



FEMA

June 12, 2017

Stephanie Coffin
Acting Director, Division of Preparedness and Response
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Mail Stop T4D22A
Washington, D.C. 20555

**SUBJECT: PROPOSED COMMISSION PAPER LANGUAGE FOR FORT CALHOUN
STATION EMERGENCY PLAN DECOMMISSIONING EXEMPTION REQUEST**

Dear Ms. Coffin:

This is in response to your letter of May 31, 2017, notifying the Federal Emergency Management Agency (FEMA) of the transmittal of a copy of the draft SECY paper entitled "Request by the Omaha Public Power District [OPPD] for Exemptions from Certain Emergency Planning Requirements for the Fort Calhoun Station, Unit 1" for FEMA's review and comment.

FEMA Headquarters and Region VII consulted with the Nebraska Emergency Management Agency (NEMA) and Iowa Homeland Security and Emergency Management Division (IHSEMD) concerning this exemption request. Neither state anticipates any significant reduction in response capabilities at the state or local levels due to the Fort Calhoun Station decommissioning, nor do the states expect to lose any full time employees or other staffing capabilities. There may be some budget reallocation required to address some funding areas (namely salaries), but there is no anticipation of any loss or noticeable reduction of response capabilities.

FEMA Headquarters is providing the following statement for inclusion in the proposed commission papers:

As Nuclear Power Plants decommission and the nature of the risk changes, it may affect the capabilities that state and local governments need to maintain offsite to protect the health and safety of the public. Given the risk implications both onsite and offsite during decommissioning, it is imperative that FEMA and the NRC consult when acceptable risk is under discussion. FEMA acknowledges the NRC's role in analyzing incidents that could result in offsite dose impacts, but FEMA also recognizes the authority of state and local governments to determine risk and the associated capabilities needed to protect their communities. The exemption, if issued, will create a transitional environment for offsite emergency preparedness programs and associated planning for radiological hazards. FEMA will continue to support offsite organizations as they adjust their plans, capabilities, and resources to the

changing radiological hazard. The resources available to support FEMA stakeholders during the transition process include, but are not limited to, the National Preparedness System guidance materials, the Federal Radiological Preparedness Coordinating Committee, and assistance from FEMA Headquarters and Regional Staff.

With respect to offsite radiological emergency preparedness considerations, the NRC notes in the enclosure to the SECY paper that the Omaha Public Power District “will still be required to maintain an onsite emergency plan, which would provide for the notification of, and coordination with, offsite organizations, to an extent commensurate with the approved exemptions. Licensee requirements for offsite firefighting, emergency medical services and law enforcement responding onsite will continue to be maintained under the licensee’s fire protection plan and physical security plan in accordance with 10 CFR 50.48 and 10 CFR 73 respectively.” In the enclosure to the SECY paper the NRC staff’s evaluation for exempting protective action requirements contained in 10 CFR 50.47(b)(10) states that “Although formal offsite REP planning in accordance with 44 CFR 350 has typically been exempted for decommissioning sites, Offsite Response Organizations (ORO) will continue to be relied upon for firefighting, law enforcement, ambulance and medical services in support of the licensee’s (onsite) emergency plan.” More specifically, in the justification from exercise requirements contained in 10 CFR Part 50, Appendix E, Section IV.F.2.f, the licensee provides that “No action is expected from State or local government organizations in response to an event at a decommissioning site other than receiving notification of the emergency and firefighting, law enforcement, and ambulance/medical response services. Letters of Agreement will continue to be in place for those services.”

The NRC indicated that the offsite preparedness capabilities contracted, through letters of agreement, for firefighting, law enforcement, and ambulance/medical response services are part of the licensee’s onsite emergency preparedness. In recommending approval of the exemption request, the NRC states that it “would base its finding of reasonable assurance on its review of licensee onsite emergency preparedness and would not require a finding from FEMA on the adequacy of State and local CEMPs [comprehensive emergency management plans].” Therefore, upon receipt of the approved exemption to 10 CFR 50.54(q) requirements, FEMA recognizes that NRC assumes the responsibility to review and validate the offsite capabilities as part of the overall onsite emergency preparedness.

The Staff’s Evaluation of the Licensee Justification for proposed exemption to the requirements of 10 CFR 50.47(b) notes that “NRC requires a level of licensee EP commensurate with the potential consequences to public health and safety” and further establishes the basis of that commensurate level on OPPD’s radiological analyses based solely on design basis accidents. In the 1980 post-TMI conclusions of the Commission outlined in the Summary of its proposed rule, 10 CFR 50 (44 FR 75169), the Commission stated, “*The proposed rule is predicated on the Commission’s considered judgement in the aftermath of the accident of Three Mile Island that safe siting and design-engineered features alone do not optimize protection for the public health and safety. Before the accident it was thought that adequate siting in accordance with existing staff guidance coupled with the defense-in-depth approach to design would be the primary public protection. Emergency*

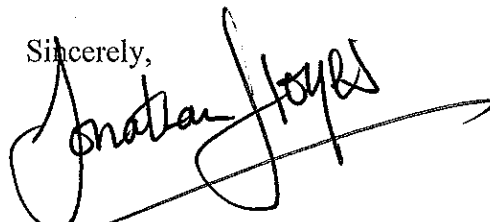
planning was conceived as a secondary but additional measure to be exercised in the unlikely event that an accident would happen. The Commission's perspective was severely altered by the unexpected sequence of events that occurred at Three Mile Island. The accident showed clearly that the protection provided by siting and engineered safety features must be bolstered by the ability to take protective measures during the course of an accident. The accident also showed clearly that on-site conditions and actions, even if they do not cause significant off-site radiological consequences, will affect the way the various State and local entities react to protect the public from dangers, real or imagined, associated with the accident. A conclusion the Commission draws from this is that in carrying out its statutory mandate to protect the public health and safety, the Commission must be in a position to know that off-site governmental plans have been reviewed and found adequate." Emphasis added.

While previous exemption requests may not have required FEMA to provide the NRC a reasonable assurance finding related to offsite radiological emergency preparedness considerations mentioned above, there is nothing in existing NRC regulations or the December 7, 2015, "Memorandum of Understanding Between the Department of Homeland Security / Federal Emergency Management Agency and Nuclear Regulatory Commission Regarding Radiological Response, Planning and Preparedness" (ADAMS Accession No. ML15344A371) that would preclude the NRC from requesting FEMA to provide the NRC with findings concerning appropriate offsite radiological emergency preparedness considerations. FEMA stands ready, consistent with the MOU, to work with NRC in this regard and to ensure that appropriate licensee funds are provided to FEMA to accomplish this effort.

As the rulemaking process for decommissioning evolves, FEMA welcomes further discussion on matters of acceptable risk as it pertains to offsite preparedness and a potential reduction in capabilities required to protect the health and safety of the public. As such, FEMA encourages NRC to fulfill its obligation to consult with FEMA throughout this process.

Should you have any questions, please contact Vanessa Quinn, REP Program Branch Chief, at 202-646-2849.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Hoyes", with a long horizontal flourish extending to the right.

Jonathan Hoyes
Director
Technological Hazards Division