



FEMA

November 5, 2020

Kathrine Brock
Director, Division of Preparedness and Response
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: PROPOSED COMMISSION PAPER LANGUAGE FOR DUANE ARNOLD
NUCLEAR POWER STATION EMERGENCY PLAN DECOMMISSIONING EXEMPTION
REQUEST

Dear Ms. Brock:

This is in response to Joe Anderson's email of October 14, 2020 notifying the Federal Emergency Management Agency (FEMA) of the transmittal of a copy of the draft SECY paper entitled, "Draft Duane Arnold Energy Center EP Exemptions SECY Paper," for FEMA's review and comment. FEMA Region VII consulted with the Iowa Homeland Security and Emergency Management Department (HSEMD) concerning this exemption request.

At this time, HSEMD officials do not anticipate any significant reduction in response capabilities at the State or county level due to the DAEC decommissioning which could degrade staffing capabilities. There may be some budget reallocation required to address some funding areas such as salaries and equipment, but there is no anticipation of any noticeable reduction of response capabilities in the communities surrounding DAEC.

FEMA Headquarters is providing the U.S. Nuclear Regulatory Commission (NRC) the following statement to consider for inclusion in the proposed commission papers:

As nuclear power plants decommission and the nature of the risk changes, there is a potential for reduction in State and local capabilities. State and local governments need to maintain offsite response capabilities 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 with one another when the topic of 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 to public health and safety, 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 response organizations (ORO) as they adjust their plans, sustain capabilities, and manage 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 technical assistance from FEMA Headquarters and FEMA Regions.

With respect to offsite radiological emergency preparedness considerations, the NRC notes in the enclosure to the SECY paper that “Due to the low probability of DBA [design-basis accident] or other credible events to exceed the EPA early phase PAGs, offsite emergency measures are limited to support provided by local police, fire departments, and ambulance and hospital services, as appropriate.” With respect to exempting protective action requirements contained in 10 CFR 50.47(b)(10), the NRC’s staff evaluation states that “Although formal offsite REP plans (in accordance with 44 CFR 350) have typically been exempted for decommissioning sites, OROs will continue to be relied upon for firefighting, law enforcement, ambulance, and medical services in support of the licensee’s (onsite) emergency plan.” In the justification from exercise requirements contained in 10 CFR Part 50, Appendix E, Section IV.F.2.f, the NRC’s staff evaluation provides that “...the requirement to conduct a full participation exercise with State and local agencies is not needed. Because the NRC staff previously concluded that full participation emergency plan exercises are not required, and FEMA does not have responsibilities related to onsite EP, NRC consultation with FEMA is not necessary.”

In recommending approval of the exemption request, the NRC effectively 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 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.

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 continue consulting with FEMA throughout this process.

Should you have any questions about this response, please contact Mr. Craig Fiore, Radiological Emergency Preparedness Program Branch Chief, at 202-280-9303 or craig.fiore@fema.dhs.gov.

Sincerely,

Michael Casey, PhD
Director
Technological Hazards Division