

September 5, 2014

Susan Perkins-Grew, Senior Director
Emergency Preparedness and Risk Assessment
Nuclear Energy Institute
1201 F Street, NW
Suite 1100
Washington, DC 20004

SUBJECT: REVIEW PROCESS FOR A STANDARD EMERGENCY PLAN

Ms. Perkins-Grew:

This letter serves to respond to your email dated May 23, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14225A745), regarding the industry's development and use, and the U.S. Nuclear Regulatory Commission's (NRC) review and approval, of a standard emergency plan template. The NRC staff believes the industry's proposal to develop a standard emergency plan template, which would facilitate the revision of a licensee's emergency plan and subsequent submittal to the NRC for approval as a license amendment under section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), could benefit the regulatory process. The NRC staff understands that the template is intended to support a licensee's revision of its emergency plan, based on the enhancements being proposed in Revision 2 to NUREG-0654/FEMA-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants." The proposed template would serve to re-baseline the licensee's emergency plan for 10 CFR 50.54(q) review purposes.

In your email, you proposed that a licensee only be required to document and provide justification for deviations from the proposed emergency plan template, rather than document the licensee's review of past emergency plan commitments consistent with the 10 CFR 50.54(q) process. In support of this concept, you cited the process for submittal of emergency action level (EAL) scheme changes based on either the Appendix 1 to NUREG-0654/FEMA-REP-1 or NUMARC/NESP-007 methodologies, to NEI 99-01 (Revision 4), and in previous discussions with the staff, the use of a template similar to the NRC's endorsement of Nuclear Energy Institute (NEI) document NEI 03-12, "Security Plan Template."

In regards to the use of a security plan template, NEI 03-12 was initially endorsed by the NRC in support of the implementation of the post-September 11, 2001, Security Orders and subsequently used for the NRC staff's approval of additional requirements under the final Power Reactor Security Rule in 2009. Similarly, the NRC has endorsed several revisions of NEI 99-01, "Methodology for Development of Emergency Action Levels." Nonetheless, Appendix E to 10 CFR Part 50 requires a licensee to submit its proposed scheme change for prior NRC approval. Once the EAL scheme is approved by the NRC, the licensee may make subsequent

changes under 10 CFR 50.54(q)(3). Therefore, for a revision to the licensee's emergency plan using a proposed template, the NRC would expect the licensee to address, at a minimum:

- Regulatory commitments that result from Commission orders, Atomic Safety and Licensing Board, other hearing findings, enforcement actions, etc.;
- Program elements that address site-specific planning and response constraints, or corrective actions for identified plan deficiencies and emergency response organization performance weaknesses; and
- Changes to the licensee's emergency plan that impact State and/or local emergency plans (i.e., offsite notification content or timing, applicable staffing changes for positions responsible for supporting, coordinating or interfacing with offsite response organizations) and discussions with impacted organizations.

The Emergency Preparedness regulations in 10 CFR Part 50 differ from the structure of the security regulations in that they require the NRC to make a determination that the emergency plan must provide reasonable assurance that adequate protective measures can and will be taken. These regulations require the NRC to make this determination based on the NRC's assessment as to whether the licensee's emergency plan is adequate and capable of being implemented. The NRC completed these assessments on the currently approved emergency plan and would need to make these determinations anew for a re-baselined emergency plan.

The NRC staff understands the potential benefit of NRC endorsement of a standard template to facilitate the re-baselining of licensee emergency plans. The NRC staff would support a public meeting with NEI and industry representatives to further discuss the scope, level of detail (including site-specific aspects), and regulatory commitment aspects that would be required to support possible NRC endorsement of a standard emergency plan template.

If you have any questions regarding the NRC staff's thoughts on this issue, please contact either myself or Joe Anderson at (301) 287-3779 or (301) 287-9300, respectively.

Sincerely,

/RA/

Robert J. Lewis, Director
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

cc: Andrew Mitchell, FEMA

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