

June 10, 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 MAY 22, 2014, PUBLIC MEETING BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION, THE NUCLEAR ENERGY INSTITUTE, AND INDUSTRY TO DISCUSS GENERIC EMERGENCY PLAN-RELATED DECOMMISSIONING TRANSITION ISSUES

The purpose of this public meeting with members of the Nuclear Energy Institute's (NEI) Emergency Preparedness (EP) Decommissioning Transition Working Group was to discuss issues related to proposed changes to a licensee's emergency plan prior to Commission approval of a formal exemption request to the requirements of Title 10, Part 50 of the *Code of Federal Regulations* (10 CFR), Section 50.47(b) and Appendix E to Part 50. The meeting did not discuss any specific licensing activities currently under review by the staff, nor proposed resolution of public comments received on draft NRC Interim Staff Guidance document, "Emergency Planning Exemption Requests for Decommissioning Nuclear Power Plants." 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 ML14139A190. This public meeting was held as a continuation of the discussion from a previous public meeting held on April 3, 2014, with NEI and industry representatives.

NEI discussed a proposed EP Decommissioning Framework template highlighting a timeline of key actions for a postulated power reactor that had permanently ceased operation following advance notice to the NRC of its intent. This framework would best represent a scenario similar to the proposed decommissioning of the Vermont Yankee Nuclear Power Station, where a licensee would be seeking changes to its emergency plan under the license amendment request (LAR) process, based on a re-evaluation of applicable design basis accidents for a permanently shut down reactor where spent fuel has been transferred from the reactor vessel. These proposed changes would be submitted for NRC prior approval under the existing requirements of 10 CFR 50.47(b) and Appendix E to Part 50, and would not seek changes to emergency plan requirements being sought under the license exemption request (LER) process.

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NEI is looking at submitting this template for NRC endorsement at the end of calendar year 2014, preceded by a series of proposed public meetings with NRC staff, starting in September 2014.

The staff stated that prior to an exemption to existing offsite EP requirements being approved by the Commission, any proposed changes to the licensee's emergency plan that may potentially impact offsite response organizations would be provided to the Federal Emergency Management Agency (FEMA), per the existing inter-agency memorandum of understanding (Appendix A to 44 CFR 353), for evaluation against existing State and local emergency plans. To assist in the NRC's review, the staff emphasized the need for a licensee to perform an evaluation of the potential impact on State and local emergency plans and provide documentation of discussions with, and concurrence from, the affected State or local counties.

The need for the NRC staff to provide further clarity regarding the use of the 10 CFR 50.54(q)(3) process to align the licensee's emergency plan to changing plant conditions was again emphasized by NEI working group members. The NRC staff indicated that they understood the industry's issue, but again emphasized the use of the 10 CFR 50.54(q)(3) process for power reactors that have permanently ceased operation.

As part of the proposed EP Decommissioning Framework, NEI Working Group members also discussed the various proposed issues for clarification under the NRC's Emergency Preparedness Frequently Asked Question (EPFAQ) process, which can be accessed via the NRC's public website: <http://www.nrc.gov/about-nrc/emerg-preparedness/faq/faq-contactus.html>. The NRC staff emphasized that the EPFAQ process is not intended to clarify or interpret regulations, but to provide an effective and transparent process for the staff to review and resolve proposed questions related to existing EP Program guidance documents. As such, several of the EPFAQs discussed, and summarized below, may not be acceptable as proposed.

- Requirement for Emergency Response Data System (ERDS) following permanent cessation of operation and removal of fuel from reactor vessel;
- Abandonment of EP-related equipment;
- Elimination of emergency action levels (EALs) that are no longer applicable to a decommissioning power reactor;
- Removal of statements/processes/steps/actions in emergency plan implementing procedures (EPIPs) that do not implement programmatic elements of the emergency plan; and
- Applicability of Initiating Condition PD-HA1 in the decommissioning EAL scheme, specifically in relation to the definition of a "hostile action."

The NRC staff specifically indicated that the proposed EPFAQ seeking clarity on the requirement for the ERDS following permanent cessation of operation and removal of fuel from the reactor vessel was being addressed via an internal NRC correspondence to the Regions. This correspondence will be made publicly available in the NRC's ADAMS.

The NRC staff also indicated that the clarification on the abandonment of EP-related equipment is outside of the EPFAQ process, since it does not relate directly to NRC issued or endorsed EP guidance. However, the staff proposed to take the issue to the NRC Decommissioning Transition Working Group for discussion and possible options for providing clarification to licensees.

NEI identified the intent to potentially expand their roadmap to cover EP requirements for independent spent fuel storage installation (ISFSI) only facilities. The NRC staff indicated that guidance is currently available for the review of EP requirements for ISFSI only facilities and that this guidance could be discussed in future public meetings with NRC staff.

In closing, a question was asked during the public comment period as to the resolution of the proposed EPFAQs discussed. The staff indicated that these would be evaluated for acceptability when received and that the status of the EPFAQs could be viewed via the NRC website link provided above.

Enclosure:
Meeting Attendees

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Enclosure:
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NAME	RKinard	MNorris	JAnderson
DATE	06/10/2014	06/10/2014	06/10/2014

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Meeting Attendees

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

Thursday, May 22, 2014 (8:00 a.m. – 11:00 a.m.)

<u>Name</u>	<u>Affiliation (if any)</u>
Joseph D. Anderson	U.S. NRC (NSIR/DPR)
Steve LaVie	U.S. NRC (NSIR/DPR)
Michael Norris	U.S. NRC (NSIR/DPR)
Don Johnson	U.S. NRC (NSIR/DPR)
Richard Kinard	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)
Pamela Baker	U.S. NRC (NSIR/DPR)
Doug Broaddus	U.S. NRC (NRR/DORL)
Al Coons*	Federal Emergency Management Agency
Michael Wilt	Federal Emergency Management Agency
Jerry Bonanno	Nuclear Energy Institute
Martin Hug	Nuclear Energy Institute
John Egdorf	Dominion (Kewaunee)
Clarence Gum	Dominion
Mike McKenny	Entergy (Vermont Yankee)
Phil Couture*	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
Bill Zipp	Dominion (Kewaunee)
Vince Cwietniewicz	Exelon
Doug Walker*	Exelon
Bill Jordan*	State of Vermont
John Osborne*	Nuclear Ship Savannah
James Toye	State of New Hampshire

* Conference bridge

Enclosure