

July 25, 2016

Vanessa Quinn, Chief
Radiological Emergency Preparedness Branch
Technological Hazards Division
Federal Emergency Management Agency
1800 South Bell Street
Arlington, VA 20598-3025

SUBJECT: JAMES A. FITZPATRICK PRE-EXEMPTION EMERGENCY PLAN – REQUEST FROM ENTERGY NUCLEAR OPERATIONS, INC. FOR APPROVAL TO ELIMINATE CERTAIN EMERGENCY RESPONSE ORGANIZATION POSITIONS

Dear Ms. Quinn:

By letter dated February 4, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16043A424 – package), Entergy Nuclear Operations, Inc. (ENO) submitted a license amendment request (LAR) to the James A. FitzPatrick Nuclear Power Plant (JAF) Emergency Plan, to be implemented upon written certification to the U.S. Nuclear Regulatory Commission (NRC) under §50.82(a)(1) to Title 10 of the *Code of Federal Regulations* (10 CFR) of the permanent cessation of reactor operation and transfer of spent fuel from of the reactor vessel. The proposed changes to the JAF Emergency Plan would eliminate specific on-shift and augmented emergency response organization (ERO) staffing based on the permanently shut down and defueled condition of the facility, which is commensurate with the reduced spectrum of credible accidents from that of an operating power reactor or a power reactor with fuel remaining in the reactor vessel. These proposed changes are not associated with any requests for exemption to NRC regulations and must continue to meet the standards of 10 CFR 50.47, “Emergency plans,” and the requirements of Appendix E to 10 CFR Part 50, “Emergency Planning and Preparedness for Production and Utilization Facilities.”

ENO's proposed changes reviewed by NRC staff as having the potential to impact established communications and coordination for offsite response organizations (OROs), involve those related to licensee's staffing of the emergency operations facility (EOF) and joint information center (JIC), as described in the Sections 3.2.1.3 and 3.2.1.4 respectively, of Attachment 1 (Description and Evaluation of Proposed Changes) to ENO's February 4, 2016 letter.

Under Section 3.2.1.3, “Emergency Operations Facility,” the proposed licensee staffing changes in the EOF would eliminate the EOF Manager position. While the JAF Emergency Plan itself does not identify a responsibility under the EOF Manager for interfacing with OROs, the licensee's emergency plan implementing procedure (EPIP) currently assigns responsibility for briefing offsite representatives at the EOF in the event the Lead Offsite Liaison position is not available upon the offsite representatives' arrival at the facility. The Lead Offsite Liaison

position is being retained following permanent cessation of operations as a 60-minute responder and will continue to be responsible to provide and interpret plant information to the New York State representative in the EOF. In addition, the proposed staffing changes do not impact: (1) the Offsite Communicator position in the EOF, who is responsible to coordinate and ensure proper notification of OROs, or the licensee representative to the State and County Emergency Operations Centers (EOCs); nor (2) coordination with the State and local agencies, as currently described in Sections 5.3 and 5.5.1 of the proposed JAF Emergency Plan (Attachment 3 to ENO's February 4, 2016 letter). As such, the NRC staff's review indicates at this time that the elimination of the EOF Manager should not impact identified communication/coordination interfaces with designated ORO points of contact.

Section 7.1.6 of the proposed JAF Emergency Plan (Attachment 3 to ENO's February 4, 2016 letter) does not provide a listing of required or minimum staffing positions for the JIC, which are provided under the JAF EPIPs. Section 3.2.1.4, "Joint Information Center," to Attachment 1 of ENO's February 4, 2016 letter, states (in part):

The proposed staffing changes eliminate the following ERO positions in the JIC described in JAF EPIPs as minimum staff positions:

- JIC Logistics Coordinator
- Information Coordinator
- JIC Log Keeper
- JIC Technical Assistant
- Press Release Writer
- Inquiry Response Coordinator

...Of the JIC positions listed above, the only position that interfaces with offsite response organizations is the JIC Logistics Coordinator. The JIC Logistics Coordinator is responsible to the JIC Manager for directing all activities and functions at the JIC not directly involving information flow from the plant to the news media. This responsibility includes supervising administrative functions and requesting Oswego County personnel in the JIC to provide JIC security support. In the permanently shutdown and defueled condition, Security personnel will continue to be assigned to the JIC when requested and are responsible for ensuring completion of JIC security needs.

The licensee is proposing that the responsibilities for the JIC positions to be eliminated from the JAF EPIPs be assumed by remaining JIC positions. In support of the elimination of these JIC positions, the licensee provided an ERO task analysis (Attachment 5 of ENO's February 4, 2016 letter) to support its determination that the elimination of these positions will not adversely impact JIC operations as currently described.

At the NRC staff's request, the licensee evaluated the potential impact, if any, of the existing offsite radiological emergency preparedness (REP) plans. In Section 3.2.1.5 "Impact on Offsite Response Organizations," to Attachment 1 of ENO's February 4, 2016 letter, the licensee provided the following (in part):

Formal off-site radiological emergency preparedness (REP) plans, approved by the U.S. Federal Emergency Management Agency (FEMA) in accordance with 44 CFR 350, are required to be maintained in effect until such time as the NRC approves an exemption to formal offsite emergency preparedness requirements. Because the changes proposed by ENO, specifically in regards to ERO staffing of the EOF and JIC, have the potential to adversely impact the effective implementation of State and local REP plans, the proposed changes to the JAF Emergency Plan were evaluated for impacts on the ability of State and local response organizations to effectively implement their FEMA-approved REP Plans. This evaluation included a review of the New York State Radiological Emergency Preparedness Plan and the Oswego County Radiological Emergency Preparedness Plan.

The review of the State and local REPs did not identify any specific references to JAF ERO positions proposed for elimination. However, the proposed changes to the JAF Emergency Plan involve the elimination of two JAF ERO positions [*EOF Manager and JIC Logistics Coordinator*] that have tasks [*identified in the JAF EPIPS*] that involve interfacing with State and local representatives.

In an e-mail dated May 24, 2016, NRC transmitted a request for additional information (RAI) to ENO (ADAMS Accession No. ML16152A183) requesting that ENO provide documentation that affected State and local OROs had performed a review of the proposed changes to the JAF Emergency Plan and concur with ENO's assessment that potential impacts do not exist. The intent of this request was to ensure that the licensee had discussed the proposed changes to licensee ERO staffing and had an opportunity to review these proposed changes against their respective REP plans. The NRC did not mean to intend to require the licensee to obtain approval of proposed changes that did not have a potential impact on offsite REP plans. By letter dated July 6, 2016 (ADAMS Accession No. ML16188A388), ENO provided a response to RAI-1 outlining their discussions at meetings held with Oswego County on February 8, 2016, and with the State of New York on April 4, 2016, as well as information presented on May 11, 2016, at a meeting attended by various emergency management representatives from affected State and local response organizations. In an email to Entergy dated June 23, 2016 (Enclosure 2 to ENO's July 6, 2016 letter), the Director of Emergency Management for Oswego County indicated that they found no potential impacts to the Oswego Count REP Plan.

Due to confusion regarding Entergy's request in responding to RAI-1, NRC staff supported a conference call on July 11, 2016 with representative from various New York State agencies, along with representatives from FEMA Region II monitoring the call, to better explain purpose of

RAI and to help differentiate between the post-shutdown emergency plan LAR, currently under NRC staff review, and a proposed exemption to EP regulations that has not yet been submitted to the NRC.

In Section 3.2.1.4 to Attachment 1 of ENO's February 4, 2016 letter, the licensee stated that it will develop and conduct drills prior to implementation of these changes to confirm the ability of the post-shutdown ERO to perform the necessary functions of each emergency response facility. The NRC will request from the licensee that this action be tracked as a regulatory commitment. The exact date of the proposed licensee drill will be provided to FEMA, once the NRC is informed by Entergy, to allow FEMA staff the opportunity to observe appropriate aspects related to offsite communications and coordination with the licensee's ERO.

Per the Memorandum of Understanding Between the Department of Homeland Security / FEMA and NRC Regarding Radiological Response, Planning and Preparedness (ADAMS Accession No. ML15344A371), I am requesting FEMA's review of the proposed licensee staffing changes above against the current State of New York and Oswego County REP Plans to verify that no potential impacts exists based on plan wording, and to provide your assessment by no later than September 2, 2016. Please contact me if FEMA is unable to meet this due date.

As always, thank you for your assistance. If you have any questions regarding the specifics of the changes requested to the JAF Emergency Plan, or the NRC's evaluation of these proposed changes, please contact Richard Kinard at (301) 287-3768.

Sincerely,

/RA/

Joseph D. Anderson, Chief
Reactor Licensing Branch
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

cc: A. Coons, FEMA HQ

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Reactor Licensing Branch
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cc: A. Coons, FEMA HQ

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ADAMS Accession Number: ML16183A105

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