

March 27, 2013

COMSECY-13-0010

MEMORANDUM TO: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff

FROM: Michael R. Johnson */RA/*
Deputy Executive Director for Reactors
and Preparedness Programs
Office of the Executive Director for Operations

SUBJECT: SCHEDULE AND PLANS FOR TIER 2 ORDER ON
EMERGENCY PREPAREDNESS FOR JAPAN LESSONS-
LEARNED

This memorandum requests approval of a change to the implementation of the Tier 2 Near Term Task Force (NTTF) Recommendation 9.3 Emergency Preparedness (EP) Japan lessons-learned items. Specifically, the staff has found that the Tier 2 EP items related to periodic training and exercises for multiunit and prolonged station blackout (SBO), and EP equipment and facilities are being addressed adequately through Order EA-12-049, "Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events." In addition, the staff engaged the Nuclear Energy Institute (NEI) regarding licensees' capability to conduct multiunit dose assessment and found that industry is already undertaking activities in this area. It is expected that full capability for undertaking such assessments will be in place no later than December 31, 2014. Therefore, the staff is seeking Commission approval to forego issuing an Order to implement the Tier 2 NTTF 9.3 EP items.

Tier 2 EP Orders

In SECY-11-0137, "Prioritization of Recommended Actions to Be Taken in Response to Fukushima Lessons Learned," (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11269A204), the staff prioritized the issuance of an order associated with Tier 2 NTTF Recommendation 9.3 EP items. The specific items were to include: (1) adding guidance to emergency plans for performing multiunit dose assessments; (2) conducting periodic training and exercises for multiunit and prolonged SBO scenarios; and (3) ensuring that EP equipment and facilities are sufficient to deal with multiunit and prolonged SBO scenarios. At that time, the staff recommended engaging stakeholders on acceptance

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criteria and developing and issuing an order to ensure that licensees could adequately respond to prolonged SBO and multiunit events. In COMSECY-12-0014, "Revised Schedule and Plans for Japan Lessons-Learned" (ADAMS Accession No. ML12173A028), the staff proposed to include the EP-related Tier 2 activities with the EP-related Tier 3 activities in a single Advanced Notice for Proposed Rulemaking for issuance. This proposal was disapproved by the Commission in Staff Requirements-COMSECY-12-0014 (ADAMS Accession No. ML122190498).

The Commission stated that the proposal lacked a sufficient basis for the change. However, the Commission provided the staff an opportunity to reevaluate its path forward and resubmit to the Commission a more detailed justification including an assessment of the impact on the schedule.

The staff completed a reevaluation of the options to resolve the Tier 2 NTTF Recommendation 9.3 items. The staff assessed the objectives of the Tier 2 NTTF Recommendation 9.3 items against the current guidance and known approaches towards resolving all NTTF recommendations, and the staff informed its reevaluation through stakeholder engagement. The staff determined that the activities that industry has committed to undertake under Order EA-12-049 (that addresses NTTF Recommendation 4 and stemmed from NTTF Recommendation 4.2), if done properly, will resolve two of the three Tier 2 NTTF Recommendation 9.3 items. These items are: periodic training and exercises and EP equipment and facilities for multiunit and prolonged station blackout (SBO). The remaining Tier 2 NTTF Recommendation 9.3 item, multiunit dose assessment capability, is not within scope of Order EA-12-049 activities.

After the issuance of COMSECY-12-0014, NEI published NEI 12-06, "Diverse and Flexible Coping Strategies (FLEX) Implementation Guide," which provides guidance and additional information related to FLEX deployment. Although primarily focused on facilitating format and content of the licensee responses to Order EA-12-049, the guidance also covers training and exercises (drills) and equipment and facility concerns related to Tier 2 NTTF Recommendation 9.3. For example, NEI 12-06, states, "[w]here appropriate, the integrated FLEX drills should be organized on a team or crew basis and conducted periodically; with all time-sensitive actions to be evaluated over a period of not more than eight years." NEI 12-06 further states, "Periodic training should be provided to site emergency response leaders on beyond design-basis emergency response strategies and implementing guidelines," and "procedures/guidance should identify the protective clothing or other equipment or actions necessary...." In addition, the implementation of NEI 12-06 has a dependency on NEI 12-01, "Guideline for Assessing Beyond Design Basis Accident Response Staffing and Communications Capabilities," which was developed to address Tier 1 NTTF 9.3 Recommendation regarding staffing and communications. NEI 12-06 will utilize the staffing and communication resources identified in NEI 12-01. NEI 12-01 states, "[a] licensee should identify additional work areas necessary for the performance of expanded response functions. The use of alternate emergency response facilities should be considered." This statement addresses the facilities to house the response staff.

The staff engaged the respective U.S. Nuclear Regulatory Commission (NRC) and NEI mitigating strategies working groups and the NEI EP working group in a series of three public meetings to determine the viability of integrating the Tier 2 NTTF Recommendation 9.3 EP items into the industry's implementation activities for Order EA-12-049. The respective working

groups agreed that, with the exception of multiunit dose assessment capability, the Tier 2 NTTF Recommendation 9.3 EP items regarding training and exercises and EP equipment and facilities could be addressed through licensee compliance with the Order. As part of demonstrating compliance with the Order, licensees will conduct periodic training and exercises (drills) for multiunit and prolonged SBO scenarios which will include identification and acquisition of offsite resources, including command and control, procurement of equipment, and location of equipment. Actual equipment hookup would not take place, and some activities would be demonstrated out of sequence. The drill will also include the demonstration of facility capabilities and the equipment needed for the emergency response staff. The drill will be conducted on a periodic basis in the years between the biennial exercise. Consistent with compliance with Order EA-12-049, licensees would conduct these drills in a phased approach but no later than 2016. Licensees will coordinate this effort with their schedule regarding implementation of the EP Rule and balance conducting the drill against the priority of conducting a hostile action-based exercise by 2015 as required by the EP Rule. In SRM-SECY-12-0025, "Proposed Orders and Requests for Information in Response to Lessons Learned From Japan's March 11, 2011, Great Tohoku Earthquake and Tsunami," (ADAMS Accession No. ML120690347), the Commission intended that priority be given to implementing the 2011 EP Rule. In addition, licensees provided in their integrated plans in response to Order EA 12-049 a milestone for conducting the drill. The NEI EP working group has also committed to develop additional guidance, if needed, in fiscal year 2013 to ensure consistent implementation of all Tier 2 NTTF Recommendation 9.3 EP items.

Regarding multiunit dose assessment and recognizing Commission direction, industry intends to submit on the docket the status of actions to provide the ability to conduct multiunit dose assessment. This communication will identify each plant's current capability. For those that do not have this capability, an implementation schedule will be provided including any interim actions and associated due dates and how the schedule will be tracked until the permanent capability is implemented. Under this approach, NEI will develop additional guidance for staff review and endorsement. It is expected that full implementation will exist no later than December 31, 2014. The NRC will verify that licensee implementation is consistent with their commitments and the endorsed guidance. Given the above approach, the staff does not believe an Order is warranted for the multiunit dose assessment capability.

The staff has also engaged the NRC's rulemaking working groups regarding the proposed rule for both NTTF Recommendation 4 and NTTF Recommendation 8 and plans to make the NTTF Tier 2 9.3 EP items generically applicable through those associated rulemakings. Multiunit dose assessment capability would be made generically applicable through the subsequent rulemaking for NTTF Recommendations 9.1 and 9.2 EP items under Tier 3.

The staff has found that integration of the Tier 2 NTTF Recommendation 9.3 EP items associated with training, exercises, facilities, and equipment with the Tier 1 NTTF Order EA-12-049 provides regulatory certainty and consistent implementation processes. In addition, the actions described above by licensees to provide the multiunit dose assessment capability and the development of the associated guidance will ensure that licensees are capable of

The Commissioners

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conducting multiunit dose assessment significantly ahead of issuing an Order. Therefore, the staff requests that the Commission grant the proposed change to the path forward regarding the implementation of the Tier 2 NTTF Recommendation 9.3 EP items.

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