



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 30, 2018

MEMORANDUM TO: Dennis C. Morey, Chief
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Office of Nuclear Reactor Regulation

FROM: Joseph J. Holonich, Senior Project Manager */RA/*
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SUBJECT: SUMMARY OF MAY 16, 2018, CONFERENCE CALL TO DISCUSS THE
USE OF STRATEGIC ALLIANCE FOR FLEX EMERGENCY RESPONSE
RESOURCES TO SUPPORT EXIGENT SITUATIONS

On May 16, 2018, U.S. Nuclear Regulatory Commission (NRC) staff held a Category 3 conference call with representatives from the Nuclear Energy Institute (NEI) and industry. The purpose of the call was to discuss the use of Strategic Alliance for FLEX¹ Emergency Response (SAFER) equipment to support exigent situations. All information related to the conference call and discussed in this summary can be found in the Agencywide Documents Access and Management System Accession No. ML18131A078.

The NRC staff opened the call by describing the extensive effort undertaken by the industry in addressing the post-Fukushima requirements. Continuing, the NRC staff stated that the National SAFER Response Centers (NSRCs) are a critical aspect of the industry's ability to manage and deploy equipment for disaster response consistent with the post-Fukushima requirements. The NRC staff also noted that the current initiative was a worthy cause and appreciated that the nuclear power industry was finding ways to potentially benefit others outside the industry through use of NSRC equipment. NEI echoed the NRC staff comments in its opening remarks.

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¹ FLEX is not an acronym, but refers to the industry's response to Order EA-12-049, which it has named "Diverse and Flexible Coping Strategies (FLEX).

To facilitate scheduling the May 16, 2018, conference call, NEI prepared proposed guidance to address exigent use of Phase 3 FLEX equipment and provided it to the NRC in a letter dated April 25, 2018. The proposed guidance was contained in a draft of NEI 12-06, Revision 5, "Diverse and Flexible Coping Strategies (FLEX) Implementation Guide." The NEI letter indicated that the document was being provided for review by the NRC staff, and would be revised to address NRC staff comments and then submitted for endorsement. Based on agreements reached in the May 16, 2018, conference call, another draft of NEI 12-06, Revision 5, will not be submitted and no further NRC review will be performed on the submitted document.

The NRC staff provided background on NEI 12-06 and a related white paper that was assessed in 2014 regarding how SAFER operates. In addition, NEI reported that the addendum was modified almost immediately before the meeting based on an NRC staff comment. The modified addendum discussed in the meeting is enclosed to this summary.

During the meeting, NEI, SAFER management, the chairman of the industry SAFER committee, and the NRC staff exchanged information and addressed questions and answers. As part of these discussions, it was noted that the equipment involved in the SAFER program has received interest from organizations outside the nuclear power industry. The SAFER chairman further specified that, although there was interest from other organizations, the NSRC equipment is designed for use by nuclear power plants, and due to standard design considerations, may have limited usefulness beyond its intended purpose.

Another topic discussed was how a governmental agency would request NSRC equipment. The SAFER chairman stated the SAFER management team and the SAFER industry committee will be working through those details.

Differing exigent situations involving deployment of the NSRC equipment were discussed in the draft addendum. The NRC staff stated that they would need to be assessed separately, which resulted in the decision to separate these situations into two addenda. It was agreed that the revised addenda would be provided on the SAFER docket (99901013) by May 25, 2018. This would support the NRC staff goal of completing an assessment of the addendum dealing with a situation which does not adversely impact a nuclear power facility by June 2018.

The final point, raised by industry was that neither the Pooled Equipment Inventory Company (which holds title to the NSRC equipment) nor SAFER management could make a unilateral decision on equipment deployment independent of industry concurrence. It was clarified that the function of the SAFER management team is to manage the equipment to meet an Order promulgated by NRC. The industry representative reiterated that the authority and protocol for deployment of SAFER equipment for non-nuclear events still needs to be clarified.

The single action from the meeting was for SAFER to provide a revised addendum by May 25, 2018.

Docket No. 99901013 and 99902028

SUBJECT: SUMMARY OF MAY 16 2018, CONFERENCE CALL TO DISCUSS THE USE OF STRATEGIC ALLIANCE FOR FLEX EMERGENCY RESPONSE RESOURCES TO SUPPORT EXIGENT SITUATIONS DATED MAY 30, 2018

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ADAMS Accession Nos.

Package ML18131A078

Summary ML18136A505

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DRAFT ADDENDUM TO NUCLEAR ENERGY INSTITUTE WHITE PAPER

Addendums

Following issuance of this White Paper, it may be necessary to provide clarity or supplemental information regarding the National SAFER Response Centers. Annotations will be added to the original White Paper, where appropriate, to identify such modifications. Substantive revisions which potentially or definitively alter the White Paper will be evaluated against the regulatory requirements at that time and submitted to the NRC for a Staff Assessment, if applicable.

2018 Addendum

The guidance in NEI 12-06, Section 12 provides the expectations for Synchronization with, and the Minimum Capabilities of, Off-Site Resources. These capabilities deal with equipment that is unavailable/non-operational based on maintenance or testing. Unavailability of Phase 3 equipment due to deployment during an actual declared emergency at one or more nuclear facilities is not addressed. In this instance, one NSRC will continue to be available for an additional deployment(s) should another emergency occur. Assuming that the event does not challenge the existing licensing bases of the remaining U.S. nuclear power reactors, PEI Co will perform its contractual responsibility, in coordination with the utility/operating company to which the equipment was deployed, to either restore the withdrawn Phase 3 equipment to operational status or replace the equipment within a maximum of 3 years of the associated deployment, at the expense of the affected utility/operating company. During this restoration/replacement period, the expectation of a fully-redundant NSRC is set aside. Similarly, the expectations for maintaining maintenance records on the deployed equipment during the restoration/replacement period would be set aside.

It is also possible that an emergency declaration following a non-nuclear event could result in a request for use of SAFER equipment by a Federal or State agency. In this unlikely case, Phase 3 equipment may be made available consistent with the following stipulations:

- The request for equipment use must come from an authorized representative of a Federal or State emergency management agency.
- The requested equipment must be designated to support an emergency or major disaster declared under Federal or State law (e.g., pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act or a similar act).
- Prior to the release of equipment, a commitment (e.g., a contract) will be required from the agency, which addresses issues such as cost, timely reimbursement, transfer of title, risk of loss, indemnification, liabilities, etc.¹
- The capabilities of the NSRC which did not support deployment, and any remaining equipment in the NSRC that supported deployment, will be maintained. The 3-year repair/replacement period for the deployed equipment will apply. Likewise, during the restoration/replacement period, the expectation of a fully-redundant NSRC will be set aside. Similarly, the expectations for maintaining maintenance records on the deployed equipment during the restoration/replacement period would be set aside.

This Addendum establishes a time period for replacement of deployed Phase 3 equipment and general requirements for responding to a deployment request from a Federal or State agency. Applicability of this addendum to circumstances not explicitly addressed above is neither implied nor intended.

¹ The nuclear industry has expended over \$57 Million in the development and procurement of the NSRC equipment. Unique capabilities have been built into the equipment to facilitate deployment via various means of transportation.