and Management System (ADAMS) Accession Number ML14092A412.

This public meeting was held as result of a previous public meeting held on March 6, 2014, with NEI and industry representatives, at which the staff discussed it's basis for the development of the draft Interim Staff Guidance (ISG) document, NSIR/DPR-ISG-02, which would be used in the staff's review of subsequent emergency preparedness (EP) decommissioning exemption requests from decommissioning reactor facilities.

NEI provided the following overview of industry's perspective on issues related to the EP related process, which served as the basis for discussions with staff:

- Needless expenditure of decommissioning trust funds on maintenance of existing requirements deemed technically suitable for removal from or modification in the emergency plan;
- Inconsistent and untimely processes for NRC/licensees to process changes that comport with the defueled state of the facility; and
- Need for documented responses to inquiries that ensure consistency and provide assurance.

CONTACT: Richard Z. Kinard, NSIR/DPR  
(301) 287-3768

NEI highlighted that the 10 CFR 50.54(q) emergency plan change process does not allow for an efficient and logical reduction of emergency preparedness capabilities in situations where §50.82 certifications have been docketed, indicating that a licensee has certified permanent cessation of operations and removal of fuel from the reactor vessel. Rather, §50.54(q) requires the use of the formal license amendment process to make changes that would reduce the effectiveness of the emergency plan. NEI recommended that analysis of emergency plan changes to determine whether prior NRC approval is required should recognize the fundamental change in licensing basis that occurs under §50.82. Such an approach would allow licensees to base their §50.54(q) analyses on the actual current licensing basis of the plant, rather than some previous version of the licensing basis, and promote efficient use of NRC and licensee resources without compromising safety. NEI also emphasized that Regulatory Guide (RG) 1.219, "Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors," which provides §50.54(q) implementation guidance, currently is written for an operating commercial power reactor and needs to be revised to address decommissioning power reactors.

NRC staff indicated that rulemaking, or specific Commission direction, would likely be required to provide relief to the requirements of 10 CFR 50.54(q) to allow a licensee to base these analyses on the actual current licensing basis of the plant, rather than some previous version of the licensing basis. The staff is evaluating the resources needed to initiate a revision to RG 1.219 to address decommissioning power reactors; however, no specific commitment or timeline for initiating a revision was provided at the meeting. Prior to any rulemaking, the staff encouraged the NEI EP Decommissioning Transition Working Group to discuss with the staff in subsequent public meetings, the development of a roadmap and supporting plan change template(s) for possible NRC endorsement, which could be used as a basis for licensee-specific changes to their emergency plans under the license amendment request (LAR) process, prior to an exemption being granted to reduce EP regulatory requirements.

NEI also discussed perceived conflicts with the §50.54(q) change process and Fire Protection Program regulation. Specifically, 10 CFR 50.48(f) allows changes to a fire protection plan for licensees that have submitted the certification required under 10 CFR 50.82(a)(1). While 10 CFR 50.48(f)(3) states, "The licensee may make changes to the fire protection program without NRC approval if these changes do not reduce the effectiveness of fire protection for facilities, systems, and equipment that could result in a radiological hazard, taking into account the decommissioning plant conditions and activities," this may be considered a reduction in effectiveness to the emergency plan. The staff encouraged NEI to submit an EP Frequently Asked Question (EPFAQ), for further staff consideration to provide clarity on process for using an on-shift staffing analysis to demonstrate that the changes in fire brigade staffing would not preclude the timely implementation of on-shift EP functions.

In addition, the use of the EPFAQ process was discussed as a possible means of providing clarity on various emergency action levels (EAL) issues, including the removal of plant equipment from service no longer needed for a permanently defueled plant. The use of various human-factoring aids by the licensee to assist operators in promptly identifying mode applicable EALS was also discussed.

NEI emphasized that further clarification is needed on: (1) what process should be used to abandon equipment after a plant submits its letter of cessation per 10 CFR 50.82, but before approval of the Permanently Defuel Emergency Plan (PDEP); and (2) further applicability of EP enhancements for hostile action events (i.e., near-site facility).

NEI sought clarification on the regulatory requirement to maintain the Emergency Response Data System (ERDS) following the licensee certifying permanent cessation of operations and removal of fuel from the reactor vessel. The staff intends to clarify, in the proposed Interim Staff Guidance document (NSIR/DPR-ISG-02), the requirement in Appendix E to 10 CFR Part 50, which would appear to exempt a nuclear power facility from maintaining ERDS once shutdown permanently or indefinitely. The staff also mentioned on-going discussions with Federal Emergency Management Agency, under the EP Steering Committee, to discuss and collaborate on decommissioning activities impacting offsite response organizations.

NEI stated industry's position that mitigative actions should not be considered as a basis for approval of an exemption to the requirements of 10 CFR 50.47(b) or Appendix E to part 50, and that ample time would exist to respond to a partial spent fuel pool drain down using existing processes and equipment to preclude consideration of a zirconium fire analysis. Also, industry's position is that any license conditions addressing mitigative actions should be maintained separate from the emergency plan.

In conclusion, NEI emphasized issues that should be addressed to enable decommissioning funds to be used for their intended purpose. These issues included: (1) an efficient process is necessary for NRC / licensees to initiate changes that have no safety significance; (2) emergency plan regulations and associated guidance must be revised to adequately address decommissioned facilities; and, (3) a formal documentation process is necessary to ensure consistent issue resolution going forward.

The staff and NEI EP Decommissioning Transition Working Group members agreed that a future public meeting was necessary to further discuss the issues and potential resolutions. The NEI EP Decommissioning Transition Working Group will continue to work as a subset of the overarching NEI Decommissioning Transition Task Force.

Enclosure:  
Meeting Attendees

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Enclosure:  
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NAME	RKAHLER /RA/	JANDERSON /RA/	SMORRIS /RA/
DATE	04/16/14	04/16/14	04/17/14

**OFFICIAL RECORD COPY**

Meeting Attendees

**PUBLIC MEETING TO DISCUSS EMERGENCY PLAN-RELATED  
DECOMMISSIONING TRANSITION ISSUES**

Thursday, April 3, 2014 (8:00 a.m. – Noon)

<u>Name</u>	<u>Affiliation (if any)</u>
Joseph D. Anderson	U.S. NRC (NSIR/DPR)
Robert Kahler	U.S. NRC (NSIR/DPR)
Michael Norris	U.S. NRC (NSIR/DPR)
Don Johnson	U.S. NRC (NSIR/DPR)
Michael Wasem	U.S. NRC (NSIR/DPR)
Raymond Hoffman	U.S. NRC (NSIR/DPR)
Howard Benowitz	U.S. NRC (OGC)
Bruce Watson	U.S. NRC (FSME)
Eric Schrader	U.S. NRC (NSIR/DPR)
Robert G. Krsek	U.S. NRC (OCM)
Louise Lund	U.S. NRC (NRR/DORL)
Doug Broaddus	U.S. NRC (NRR/DORL)
Michael Wilt	Federal Emergency Management Agency
Susan Perkins-Grew	Nuclear Energy Institute
Martin Hug	Nuclear Energy Institute
Jana Bergman	Sciencetech/Curtiss-Wright
John Egdorf	Dominion (Kewaunee)
Clarence Gum	Dominion
Mike McKenny	Entergy (Vermont Yankee)
Coley Chappell	Entergy (Vermont Yankee)
Carl Bergstrom	Duke Energy (Crystal River 3)
Sarah McDaniel*	Duke Energy (Crystal River 3)
Daniel Daigle	Enercon
Steve Garner	REI Nuclear
Kelli A. Gallion	SCE (San Onofre)
Einar Ronningham*	SMUD
Doug Walker*	Exelon
Shahram Ghasemian*	Legislative Fellow, Sen. Carper's Office

\* Pre-registered to call into meeting

Enclosure