

UNITED STATES NUCLEAR REGULATORY COMMISSION

VASHINGTON, D.C. 20555-0001

November 14, 1997

MEMORANDUM TO:

U.S. Nuclear Regulatory Commission Attn: Document Control Desk Washington, DC 20555

FROM:

Falk Kantor, Sr Emergency Preparedness Specialist Autor Emergency Preparedness & Environmental HP Section Emergency Preparedness and Radiation Protection Branch Office of Nuclear Reactor Regulation

> IDGR.S-IEmergency DF03 Plan &]

SUBJECT: DOCUMENTS FOR SUBMITTAL TO NRC PUBLIC DOCUMENT ROOM AND LOCAL PUBLIC DOCUMENT ROOMS

Attached are four concept papers dated September 12, 1997, developed by a Federal Emergency Management Agency (FEMA)/Nuclear Regulatory Commission (NRC) Strategic Review Steering Committee in support of a review of offsite radiological emergency preparedness (REP) for nuclear power reactors. We request that the concept papers be placed in the NRC Public Document Room and in the Local Public Document Rooms.

The four concept papers are as follows:

- Exercise Streamlining (9 pages)
- · Partnership in the REP Program (7 pages)
- · Focus on Radiological Aspects of REP vis-a-vis All-Hazards Aspects of REP (4 pages)
- · Delegated State (11 pages)

A Federal Register Notice, a copy of which is attached, announcing the availability of the concept papers is scheduled to be issued on or about November 18, 1997.

Your assistance in this matter is greatly appreciated. If any questions, please call Falk Kantor, telephone number 301/415-2907.

Attachments: As stated

cc: TKevorkian, FEMA

September 12, 1997

REP Program Strategic Review Steering Committee Concept Paper: Exercise Streamlining

ISSUE

In July 1996, a Federal Register notice announced the strategic review of FEMA's Radiological Emergency Preparedness (REP) program and requested comments. A majority of the comments received indicated that the stakeholders and customers in the REP program are not cuisfied with FEMA-REP 14 (REP Exercise Manual) and REP-15 (REP Exercise Methodology). Furthermore, the respondents indicated that the application of current documents is not uniform and consistent during REP exercise evaluations and that the current sets of EEMs and FEMA-REP-14 should be revised.

17 BACKGROUND

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The foundation for REP exercises can be located in 10 CFR 50 and 44 CFR 350, 351, and 19 352, and the NRC and FEMA Memorandum of Understanding (MOU) dated June 17, 1993, 20 which is in 44 CFR 353.7, Appendix A. According to 10 CFR 50, Appendix E, a "Full 21 Participation" exercise is defined as the testing of the major observable portions of the onsite 22 and offsite emergency plans and the mobilization of State, tribal, local and licensee personnel 23 and other resources in sufficient numbers to verify the capability to respond to the accident 24 25 scenario. 44 CFR 350, section 350.9, subparagraph (a) indicates that a joint exercise (onsite and offsite) with full participation of appropriate State and local government authorities and 26 the licensee would be conducted. The 1993 MOU, Section II, 2. (2) states that the purpose 27 for an exercise is to provide reasonable assurance that the plans can be implemented. Section 28 III, paragraph C of the MOU discusses the preparation for and evaluation of joint exercises, 29 but does not elaborate on methodology. The only mention of FEMA-REP-14 is to indicate 30 the schedule for issuance of exercise reports. 44 CFR 350, section 350,13, (a) (2) states that 31 the basis used for reviewing both plans and exercises is NUREG 0654/FEMA/REP-1, Rev.1. 32 It is noted that the sixteen (16) planning standards of NUREG-0654 are contained in both 44 33 34 CFR 350 and 10 CFR 50.

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36 To clarify what constituted an exercise, and to develop a standardized evaluation

37 methodology, FEMA issued Guidance Memorandum EX-3 in February 1988. This

38 document provided guidance on the REP exercise process and introduced a set of 36 standard

39 exercise objectives. The 36 exercise objectives were based on the planning standards and

40 evaluation criteria of NUREG-0654/FEMA-REP-1, Revision 1 and Supplement 1.

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42 Based on these exercise objectives, the original Exercise Evaluation Methodology (EEM)

43 was issued in May 1988 as an interim-use document. The 1988 edition of EEMs was

developed as an objective-driven exercise evaluation instrument to replace the modular 1 format issued in August 1983. 2

3 Comments were requested from FEMA Regions, states, local governments, NRC licensees, 4 and other Federal agencies for the refinement of the EEMs. Based on the comments 5 received, FEMA revised and issued FEMA-REP 14 and REP-15 in September 1991. This 6 refinement included a reduction to 33 exercise objectives. These 33 objectives were meant to 1 represent a functional translation of the planning standards and evaluation criteria of 8 NUREG-0654 that could both be demonstrated and observed during REP exercises. In 9 addition, many elements of various GMs that had been issued by FEMA were incorporated 10 into both REP-14 and REP-15. 11

13 ANALYSIS

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The following discussion is based on the current REP guidance for exercise evalution. It 15 also identifies several new methods to confirm the existence of reasonable assurance that 16 appropriate protective measures can be taken to protect the health and safety of the public 17 living in the vicinity of a nuclear power plant in the event of a radiological incident. The 18 purpose is to identify an acceptable approach to streamlining the exercise evaluation process 19 and supporting guidance. The concept paper also identifies additional methods, that if used 20 in conjunction with exercise evaluation, could also be used to establish and/or confirm that 21 reasonable assurance is being maintained. Some of the approaches that may be considered 22 are: concentration on a "results oriented" evaluation process, concentration on objectives 23 that are radiological in nature, expanded use of the Annual Letter of Certification (ALC), 24 verification of ALCs through the use of random inspections, development of a more flexible 25 credit policy for participation in other natural hazard exercises and for response to real 26 incidents, etc. These and other approaches are addressed in more detail in the Discussion 27 section of this concept paper. The SRSC did not want to give the impression that, at this 28 point, the resulting exercise guidance and evaluation methodology would be interpreted as a 29 revision to REP-14/15, since it might take an entirely different form. Thus the paper is titled 30 Exercise Streamlining. 31

DISCUSSION 33

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1. FEMA-REP-14 and 15 should be revised to support a "results oriented" exercise 36 evaluation process. 37

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At the present time, exercises are evaluated in an "objective based" format with a methodology that includes a sizeable number of Points of Review that must be 40 satisfactorily demonstrated to successfully meet the requirements of the objective. This 41 system is very structured and leaves little latitude for satisfying the objective by alternate 42 means. "Results oriented" exercises allow the players to complete an activity without 43 following a specific checklist. This approach will provide the exercise players much 44 more latitude to reach the desired results. It will also allow state and local government 45

the flexibility to concentrate training activities in the meas where responders feel additional reinforcement is needed.

Evaluators will then concentrate on the results of exercise participation, not the means to reach a result. If a player uses an alternate means to complete a task and there is no negative effect because of this, there should not be an exercise issue.

Concentrate more on radiological aspects of REP and less on "All-Hazards" response aspects. Therefore, unnecessary objectives and Points of Review could be eliminated.

12 Recommendations have been made to streamline the REP Exercise Program to 13 concentrate more on specific radiological aspects of REP and less on the "All-Hazards" 14 aspects. Currently, REP-14 and REP-15 contain several objectives and Points of Review, 15 which are designed to evaluate portions of an offsite response organization's overall 16 preparedness and response capability. Some of these objectives and points of review 17 focus on response procedures and capabilities which are applicable to any type of 18 emergency such as fires, chemical spills, flooding, tornadoes, and other natural or technological hazards. Yet, it is conceded that jurisdictions with REP programs are better 19 20 prepared than most to meet the demands of other disaster events. 21

22 Some specific areas of REP-14 and REP-15 that focus on "All-Hazards" response 23 procedures and capabilities are: Objective 1, Mobilization; Objective 2, Facilities and 24 Equipment; Objective 3, Direction and Control; Objective 4, Communications; Objective 25 17, Traffic and Access Control; Objective 19, Congregate Care; Objective 30, 24-Hour 26 Staffing; Objective 32, Unannounced Exercise; and Objective 33, Off-Hours Exercise. 27 Many of the Points of Review (PORs) evaluated within these objectives involve activities 28 that are routinely conducted by emergency responders during various non-REP disaster 29 responses or exercises. Therefore, some of these PORs, and in some cases objectives, 30 which are not REP-specific could be eliminated from the REP exercise evaluation process. However, the objectives would still need to be evaluated by some other means. 31

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Several objectives and Points of Review (PORs) are closely related; REP-14 and
 REP-15 could be streamlined by combining similar objectives and PORs.

Comments from numerous state and local, utility, and federal organizations have indicated a desire to streamline REP-14 and REP-15 objectives. Obvious similarities between objectives and repeated experience in exercise evaluations provide strong evidence that several objectives can easily be combined without harming the evaluation process. By combining objectives, duplicate points of review, and in some cases, entire objectives may be eliminated. The evaluation document will become less prescriptive and more supportive of the outcome based approach (see 1. Above).

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Some examples of objectives which should be combined are: Objectives 1 (Mobilization)
 and 30 (24-Hour Staffing); Objectives 2 (Facilities), 3 (Direction and Control), and 4
 (Communications); Objectives 5 (Exposure Control) and 14 (KI); Objectives 6 (Ambient

Monitoring) and 8 (Airborne Radioiodine Monitoring); Objectives 11 (Public Instructions), 12 (Media Information) and 13 (Rumor Control); Objectives 15 (Special Populations) and 16 (Schools); and Objectives 18 (Reception Center) and 22 (Emergency Workers).

FEMA-REP-14 and REP-15 must be updated to include/reflect numerous changes in Federal guidance which have occurred since publication of the documents and to resolve inconsistencies with other guidance.

Subsequent to the publication of FEMA-REP-14 and 15 in September 1991, several major changes in Federal guidance have occurred which significantly impact the REP program. FEMA-REP-14 and 15 must be updated to ensure that they are current and consistent with other Federal regulations and guidance.

Some examples of changes which are required for REP-14 and 15 include: update to reflect the Emergency Alert System (EAS) and the use of "Special News Broadcasts"; update to ensure consistency with the current EPA 400 Manual of Protective Action Guides; and to reflect the current philosophy of using "Total Effective Dose Equivalent (TEDE)" to determine radiation exposure.

The required demonstration frequency of objectives should be reevaluated. Some objectives should be demonstrated more frequently and others less frequently.

a. Several comments regarding the Strategic Review have indicated a desire for more frequent demonstration of Relocation, Re-entry, and Return and Ingestion Fathway objectives (Objective numbers: 23, 24, 25, 26, 27, 28, and 29). As these objectives represent a significant portion of the response process, increasing the demonstration requirements to something more frequent than every six years is advisable. This may be a misunderstanding of the intent of the guidance. Currently the requirement calls for the demonstration of ingestion and recovery functions at a minimum, every six years. The state and local government officials may choose to demonstrate these functions more often if they choose.

One concept presented is to have an option to start the exercise at the post emergency
 phase (Recovery and Ingestion) thus eliminating the emergency phase. This would
 allow full concentration by the players on the Relocation and Ingestion objectives.
 This option could be supported if there has been a series of successful Emergency
 Phase exercises.

There are several objectives that could be demonstrated less frequently than the
 current guidance requires. One example is to require the evaluation of Medical Drills
 every two years instead of annually.

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FEMA-REP-14 should contain additional guidance concerning out-of-sequence evaluations.

a. It is possible to perform numerous exercise demonstrations out-of-sequence from the biennial exercises. Out-of-sequence demonstrations may be scheduled during the non-exercise year, other times during the exercise year, and/or another day during the exercise week.

Examples of some facilities or functions that may be conducted out-of-sequence include:

- School drills should be conducted during the school year. Exercises are conducted many times when schools are out of session. This drill could be evaluated out of sequence to the full-scale exercise, during the school year.
- Medical Services drills are currently conducted out of sequence most of the time. The current requirement to demonstrate once every year may be relaxed. (See MS-1 paper).
- 3. Reception/Mass Care demonstrations may be more beneficial to the players and the schools if these evaluations were conducted outside of the exercise. The FEMA evaluator and jurisdiction staff could visit all school facilities to be used as mass care centers. The county officials/players can provide a schematic of the monitoring/decontamination area of the school. The FEMA staff person may be able to offer constructive ideas to improve the layout. Once a reception/mass care center has been visited and evaluated, there should not be a need to revisit the same center until centers are changed (or if there have been physical changes to the facility). The abilities of the monitoring and decontamination teams staffing the reception/mass care centers during an incident would need periodic evaluation, either during the scheduled exercise or out-of-sequence, at the county or at places of employment. There is no need to evaluate staffing and running of these centers since they are normally activated for all-hazard disasters. See Credit under Discussion Item No. 8.
 - Other activities that may be evaluated out-of-sequence include:
 - a. Nursing Homes
 - b. Correctional Centers
 - c. Radiological Laboratories
 - d. Ingestion Pathway Field Teams
 - e. Traffic and Access Control
- 44 f. Dose Calculations for Recovery and Ingestion Phases
- 45 g. Monitoring and Decontamination Facilities

1 2 3 4 5		5. It may be possible to play the Plume Phase of an Ingestion exercise out-of- sequence. The Plume Phase could stop with the protective actions and the Ingestion phase could be conducted up to several months later beginning with the general emergency and protective actions. This was done as a pilot study and as a tabletop ingestion exercise.
07		h Evaluators should provide direct feedback to exercise participants immediately
8		following the exercise. These "critiques" should not attempt to detail the seriousness
9		of any inadequacies observed, but should allow the evaluators to provide positive
10		feedback and general recommendations for improvement.
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12		c. Immediate correction of issues identified should be allowed following completion of
13		the exercise. For example, if inappropriate monitoring techniques were
14		demonstrated, the evaluator could provide instruction on proper molutoring and then
15		allow for immediate re-demonstration. The issue would be documented as an Area
16		Requiring Corrective Action (ARCA) in the Standard Exercise Report Format
17		(SERF), with the appropriate statement documenting the completion of confective
10		action.
20	7	There are additional objectives that could be satisfactorily demonstrated by
21	1.	response to an actual emergency or other hazard exercises.
22		response to an actual chicigency of onler mane of contracts
23		At the present time, FEMA-REP-14 and 15 indicate that demonstration of objectives 32
24		and 33, unannounced and off-hours exercises and drills, may be satisfied by a response to
25		an actual emergency. However, there are other objectives that, although there are some
26		radiological aspects to them, contain major generic emergency or dons for which
27		credit could be granted. The objectives identified below are demonstrated during any
28		disaster response. Objectives that could qualify for credit are:
29		
30		Objective 1 (Mobilization)
31		Objective 2 (Facilities)
32		Objective 3 (Direction and Control)
33		Objective 4 (Communications)
34		Objective 12 (Media Information)
30		Objective 15 (Rumor Condol) Objective 15 (Special Populations)
30		Objective 16 (Schools)
38		Objective 17 (Traffic and Access Control)
30		Objective 19 (Congregate Care)
40		Objective 20 (Medical Services - Transportation)
41		Objective 21 (Medical Services - Facilities)
42		Objective 23 (Supplementary Assistance)
43		Objective 30 (2 ⁴ -Hour Staffing)
44		Objective 31 (Offsite Support for Onsite Personnel)
45		Objectives '2 and 33 (Unannounced and Off Hours Exercises and Drills).
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 Alternative approaches that can be used in conjunction with a streamlined exercise to demonstrate and confirm reasonable assurance.

All nuclear power pl' t sites currently have findings of reasonable assurance that have been confirmed in ' amerous exercises since the initial determination. The proposed exercise streamlining position paper allows for other, alternative approaches to be used, in combination with a streamlined full participation exercise, to demonstrate and confirm reasonable assurance. Discussed below are traditional components of a full-participation exercise that can be evaluated in an alternate way outside of the exercise. Other approaches may include, but are not limited to, the following:

> Staff Assistance Visits

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- a. States and Utilities conduct many different training sessions during the year. FEMA staff could attend these sessions and provide immediate feedback to the attendees. FEMA would be providing on the spot feedback rather than identifying issues in an evaluation report. This approach would build a better relationship among REP partners and stakeholders (See Partnership Paper).
 - b. States and Utilities are required to conduct a variety of drills during the year. If FEMA staff were to attend the drills, such as, communication drills, etc., evaluation of these activities could be included in the final exercise report. Again, this would result in some cost during work hours or evenings; however, it would reduce the cost of evaluators/ contractors during full-participation exercises.
 - c. Personal interviews with players can be used in staff assistance visits, training sessions, and out-of-sequence drills, to verify credit for objectives demonstrated during other activities, etc.
- > Out of Sequence Demonstrations (See Discussion Item 6).
- Credit for Actual Events or Exercises Including Non-Radiological Events.

Many REP objectives are demonstrated all the time during natural disasters and exercises for other hazards. The following list identifies those exercise objectives for which we should allow credit:

- Mobilization, Objective 1, during any emergency this objective is demonstrated. In addition, most emergencies involve 24-hour staffing (Objective 30). Therefore, both objectives could be given credit. These two objectives could be merged into one objective.
- 44 b. Facilities, Objective 2, especially those fixed facilities that we see during
 45 every exercise. (EOCs, Mass Care Centers, etc.)

1 2		 Direction and Control, Objective 3, the areas not involved in radiological decisions.
3 4		d. Communications, Objective 4, we should see communications during any
5 6 7		communication equipment and backup systems will be used during any
8		this objective.
10		The personal interview with players will be important in technical assistance
11 12		visits, training sessions, and out-of-sequence drills, to verify credit for objectives demonstrated during other activities, etc.
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14		For additional objectives, please see Discussion Item 7 under FEMA REP 14-15
15		Analysis.
17	*	Annual Letters of Certification
18	-	And the Detters of Certification
19		The Annual Letter of Certification (ALC) is the perfect tool for state and local
20		government to document solf-assessments. Already, annual public information
21		requirements, training completions, siren operability and maintenance verifications
22		are submitted through this document. The ALC is certified by the Governor or his
23		designee as to its accuracy. It could be expanded very easily to include information
24		such as the following:
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26		a. Monitoring equipment maintenance and calibration dates.
27		 Dosimeter operability and maintenance records documentation.
28		c. KI requirements and shelf life.
29		d. Communications drill results.
30		e. Plan updates
31		f. Evaluation Reports
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33		Verification of the documentation submitted in the ALC may be accomplished by
34		site-visits.
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36		a. There are several objectives geared to the verification that appropriate equipment
37		is available for emergency workers. Potassium Iodide (Objective 14) calls for the
38		evaluator to confirm that sufficient doses exist to be given to all emergency
39		workers and institutionalized individuals. This process could be verified during a
40		site visit by KEP start during normal duty hours. Contract evaluator costs would
41		be call, nowever, additional costs could be incurred for additional travel, etc. as
42		this would be done outside the exercise process.
45		h. Monitoring equipment and dosimetry operation/maintenance verification is
44		required on a regular basis (See FEMA Pen 14-15) Inspections of this equipment
46		outside the exercise timeframes can easily be accomplished. FEMA Regional

staff would save money by performing these inspections during regular work hours, when maintenance is being performed on the equipment. Although, there would be some cost for FEMA staff there would be a cost saving by reducing the amount of evaluator/contractor time during exercises. Also, see Annual Letters of Certification and Out-of-Sequence Demonstrations.

Self-Assessments

For those states where local jurisdictions are required to play, state evaluators could be utilized for those jurisdictions below the county level. The one problem with this approach is staffing. Many states may not have the resources necessary to perform this function. There may be other areas where state evaluation may be viable. When evaluations are performed by a state, response capabilities should be documented and provided to FEMA.

16 RECOMMENDATIONS

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September 12, 1997

REP Program Strategic Review Steering Committee Concept paper: Partnership In The Rep Program

ISSUE

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9 Should the role traditionally assumed by FEMA in its interaction with the States, in the REP 10 program be modified such that a greater FEMA/State partnership is achieved?

BACKGROUND

Over the sixteen years of the REP program, FEMA's role has traditionally been that of evaluator of the State and local ability to implement emergency response plans. With the evolution of Performance Partnership Agreements and FEMA's strategic review of its REP program, a desire has arisen to reevaluate this traditional relationship and determine if a relationship defined more in terms of a State, Tribal Nations and local government partnership is appropriate.

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21 ANALYSIS

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Those advocating this approach propose that all partners have the same goal of protecting health and safety of the public. Further, the rationale continues, State, Tribal Nations and local government have the primary responsibility for protective action decisions and implementation, and, in combination with local responders, first-line response. As such, their role is integral to effective emergency preparedness and response and on this basis they should be considered partners with FEMA in accomplishing this end.

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30 There are several concepts that can be considered related to achieving an enhanced

31 partnership. In general, a greater partnership may be described as one that is less

32 paternalistic, one in which each partner recognizes each other's strengths (and weaknesses), 33 one in which FEMA exerts less oversight, one in which there is a greater emphasis on results

34 rather than the process used to get there, and one in which open communication is practiced.
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36 There are numerous initiatives, which might be undertaken in the name of developing a 37 greater level of partnership in the REP program. For ease of evaluation at this point, they are 38 grouped into primary topics.

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40 (A) Performance

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A number of comments centered on giving more latitude to the States, Tribal Nations and
 local governments and reducing Federal oversight in the performance of REP programs. The

44 guiding principle for the Federal government as part of the National Performance Review is

^{1 *} The roles and responsibilities assumed by Tribal Nations in the REP Program may vary from site to site.

to develop performance partnerships with State and local governments to promote both
 increased flexibility and accountability. The key feature of the partnership is the
 encouragement of multiple approaches to meeting jointly designed objectives.
 Within the context of the REP program, certain specific performance themes related to

Within the context of the REP program, certain specific performance themes related to increasing partnership are developed below.

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Increase flexibility/latitude for partners in how to carry out REP requirements.

The maturity of the REP program has allowed an excellent definition of the basic areas of capability (i.e. public education and information, emergency facilities and equipment, emergency classification, etc.) necessary to protect the public from a serious nuclear power plant accident. NEMA and others make the case that the States have an established record of performance in REP which verifies their capabilities to control the execution of their own programs. Increased flexibility would also allow differences to be recognized in program implementation.

18This combination of matured program definition along with increased experience19levels lends itself to the next level of delegating more responsibility. For further20discussion, refer to the Delegated State Program Issue Paper. Alternately, a revised21REP 14/15 could recognize a greater flexibility/latitude, as could training evaluators22to focus on outcomes rather than process.

FEMA, States, Tribal Nations and locals, in addition to utilities, would work together
 to determine the appropriate Goals and Objectives to support the ultimate Mission of
 protection of the public.

Overarching REP Goals could be jointly established (Federal, State, Tribal Nation,
 local, utility) to drive the activities at all levels. Then, objectives with specific,
 measurable results would be agreed to by all parties on a uniform, national basis.
 These objectives provide a checkpoint to assess whether the program is achieving the
 consensus goals and define the actual impact on the public being served, rather than
 measuring the level of effort expended by the particular organization.

Methods of accomplishing goals left to the discretion of States, Tribal Nations and
 local governments.

After developing goals and objectives as discussed in item 2. above, States, Tribal
 Nations and local governments would then work with FEMA to develop measurable
 outcomes to assess achievement of these goals and objectives. These are quantitative
 indicators uniquely developed to each jurisdiction and many are already in place.
 States, Tribal Nations and local governments would be given flexibility in how they
 carry out guidance within the context of meeting goals and objectives.

4. Incorporate REP goals into the Performance Partnership Agreements (The PPAs are 5-year strategic plans which the States broker with FEMA. The PPAs are implemented by States and their goal is to provide greater state flexibility in achieving goals, while at the same time improving accountability. The focus is on results rather than the process.)

The use of the PPA process allows States to be treated as emergency management partners. Inclusion of REP goals and performance measures in the PPA will encourage the integration of REP into the overall State emergency preparedness mission. Since most States are required by their own legislatures to have a strategic plan, this will permit the States to present all aspects of their emergency management mission in one strategic document, irrespective of funding source. Note though that actual use of a PPA document would be optional because if what is outlined in items 2. and 3. above has been accomplished, the underlying basis of a PPA has been done also.

Advantages to this type of performance approach include increased flexibility in carrying out REP programs, including the ability to ensure that plans and exercises apply to real events rather than simply to achieve a goal of passing an exercise. A potential disadvantage of this approach is that the development of REP goals and performance measures (and their assessment per performance indicators) are time consuming.

(B) Evaluation -

Note: This section, which was previously included in the July 3, 1997 version of the
 Partnership Concept Paper, has been consolidated in the Exercise Streamlining Concept
 Paper.

29 (C) Policy

Partnership in the policy area effectively means greater stakeholder involvement in its development. This policy involvement thus can be divided into two distinct areas: the strategic review process itself and guidance and policy developed as part of the ongoing program. The former will be considered in detail as part of the evolving strategic review process. The latter will be the focus of the discussion here.

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A greater partnership in the policy area could be accomplished through a variety of means including discussion of policy issues during workshops, conferences, or specially gathered meetings. The success of the Standardized Exercise Report format development could serve as a model for future endeavors (a first draft was provided for comment with the resulting second draft discussed at a meeting of State, utility, FEMA and NRC regional representatives). Whatever stakeholder involvement is put in place for the Strategic Review process would provide valuable lessons learned for what might be viable on a more

44 permanent basis. Naturally, consideration of FACA would continue. In any case, for

partnership to evolve in the policy area, the concept must be given more than "lip service"; stakeholders must be made to feel that their value are given full consideration. At the same times FEMA must remain objective concerning the goals of the program and ensure that stakeholder self-interest does not become the driving force in future policy development.

6 The pros of continuing stakeholder involvement in the REP program policy area include: (1) 7 greater ownership of policy changes and thus improved acceptance of such changes, (2) 8 improved expediency of FEMA becoming aware of implementation issues and proposed 9 alternatives, (3) a resulting greater consistency among FEMA regions of the developed policy, and (4) increased FEMA access to a broader base of technical expertise and 10 11 experience. In contrast, cons include the need for greater in depth analysis of stakeholder 12 positions (perhaps using individuals with the appropriate technical expertise) to ensure 13 appropriate policy is accepted.

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(D) Technical Assistance

17 Numerous comments were received about FEMA increasing the technical assistance it provides to shifting its emphasis from prescriptive evaluation to technical assistance to 19 States, Tribal Nations and local governments. For the purposes of this discussion, "technical 20 assistance" herein refers to both planning and programmatic assistance and specific 21 assistance on radiological issues.

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The benefits of increasing such technical assistance include furthering the partnership relationship because the assistance would be offered in a non-evaluative forum. FEMA's role would move away from being primarily an evaluator toward being a greater facilitator and educator. FEMA would in an expanded way assist and support the States, Tribal Nations and local governments. The idea of increased technical assistance is closely tied to the idea of improved customer service.

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From a resource standpoint, FEMA may have to shift resources from other areas (evaluation
 perhaps) in order to provide a greater level of technical assistance.

- 33 Means of increasing FEMA's technical assistance could include:
- FEMA could sponsor technical assistance conferences throughout the year. Such a
 conference could allow FEMA the opportunity to share its observations gathered
 from years of REP exercises. This type of conference with a national reach could be
 supplemented by regional or local seminars.
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FEMA could prepare an internet web site for technical assistance.

42 3. More emphasis could be placed on the process used in correcting issues raised during
 43 drills and exercises and less on simply grading. Redemonstration during drills would

1 2 3		provide a better learning environment and present an increased collaborative relationship between FEMA and the State, Tribal Nation and local organizations.
456789	4.	FEMA's courtesy evaluations during rehearsals could be continued or perhaps expanded. They are especially helpful in training and preparedness because they allow evaluators to share their extensive experience. At the same time, the courtesy evaluations are not threatening absent the evaluation and are thus conducive to learning and exchanging information.
10 11 12 13	5.	FEMA could encourage more conference calls as a means to address issues rather than relying on written communications. This more open form of communication will increase partnership and the efficiency of the REP program through more expedient resolution of issues and answers to questions.
15	6.	FEMA could take a more active role in implementation of the Emergency Alert System (EAS).
18	7.	FEMA could assist in obtaining data on special needs populations (privacy issue).
20 21 22	8.	FEMA could provide a greater level of assistance to States, Tribal Nations and local governments in improving their emergency preparedness plans.
23 24 25 26	9.	FEMA liaisons could spend more time in the field to become more familiar with particular sites and in the process achieve better relationships with various levels of government. Such increased number of site visits would serve to provide ongoing technical assistance. Funding would be a consideration.
27 28 29	10.	FEMA could provide greater evaluation and insights into how the continuing fast pace of technological changes impacts the REP program.
30 31 32	11.	FEMA could participate in State, Tribal Nation and local training programs.
33 34 35	12.	FEMA could provide technical assistance to States, Tribal Nations and local governments in implementing corrective actions resulting from exercises.
36 37 38	13.	FEMA could work with other Federal agencies to identify key radiologi al monitoring and assessment capabilities, determine where additional effort is needed, and work to accomplish those activities, needs and then satisfy those needs.
40 41 42 43 44	It is i progr comm infor impre	nteresting to note that the types of technical assistance suggested are largely in the rammatic or planning areas. Assistance of a clear technical nature is absent. In fact, ments received suggested either that FEMA refrain from providing technical radiological mation or expand its own expertise in health physics and radiation sciences. FEMA can ove its technical guidance by (a) ensuring that cognizant RAC members are utilized for

this purpose, (b) issuing guidance as joint FEMA/NRC/EPA guidance, and (c) including 1 stakeholders in its development. Should FEMA radiological expertise be cultivated, FEMA 2 could provide names of contacts that could be called with questions on guidance. Even if 3 FEMA obtains in-house technical expertise, serious consideration should be given to the 4 appropriateness of FEMA developing technical standards in areas, which impinge on other 5 agencies' statutory responsibilities. FRPCC-developed materials may be incorrectly 6 interpreted to be solely FEMA documents because FEMA prints and distributes them so 7 there may be merit in obtaining FRPCC letterhead and issuing documents under the auspices 8 9 of the FRPCC, when appropriate.

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The major pros of increased technical assistance would be providing States, Tribal Nations and local governments more of the type of assistance they need from FEMA in order to improve their radiological emergency preparedness programs. The primary con of this shift in emphasis is the FEMA resource issue. It becomes less onerous if resource savings can be found in the evaluation area or elsewhere. The other resource component of course is the level of radiological expertise residing at FEMA.

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(E) Federal Exercise Participation

Increased Federal participation in REP exercises would give partners the needed experience 20 of operating with the various Federal agencies and knowing what resources are available in 21 radiological emergencies. Criticism includes that the Federal government has a significant 22 role in response but does not subject itself to the same expectations which it places on States, 23 Tribal Nations and local governments. By participating in REP exercises (specifically 24 greater participation in ingestion and relocation, reentry, and recovery exercises), the Federal 25 agencies allow themselves to be critiqued (refer to Section (B), item 1.) and learn from the 26 process as do the States, Tribal Nations and local governments. Partnership would be 27 furthered by such increased Federal involvement. Lack of participation in exercises past the 28 plume phase leaves players wondering whether the Federal agencies are indeed prepared to 29 deliver assistance and whether plans to accomplish and coordinate assistance are in place. 30 The benefit to the Federal government of fuller participation is to uncover those 31 shortcomings in our own preparedness schemes (in particular with our interrelationships with 32 each other) which could prove disastrous and/or embarrassing in a real event. Federal 33 participation would also allow testing of the FRERP organization and the exercising of 34 interagency cooperation. 35

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A further benefit of Federal participation is the increased realism in the scenario. Negative training is a likely result when appropriate Federal participation is lacking and thus one could argue that there is little value to post-plume phase exercises which lack appropriate Federal participation. FEMA could take a lead role in assisting the States, Tribal Nations and local governments to use FRMAC most effectively.

Naturally, the biggest drawback to increased Federal participation is resources. The 1 appropriate management level of each affected agency (FEMA, DOE, NRC, EPA, USDA, 2 HHS) would have to agree to make this a priority by providing the required staff. In 3 addition, any internal agency procedures not developed would require resources to complete. 4 Resources would also be required for interagency coordination to achieve exercise 5 participation and for addressing outstanding issues associated with exercising the Federal 6 7 role. 8 The above elements do not represent an all-or-nothing proposition. All or some of the 9 conceptual items can be implemented depending on how partnership is to be defined in REP 10 and the degree of partnership desired. 11 12 Areas of Overlap with other concepts being explored 13

- The Performance element of this paper is closely related to the PPA concept and the results vs. outcome paper.
- The Policy element is tied to the stakeholder involvement in the SRSC process itself
 and indeed that is one component of the Policy element. What is determined
 applicable for this process can certainly serve as a , lot program of sorts for future
 involvement of stakeholders in policy development endeavors.
- The Technical Assistance element is tied to the resource question, and specifically the
 radiological assistance component relates to the use of contractors and whether
 FEMA should obtain in-house health physics and radiological expertise.
- The Federal Exercise Participation element is related to questions concerning Federal
 coordination both in obtaining agreement to increase Federal participation and in
 actually implementing this policy in exercises. Federal resource constraints will
 presumably be a major factor.
- In addition, partnership type elements may be used as incentives for participation in a
 Delegated State program. For example, Delegated States may be given a priority for
 technical assistance and/or participation in policy development.
- 32 RECOMMENDATIONS
- 33

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- 34 To be determined.
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September 12, 1997

FEMA Strategic Review Steering Committee Concept Paper: Focus on Radiological Aspects of REP vis-a-vis All-Hazards Aspects of REP

ISSUE

9 Would the Radiological Emergency Preparedness (REP) Program be more effective and 10 streamlined by focusing more on radiological activities and less on non-radiological activities?

12 BACKGROUND

During the course of the review of the issue of inclusion of REP in the All-Hazards (generic) 14 approach to emergency planning, a related issue was identified by the Steering Committee 15 concerning whether the efforts of State and local governments as well as FEMA should be 16 focused on those activities in REP unique to radiological emergencies and less on the non-17 radiological aspects common to all emergencies. The issue was approached by first 18 identifying those planning standards and evaluation criteria in NUREG-0654/FEMA-REP-1, 19 Rev.1, and the Exercise Objectives in FEMA-REP-14 which could be considered unique to 20 radiological emergencies and those activities common to all emergencies. Secondly, the 21 regulatory basis for REP as presented in NRC and FEMA regulations and the NRC/FEMA 22 Memorandum of Understanding (MOU) was examined to determine .f there were any 23 regulatory impediments to emphasizing the radiological aspects of REP while shifting the 24 preparedness for the non-radiological aspects of REP to other all-hazards plans. Finally, the 25 extent of changes that would be required in FEMA planning and exercise guidance documents 26 to accommodate this change in REP program emphasis were examined. The Steering 27 Committee was cognizant in its review and analysis that, although a shift in emphasis might 28 occur, the bottom line remains that all EP planning standards must still be met and the 29 resulting REP program must continue to provide reasonable assurance. However, how this 30 would be accomplished may differ from what is currently in place. 31

33 ANALYSIS

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In the analysis of the All-Hazards issue, the subject of plan format was addressed. Several 35 States have mound their plans and "integrated" the REP-specific elements into the general 36 body of the plan, the result being that such a format resembles the function-based, all-hazards 37 Emergency Operations Plan (EOP) format recommended in SLG-101, Guidance for All 38 Hazards Emergency Planning (September 1996). However, if the all-hazards approach is 39 simply perceived as a re-formatting of the REP plans to fit the all-hazards EOP format, then 40 there is little to be gained, from a strategic viewpoint, by considering REP under all hazards. 41 Regardless of the plan's format, the emergency management personnel working with it must 42 be knowledgeable in its contents and procedures and be able to demonstrate the plan's 43 effectiveness in an exercise. 44

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Review of Planning Standards and Exercise Objectives

A review of the Planning Standards indicated to the Steering Committee that it is not useful to try to ascribe Planning Standards as being radiological or non-radiological in scope. The Planning Standards usually contain aspects of both. The Steering Committee determined it would be more useful to look at the Exercise Objectives in FEMA-REP-14 and, within those Objectives, to the Demonstration Criteria.

8

9 The Committee's initial review indicated that Objectives 15, 16, 17 and 19 appear to be nonradiological functions. Objectives 1 - 4, 10 - 13, 23, 30, 32 and 33 appear to be All-Hazards, but contain radiological components. Objectives 5 - 9, 18, 20 - 22, 24 - 29 and 31 appear to have only radiological functions.

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Emphasizing the radiological aspects of REP, however, does not eliminate the nonradiological aspects from concern. The non-radiological activities would still need to be

16 verified as adequate, even if demonstrated in an all-hazard framework.

17

The States, including those with all-hazards plans, have been demonstrating the capability to 18 meet the REP-14 Objectives in exercises. The question is whether it is practicable, with the 19 maturity of the REP Program, to separate the Objectives, Demonstration Criteria and Points 20 of Review that are considered non-radiological, and, if so, which ones? It could be 21 problematic. For example, Objective 4, Communications, appears to be a generic 22 preparedness and response function. However, closer inspection of some of the 23 Demonstration Criteria reveals specific radiological functions, e.g., communications between 24 plant operators and the Emergency Operations Center and communications from the EOC to 25 Field Teams monitoring the environment. Another example is the NUREG-0654 element 26 which requires continuous 24-hour emergency operation, and therefore staffing. This eleme 27 is described in Objective 30, where once every six years a shift change is demonstrated with 28 Shift 1 briefing Shift 2 on the status of the emergency and the emergency response. A 29 fundamental question for these Objectives, if they were under consideration for separation, 30 would be: how important are these activities in connection with ensuring an adequate level of 31 preparedness? Would separating these activities reduce preparedness? 32

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There is also a much larger consideration, and that is the fundamental concept of the 34 integrated exercise. NRC and FEMA regulations require an exercise to test the integrated 35 capabilities of appropriate State and local government authorities and utility emergency 36 personnel, and include testing the major observable portions of the onsite and offsite 37 emergency plans, and mobilizations of State, local and licensee personnel and other resources 38 in sufficient numbers to verify the capability to respond to the accident scenario. In order to 39 conduct a truly integrated exercise and test real-time capability, it is necessary to evaluate 40 generic response functions such as Emergency Communications, Direction and Control, and 41 42 Alert and Notification (EBS/EAS) along with the radiological functions. It would be difficult to have an exercise that only involves radiological activities when the "glue" for demonstrating 43 an integrated response to a simulated emergency lies in the non-radiological functions. 44

Emphasizing the non-radiological aspects of REP may require some fundamental changes in 1 2 the current REP Program. It may be difficult to separate some of the all-hazards/generic response functions from the radiological functions. Issues which need to be addressed include 3 such activities as mobilization of specific response staff with capable back-up for continuous 4 5 24-hour operations; activation of an Emergency Operations Center with appropriate equipment to provide for esscatial emergency communications; and supporting decision-6 7 makers with sufficient information for developing and implementing protective actions for the 8 public. 9 Perhaps an alternative approach in separating the radiological aspects from the non-10 radiological aspects would be doing the radiological response activities in discrete drills and 11 combining these drills with "readine's appraisals," expanded exercise credit, and an expanded 12 13 Annual Letter of Certification. Under this approach, Discrete Drills would entail: 14 Field Monitoring Teams demonstrating their expertise in using survey meters and 15 . taking samples; 16 17 Emergency workers demonstrating their capability and knowledge in using dosimetry, 18 ٠ in radiological exposure control and decontamination and in KI use; 19 20 Those with Direction and Control responsibilities showing an understanding of the 21 . technical information coming from the utility, radiological health officials, etc. 22 23 Emergency medical staff (ambulance and hospital staff) demonstrating their capability, 24 . and the medical protocols for treating contaminated individuals; and 25 26 Health Physics Drills including demonstration by the staff of their capability to do dose 27 projections and dose assessments. 28 29 In conjunction with these discrete drills, there would be "readiness appraisals," that is, walk-30 throughs, inspections, inventory/roster reviews, etc. Such a "readiness appraisal" could apply 31 to an Emergency Operations Center, and may so fy many of the non-radiological 32 requirements in FEMA-REP-14. In some situa. as, exercise credit may be given to State and 33 local organizations that respond to real emergencies or certain non-radiological response 34 activities. And the State assessment of plans and preparedness would be reported in an 35 expanded Annual Letter of Certification. The non-radiological objectives could be 36 demonstrated in all-hazards exercises, with the results coordinated with the evaluations of the 37 discrete drills involving the radiological functions. 38 39 This alternative approach may permit FEMA to make findings on the adequacy of offsite plans 40 and preparedness. Such an approach could, perhaps, provide an opportunity for requiring less 41

42 frequent integrated REP exercises.

1 Review of Regulatory Basis

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A review was conducted of the regulatory basis for REP including the NRC and FEMA 3 regulations and the NRC/FEMA Memorandum of Understanding (MOU) to determine if there 4 were any regulatory impediments to focusing on those activities unique to radiological 5 emergencies in REP and less on those aspects common to all emergencies. Emergency 6 preparedness (EP) is covered in NRC regulations 10 CFR 50.33, 50.47, 50.54, and Appendix 7 E to 10 CFR 50, and in FEMA regulations 44 CFR 350, 351, and 352. FEMA is responsible 8 for assessing the adequacy of offsite EP and providing its findings and determinations to the 9 NRC. For operating nuclear power plants, the NRC bases its findings on the overall state of 10 emergency preparedness on a review of FEMA's findings and determinations as to whether 11 State and local emergency plans are adequate and capable of being implemented and on the 12 NRC's assessment of the advquacy of the licensee's onsite emergency plans. (50.54(s)(2)(ii)) 12 The MOU indicates that 'EMA's findings on preparedness are based on an assessment that 14 the offsite plans are (1) adequate as measured against the planning standards and evaluation 15 criteria of NUREG-0654 and (2) that there is reasonable assurance the plans can be 16 implemented as demonstrated in exercises. This assumes that a periodic exercise (now 17 biennial) will be conducted to test the plan and to verify its implementability. 18

September 12, 1997

REP Program Strategic Review Steering Committee Concept paper: Delegated State

ISSUE

Can a structured program within which States are delegated exercise evaluation
 responsibilities traditionally performed by FEMA be developed such that reasonable
 assurance can continue to be assured and efficiencies through streamlining achieved?

In any restructured REP program, FEMA must continue to provide the NRC with its determinations on reasonable assurance unless there is a change in NRC regulations (10 CFR 50.47). This regulation, however, does not specifically state how FEMA will make reasonable assurance determinations. The operative question is the method of gathering information which FEMA uses to make these site-specific reasonable assurance findings. The current method is outlined in 44 CFR 350 and the FEMA-NRC Memorandum of Understanding.

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Reasonable assurance findings are comprised of two components:

- (1) FEMA must determine that plans and preparedness are adequate to protect the health
 and safety of the public living in the vicinity of the nuclear power facility by
 providing reasonable assurance that appropriate protective measures can be taken
 offsite in the event of a radiological emergency.
- (2) FEMA must determine that plans and preparedness are capable of being implemented
 (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and
 qualifications, and equipment adequacy.)

32 BACKGROUND

In an effort to restructure the FEMA REP program to make it more efficient and effective, during the initial SRSC meeting, a working group was tasked to explore the feasibility of FEMA modeling the REP program on aspects of the NRC agreement State program.

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Members of the SRSC pointed out that several other Federal agencies/departments have programs which are implemented by the States with oversight provided by the Federal government. In addition to the NRC Agreement State program, examples are: the EPA permitting programs for the Clean Air and Clean Water Acts; the OSHA safety and health program; the USDA meat and poultry inspection program; and the FDA mammography program.

ANALYSIS/DISCUSSION

Basic Program Outline

- Under a Delegated State Program, FEMA would continue to make site-specific reasonable assurance determinations and provide those findings to the NRC.
- 8 (2) States would apply to become Delegated States on a voluntary basis and FEMA
 9 would review and approve (or deny) such requests.
 10
- A Delegated State would assume responsibility for exercise evaluation and provide a detailed Annual Letter of Certification (ALC) each year.
- 14 (4) FEMA would provide a limited oversight role to the State's activities which would
 15 include supplemental verifications and review of the ALC.
- A discussion of Impact is included in Appendix 1, and a summarization of the NRC
 Agreement State Program is included in Appendix 2.
- 20 Recommended Application Process

The Delegated State Program would be a voluntary program, but 44 CFR 350 approval would be required of States that apply. By definition, this approval means that reasonable assurance exists regarding a State's capabilities. Requiring 350 plan approval for each entrant to the Delegated State program provides a common foundation for all applicants. Such a requirement further lends a tangible benefit to obtaining a 350 plan approval. FEMA should work with States that are interested in obtaining 44 CFR 350 approval for the purpose of gaining Delegated State status.

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30 NURF.G-0654/FEMA-REP-1 would continue to be the basic guidance document for the REP 31 program, for both Delegated States and other REP States. Thus, a State's adherence to

- 32 NUREG-0654/FEMA-REP-1 and having plans consistent with it would remain unchanged.
- 33

34 To initiate the process, the Governor, or designee, would request approval to be a Delegated 35 State from FEMA. The State would have to meet certain criteria outlined by FEMA for 36 participation. The original application could include:

- 37 (1) a commitment to use REP 14/15 (or the applicable variant endorsed by FEMA),
- 38 (2) an exercise/drill schedule in conformance with NUREG-0654/FEMA-REP-1,
 39 Planning Standard N.
- 40 (3) a commitment to use a standard exercise report format,
- 41 (4) a commitment to hold a public meeting in the vicinity of the plant to discuss exercise
 42 results following a full-scale exercise,

1 2	(5)	a discussion of the corrective action program to resolve drill and exercise deficiencies (i.e., inadequacies which directly affect the health and safety of the public) within 120				
3		days (Note: It may be useful for FEMA to compile multiple examples of deficiencies				
4		and areas requiring corrective action (ARCA) for use by Delegated States in an				
2	100	attempt to achieve consistency among them),				
0	(0)	a commitment to maintain plans and procedures in conformance with				
1	-	NUREG-0654/FEMA-REP-1, Planning Standard P,				
8	(7)	a commitment to use a standard format for the Annual Letter () Certification,				
9	(8)	information regarding the appropriate level of starting and training for evaluation of				
10	103	exercises,				
11	(%)	a statement that in-state coordination has occurred among stated departments,				
12		including emergency management, radiological health (responsible for dose				
13	(10)	assessment/projection), and other jurisdictions within the 10 mile EPZ, and				
14 .	(10)	a commitment to apply exercise credit consistent with FEMA's portcy (see discussion				
15		later in paper).				
10	Dente	auformance could also be considered in granting Delegated State status. For example				
10	Past performance could also be considered in granting Delegated "tate status. For example,					
10	DECOT	am and an acceptable Annual Letter of Certification should have been submitted for the				
20	progra	an and an acceptable Annual Letter of Certification should have been submitted for the				
21	previo	Jus year.				
22	Rased	upon FEMA's approval of the State's proposal a State would be designated a				
23	Deleo	ated State. If there is a shortfall in the application package, FFMA would identify it to				
24	the St	the State and provide assistance in improving the shortfalls				
25	the or					
26	Progr	am Implementation				
27						
28	Once	the State receives approval, it would begin its own planning for conducting and				
29	evalu	ating its own exercises. No extent-of-play agreements would need to be negotiated with				
30	FEM	A. Each year, the State would be required to provide an ALC with details on				
31	comp	letion of periodic requirements and changes to the program. The ALC would also				
32	contai	in the exercise report with issues explained and discussion of corrective actions taken.				
33	A star	ndard ALC format would be required for all Delegated States, perhaps requiring an				
34	updat	e to Guidance Memorandum PR-1.				
35						
36	The A	LC with cover letter from the appropriate State official would become the non-exercise				
37	ehic	le for documenting compliance with periodic requirements and continued reasonable				
38	assura	ance. The appropriate State official would certify in each ALC cover letter that (1)				
39	reason	nable assurance continues to exist, (2) there has been no loss of the ability to meet				
40	plann	ing standards, and (3) the program does not contradict any regulatory requirements.				
41	These	assertions would be based on compliance with periodic requirements, correction of				
42	exerci	ise issues, and/or no programmatic changes that affected reasonable assurance, and this				
43	basis	would be provided in the ALC.				

In examining the ALC, FEMA could rate each function as outlined in the ALC (defined in Section C, page 8, of Guidance Memorandum PR-1, "Policy on NUREG-0654/FEMA-REP-1/FEMA-REP-1 and 44 CFR 350 Periodic Requirements," or its revision). Suggested ratings could be acceptable, acceptable with recommendations for improvement, or unacceptable. Once each function is rated, there would be an overall finding provided on reasonable assurance.

8 9 The reasonable assurance finding could be described in one of three ways: (1) reasonable 10 assurance exists (consider decreasing verification frequency; State continues to evaluate its 11 own exercises), (2) reasonable assurance exists but program needs improvement (State 12 continues to evaluate its own exercises), or (3) reasonable assurance does not exist. FEMA's 13 review of the ALC would determine whether followup discussions are required with the State 14 as REP partners. In the latter instance, the State would develop improvement strategy/tactics in cooperation with FEMA, NRC, and other cognizant RAC agencies to upgrade its program 15 with timing consistent with 44 CFR 350 to reestablish reasonable assurance. FEMA could 16 17 perform an oversight role by assisting in evaluation at the next exercise to ensure program 18 adequacy. If the deficiencies are severe enough or not appropriately corrected, FEMA could 19 take other action up to and including removing delegated State status. 20

21 These findings could be made using in-house staff with assistance from appropriate FRPCC 22 agencies and with minimal contractor support for technical areas. FEMA would need to 23 ensure consistency in REP regional staff review.

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The ALC would also contain the changes to the State's and locals' plans. (These changes are required to be submitted by 44 CFR 350, Section 350.14(c) and (d).) In this way, FEMA would remain aware of how plans are evolving and allow FEMA to provide any needed overview in this regard.

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30 Delegating the Evaluation Function

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32 The primary function that would be delegated and which is central to the Delegated State program is the evaluation function. The basic premise would be that States would evaluate 33 34 their own exercises utilizing the current FEMA-endo. sed methodology (e.g., a revised REP 35 14/15 or applicable variant endorsed by FEMA). In doing their own evaluations, States 36 could utilize other State and local personnel as their evaluators as long as these persons meet 37 the evaluator criteria defined for the program. States may also request supplemental assistance by FEMA if they desire; FEMA participation would be based on its interest and 38 availability. The program may also contain provisions that FEMA provide a small cadre of 39 evaluators to observe an exercise or assist in evaluation based on lack of reasonable 40 41 assurance arising from earlier exercise findings. 42

Any evaluation methodology utilized by a State would require trained evaluators and an
 exercise report (e.g., the SERF as potentially modified for Delegated States) that describes
 issues identified and proposed corrective actions.

5 Evaluated aspects of the REP program would be included in delegated responsibilities even if 6 done out of sequence from a regularly scheduled exercise (e.g., medical drills or alert and 7 notification tests).

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Delegated State Program and Credit Policy

10 11 A recommendation resulting from the Strategic Review may be that FEMA implement a standard national policy outlining under what circumstances responses to actual events can 12 be granted credit for REP-required activities. Delegated States following this to-be-13 developed national credit policy would be permitted to apply it to their exercises. States 14 would document an after-the-fact discussion of how they applied the credit policy as part of 15 16 their ALC submittal. (The original application package would also include a commitment to adhere to the national FEMA credit policy.) FEMA, in its review of the ALC, would have an 17 opportunity to review the use of the credit policy. Any questions could be addressed to the 18 19 State. If FEMA identifies inadequacies in the application of the credit policy, FEMA could 20 opt to require some remedial action.

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Supplemental Verifications by FEMA of Aspects of Delegated State Programs 23

FEMA may opt on a two- to the se-year basis to verify limited portions of a Delegated State's program. Potential areas for verification include:

- the training plan for responders to ensure conformance with NUREG-0654/FEMA REP-1, Planning
- 29 Standard O,
- the drill/exercise evaluation plan (e.g., evaluator locations, source of evaluators) and
 methodology which utilizes REP 14/15 (or its revision),
- 32 (3) the plan and procedure maintenance program in conformance with

33 NUREG-0654/FEMA-REP-1, Planning Standard P,

34 (4) the roster of key staff for each responding offsite response organization, and

- 35 (5) periodic visits to assess facilities, equipment, and training.
- 36

37 This aspect of the program could be tailored such that States with positive performance

38 history could have verifications performed less frequently than other States and conversely

39 those not performing as well as could have verifications performed more frequently.

1 Financial Issues 2

3 REP program funding is provided by utilities in the form of user fees to FEMA. In the 4 Delegated State program, funding could be modified such that (1) FEMA passes through 5 some of this money which could be earmarked for the REP program in Delegated States to 6 the Delegated States or (2) the utilities provide money directly to the States which could have 7 been provided to FEMA otherwise. Option (1) may not be a viable option because if the 8 amount of money provided to FEMA by utilities is based on the anount of REP hours spent on a particular facility, the number of FEMA REP hours could decrease in a Delegated State. 9 Therefore, FEMA would not have the REP money to pass through to the State. 10

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REP and the Performance Partnership Agreement (PPA)

Inclusion of the REP program in a State's PPA for a Delegated State could remain or "Shal analogous to the current option of States to either include or not include their REP program into the PPA. Therefore, the Delegated State choice would not affect the State's choice regarding including REP in its PPA.

19 Non-Delegated States

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States other than Delegated States would continue to be evaluated by FEMA in a revised REP program. FEMA would continue to evaluate the State of site exercises and produce the exercise report with recommendations to correct identified worknesses. Non-delegated states would require a similar level of effort as currently expended. FEMA to assess reasonable assurance. If a non-delegated State did not submit an ALC, FEMA would have to collect data which would normally be included in an ALC (now typically done when State performance is an issue).

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29 Advantages of the Delegated State Program

Assuming the proper controls are in place, what could be advantages to the States for FEMA
 to offer a Delegated State Program?

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34 (1)States would have much greater flexibility in conducting their radiological emergency preparedness program. Once the State meets specific criteria and is designated a 35 Delegated State, it would still be responsible for offsite preparedness. However, their 36 37 methods and procedures would not be prescribed by FEMA (beyond basic program 38 requirements). Therefore, Delegated States would have greater control over how they 39 implement the REP Program. Delegated States could focus more on results. The 40 Delegated State Program provides the possibility for flexibility in exercise evaluation (no Federally-negotiated extent of play agreements) and correction of exercise issues 41 42 (not responding to FEMA recommendations). Delegated States would have more 43 ownership of the program.

1 2 3 4 5	(2)	One of the conditions for Delegated State approval could be that the site must have been granted 44 CFR 350 approval. This could be a minimum threshold indicative of FEMA having completed and accepted a review of their plans. Therefore, the 44 CFR 350 approval process could take on greater importance and more States may be interested in seeking this approval.
6 7 8 9 10	(3)	The Annual Letter of Certification would take on increased importance as the primary document FEMA would review to assess reasonable assurance. The Delegated State would be required to submit the ALC documenting exercise evaluation and other aspects of their program.
12 13 14 15 16	(4)	The Delegated State program could reduce FEMA resources needed for the REP program because those Delegated States would be doing their own exercise evaluations. This could be a significant streamlining of the REP program and associated resources while allowing a greater level of REP staff assistance and REP policy work.
18 19 20 21	(5)	In a Delegated State program, the individuals most knowledgeable about a program would be evaluating it. This could be a significant advantage in terms of program efficiency and identification of meaningful findings (as well as ownership of those findings).
23	Poter	itial Disadvantages of a Delegated State Program
24 25 26 27	(1)	States would be evaluating their own programs and thus evaluating themselves. If not properly implemented, this could be detrimental to the REP program.
28 29 30	(2)	States would not have ready access to FEMA experience and knowledge. (Although an increase in staff assistance may alleviate this disadvantage.)
31 32 33	(3)	Without additional funding, State resources may not be sufficient to implement a Delegated State program.
34 35 36	(4)	FEMA could be administering a "dual system" including delegated and non-delegated states.
37 38	Pilot	Program
39 40 41	Becar would the D	use of the significant change envisioned by the Delegated State concept, a pilot program d be implemented. Lessons learned from the pilot program would determine if and how belegated State program would be fully implemented.

Appendix 1

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Impact

If the model of the NRC Agreement State program (or other similar Federal agency program)
is adopted *in whole or in part*, FEMA's oversight role in the REP program could change
significantly. Roles of the FEMA headquarters and regional REP staff, and States would be
redefined. Additional training would probably be required at all levels.

Should the Agreement State model be adopted, in whole or in part, it is likely that numerous guidance documents would need revision as well as 44 CFR 350 and the NRC-FEMA MOU.

13 As with the NRC Agreement State program and other similar Federal programs, there is

14 potential that some States, by not having 350 approval for all or some plans (i.e., those with

15 interim findings), would not become REP "Agreement States," thus there would need to be a

16 parallel REP program administered by FEMA for those States (or sites because 350 approval

17 is site specific).

Appendix 2 Summary of NRC Agreement State Program

Authority

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234567 The NRC Agreement State program is legislatively authorized by the Atomic Energy Act, as amended. The OSHA, EPA, and USDA programs are also legislatively authorized. 8 9

10 NRC Agreement State Program

11 The NRC program is designed to relieve the NRC of regulating certain classes of radioactive 12 materials licenses among Agreement States. States voluntarily submit their programs for 13 Agreement State status (voluntary submission is also found in the OSHA and Clean Water 14 Act programs). In Agreement States, the States issue licenses, assess fees to licensees, and 15 inspect licensees. Regulation of nuclear power plants is not included in the Agreement State 16 program. In those States which are not Agreement States, the NRC regional office regulates 17 the licensees. The NRC does not provide funding to Agreement States and in some cases 18 will charge an Agreement State for technical assistance. The NRC Agreement State program 19 is not a delegated program, that is, the NRC "cedes" its regulatory authority. Funding is not 20 provided the Agreement States, training is not funded and is only provided c a space 21 available basis in NRC courses. OSHA and EPA differ in that they do provide some funding, 22 specific direction to their programs, and training. 23

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25 **Program Characteristics**

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How does a State become an Agreement State? This is a voluntary program. States must 27 have a "compatible" (with NRC standards) and "adequate" (to protect public health and 28 safety) radiation control program. This includes State statutes, regulations, and trained staff. 29 30 The NRC reviews the State program and, if approved, there is a signing ceremony and 31 phased-in State regulation.

32

Number of NRC Agreement States: There are currently 29 NRC Agreement States. This 33 represents approximately 15,000 radioactive materials licenses, which is about 70 percent of 34 all the radioactive materials licenses issued in the United States. 35

36

37 Advantages of Agreement State status:

38 39 1) fulfills intent of Atomic Energy Act, as amended

2) State radiation control agencies have the option to regulate almost all radiation 40

- sources normally regulated by the NRC (except nuclear power plants) 41
- 3) Regulatory agency is closer to licensees and can generally be more responsive to 42
- licensees 43

	**
1	4) enhances core of knowledgeable persons at State level
2	5) single regulatory agency for most users
3	6) in general, fees charged to licensees are lower
4	7) decreased requirements placed on NRC
5	
6	Disadvantages of Agreement State status:
7	
8	1) States must fund program administration
9	(i) some licensees may still be subject to more than one regulatory agency
10	3) requires coordination between NRC and States
11	4) requires parallel program administered by NRC in non-agreement States
12	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
13	Methods of NRC Oversight
14	
15	The NRC maintains oversight using the following methods:
16	
17	1) NRC approves new Agreement States
18	
19	2) Assesses compatibility and adequacy of Agreement States periodically, using the
20	Integrated Material Performance Evaluation Program (IMPEP). This is a team (a national
21	cadre which includes both Federal and State staff) which performs evaluations of the
22	program periodically (anywhere from 2-4 years - based on past performance record of the
23	state). NRC has developed measurable performance indicators related to 5 areas: status of
24	materials inspection program, technical staffing and training, technical quality of licensing
25	actions, technical quality of inspections, and response to incidents and allegations.
26	
27	3) Exchanges regulatory and safety information with Agreement States, e.g., telephone,
28	conferences, correspondence, workshops)
29	
30	4) provides technical assistance, as deemed appropriate (there are some cases where the NRC
31	will charge the Agreement State for this service)
32	
33	5) trains State personnel on a space available basis
34	
35	Other Federal programs similar to the NRC Agreement State program use similar means to
36	provide oversight (e.g., review/approve plans, on-site visits, review various state reports).
37	
38	Possible Application of Agreement State Concept to FEMA REP Program
39	
40	Most states have voluntarily submitted their plans for 350 approval. Such approval would be
41	a prerequisite for entry to the "Agreement State" program. Of the 69 sites, there are currently
42	only 12 sites for which a State does not have 350 approval. Those sites are:
43	

1 Vermont Yankee

2 Seabrook (MA.)

3 Pilgrim

- 4 Artificial Island (NJ)
- 5 Beaver Valley (PA)
- 6 Peach Bottom
- 7

Lin.erick Three Mile Island Susquehanna Diablo Canyon San Onofre WNP-2

8 These sites without 350 approval (interim findings) would be evaluated by FEMA in a 9 parallel program. FEMA would evaluate all exercises and produce the report with 10 recommendations to correct identified weaknesses. FEMA would increase its role in 11 monitoring State programs which do not have 350 approval (i.e., actually document first-12 hand State compliance with periodic requirements).

13

14 There are certain aspects of the current FEMA REP program which could possibly be used to restructure the REP program along the lines of the NRC Agreement State program and other 15 similar Federal programs. However, there is a significant difference between the REP 16 Program and the other agency programs. The other agency programs involve State oversight 17 18 of third parties, like hospitals, private industries, etc., not the States themselves. If FEMA were to relinquish some of its REP authority to the states, the States would essentially be 19 20 monitoring themselves. This distinction needs to be kept in mind when examining parts of 21 the REP program that could be devolved to the states.

Billing Code 6718-06

FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Meetings; Radiological Emergency Preparedness (REP) Program Strategic Review

AGENCY: Federal Entergency Management Agency (FEMA).

ACTION: Notice of Public Meetings.

SUMMARY: FEMA announces the following public meetings:

NAME: REP Program Strategic Review At-Large Stakeholder Meetings

DATES: The public meetings will be held in San Francisco, California, on December 2,

1997; St. Louis, Missouri, on December 4, 1997; and Washington, DC on December 5,

1997. Any individuals or organizations interested in attending one of the public meetings or making oral presentations must so indicate by 5:00 PM, November 26, 1997.

TIME OF MEETINGS: 9:00 AM - 4:00 PM.

LOCATIONS: Post Theatre, Building 99, Presidio of San Francisco, California 94129; St. Louis University, Bush Memorial Center, St. Louis Room, 210 N. Grand, St. Louis, Missouri 63101; and the University of the District of Columbia, Main University Auditorium, 4200 Connecticut Avenue, NW, Washington, DC.

PROPOSED AGENDA: The public meetings will begin at 9:00 AM with a presentation by the Strategic Review Steering Committee (SRSC) on the background of the REP Program Strategic Review, including concept papers developed during the review. The meeting will then turn to attendees who have indicated that they want to make oral presentations, and the SRSC will respond to any questions that may be asked. The meeting will adjourn after the attendees have completed their presentations and any

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interaction on the subject matter, but in any event, no later than 4:00 PM.

SUPPLEMENTARY INFORMATION: The REP Program Strategic Review was announced in the Federal Register on July 8, 1996. Comments from 60 entities were received and reviewed by the SRSC. Concept papers developed by the SRSC were reviewed by Government Stakeholders in September and will be reviewed by Federal Stakeholders in November. These documents are available in the U.S. Nuclear Regulatory Commission's Public Docket Rooms and the commercial nuclear power plants utilities' Public Docket Rooms and on FEMA's website (www.fema.gov). All three meetings will be open to the public.

Individuals or representatives of organizations who plan to attend the meeting or make oral presentations should call 1-800-814-0338 on or before 5:00 PM, November 26, 1997. Please leave your name and telephone number, which meeting you wish to attend, and whether you will make a presentation. We ask that you limit your presentations to five minutes.

Written comments are also invited and may be sent to Nancy H. Goldstein, Federal Emergency Management Agency, 500 C Street, SW; room 514, S. shington, DC 20472.

Dated:

Kay C. Goss, Associate Director for Preparedness, Training and Exercises.