

U.S. NRC Update

“Emergency Preparedness Overview”

INPO New EP Managers’ Seminar
August 22, 2018

Joseph D. Anderson, Chief
Reactor Licensing Branch
Division of Preparedness and Response
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission

NRC Commissioners

The Commission



Kristine L. Svinicki, Chairman
Began Serving: March 2008
Term ending: June 2022



Jeff Baran
Began Serving: October 2014
Term Ending: June 2023



Stephen G. Burns
Began Serving: November 2014
Term Ending: June 2019



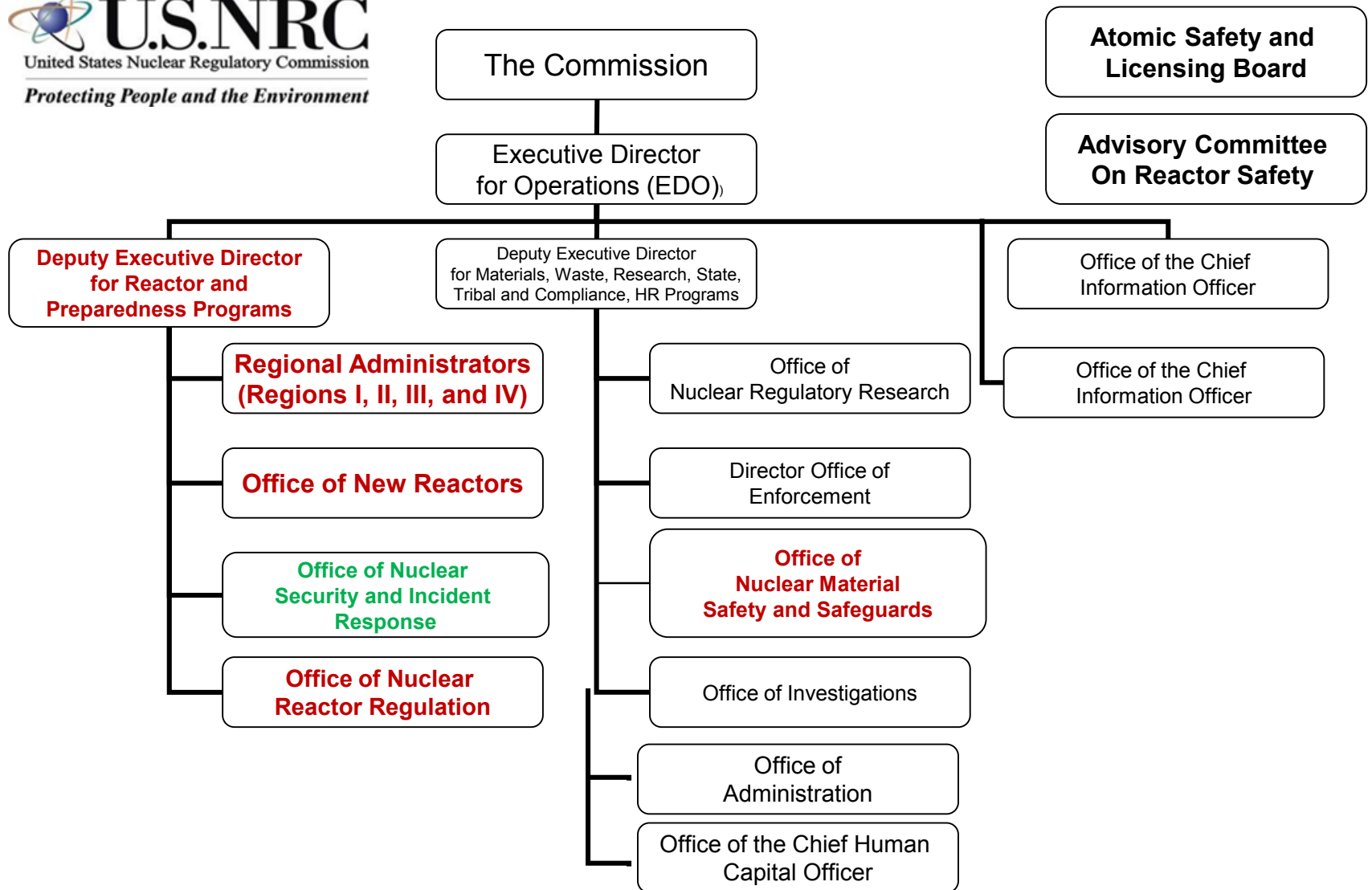
Annie Caputo
Confirmed: May 2018
Term Ending: June 2021



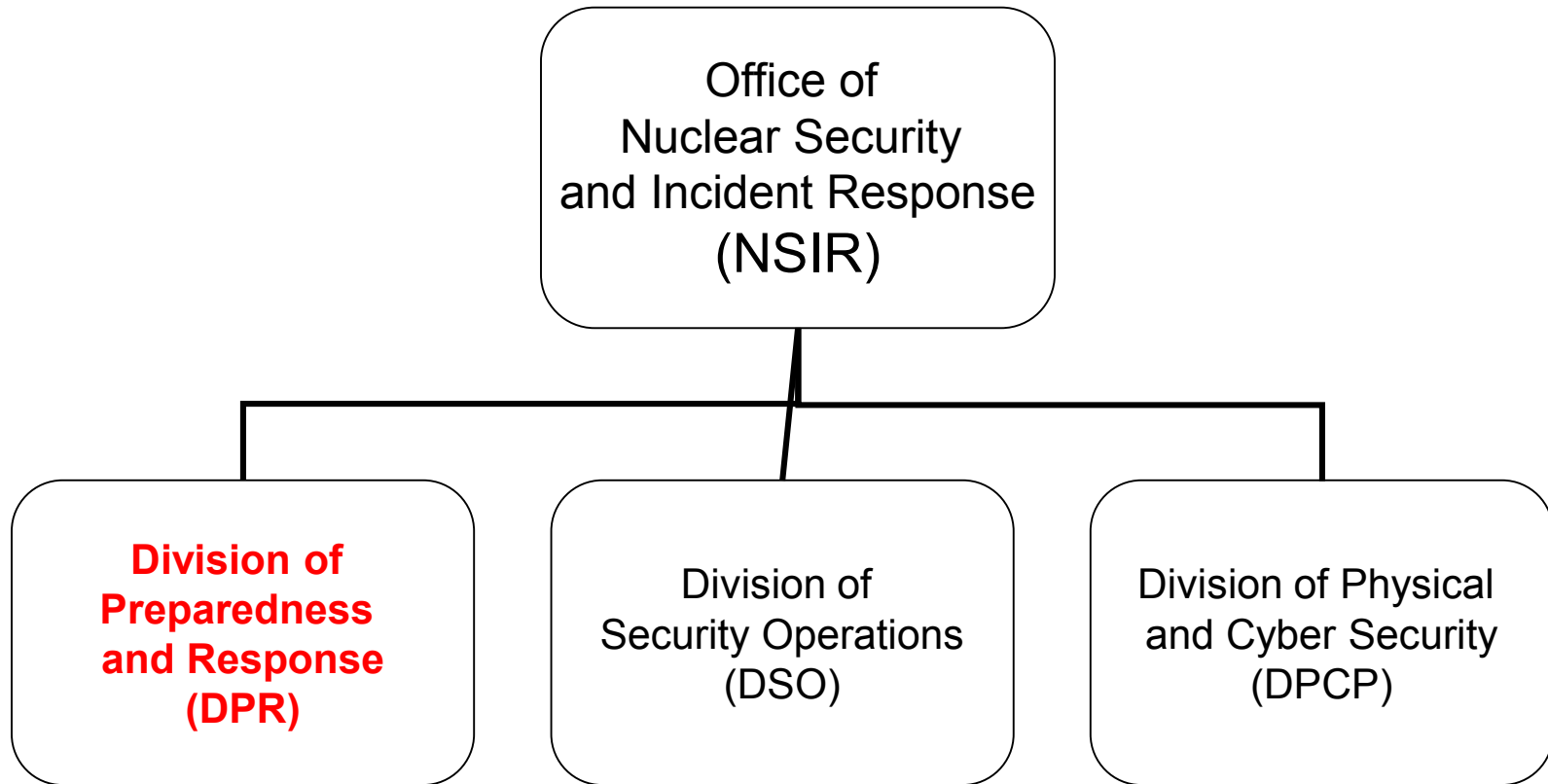
David Wright
Confirmed: May 2018
Term Ending: June 2020

Commission – Staff Interface

- Formal staff interface with Commission is through OEDO or in hearings.
- Commission SECY Paper:
 - Office of the Secretary (SECY) of the Commission**
 - Notational (“Voting”): *Commission majority*
 - Informational
- Staff Requirements Memorandum (SRM)



NSIR Organization



Division of Preparedness and Response

Division of Preparedness and Response

Michael Scott, Director
Robert (Clay) Johnson, Deputy Director

Reactor Licensing Branch

Joe Anderson, Chief
(301) 287-9300
joseph.anderson@nrc.gov

Policy and Oversight Branch

Bob Kahler, Chief
(301) 287-3756
robert.kahler@nrc.gov

Operations Branch *(HQ Operations Officers)*

Harold Chernoff, Chief
(301) 287-3532
Harold.chaernoff@nrc.gov

Coordination Branch *(Operations Center)*

Bill Gott, Chief
(301) 287-9256
william.gott@nrc.gov

NRC Authorities

- Atomic Energy Act of 1954, amended in 1974
 - empowered the NRC to establish by rule or order, and to enforce, such standards to govern these uses as "the Commission may deem necessary or desirable in order to protect *health and safety* and minimize danger to life or property."
- U.S. Supreme Court has expressly held that, while states retain authority over "questions of need, reliability, cost, and other related State concerns," federal preemption under the Atomic Energy Act (AEA) *prevents states from regulating nuclear power for the purposes of radiological safety.*

FEMA / NRC “Partnership”

10 CFR 50.47(a)(2) states (in part): *“The NRC will base its finding on a review of the Federal Emergency Management Agency (FEMA) findings and determinations as to whether State and local emergency plans are adequate...”*

10 CFR 50.54(s)(2)(ii) states that if the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, and if the deficiencies are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate.

NRC/FEMA Coordination

“Memorandum of Understanding Between the DHS/FEMA and NRC Regarding Radiological Response, Planning and Preparedness” (ADAMS Accession No. ML15344A371)”

<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML15344A371>

Establishes framework of cooperation:

- Authorities and Responsibilities
- Areas of Cooperation
- NRC/FEMA Steering Committee on Emergency Preparedness

FEMA Responsibilities:

- Lead for offsite emergency planning, including the review and assessment of offsite emergency plans and preparedness for adequacy

NRC Responsibilities:

- Assess licensee emergency plans for adequacy, and verify adequate implementation and maintenance
- Review FEMA findings and determinations as to whether offsite plans are adequate and can be implemented
- Decisions with regards to overall state of emergency preparedness (“Continued Reasonable Assurance”)

Disaster Initiated Review (DIR)

- A DIR is performed if:

“A disaster damages the area around a licensed nuclear power plant to an extent that FEMA seriously questions the continued adequacy of offsite emergency preparedness.”

- Reaffirms radiological emergency preparedness capabilities of affected offsite jurisdictions located in the 10-mile EPZ.
- **Not** intended as a comprehensive review of offsite plans and preparedness.

(Option) Preliminary Capabilities Assessment

- Provides option to assess impact of offsite EP infrastructure prior to initiating DIR:
 - Disaster has impacted offsite EP infrastructure, but extent unknown, and
 - Intended to provide a “snap shot.”
- Focus is FEMA/NRC interface at Regional level.
- Not intended to replace or defer a DIR.

Disaster Initiated Review (DIR)

- **NRC Manual Chapter 1601**
(ADAMS Accession No. ML18093A372)
<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML18093A372>
 - Outlines Headquarters and Regional roles and responsibilities for interfacing with FEMA and licensee
- **FEMA Disaster Initiate Review Standard Operating Guide (SOG)**
 - Disaster Initiated Review Team composition
 - Assessment of Offsite Capabilities Checklist
 - Focus on emergency response primary activities

Regulatory Compliance vs. Industry Excellence

Ownership of “Site” Emergency Plan

Regulatory Review vs. Approval

Review:

- Required by NRC regulations (54q, ETE update)

Approval:

- License Amendment (under 10 CFR 50.90)
 - Reduction in Effectiveness (10 CFR 50.54(q)(4))
 - Required by NRC regulations (EAL scheme, EOF >25 miles)
- License Exemption (under 10 CFR 50.12)
 - An exemption to the standards to 10 CFR 50.47(b) or the requirements of Appendix E to Part 50, which constitute a reduction in effectiveness, requires Commission approval.
 - Biennial Exercise (RIS 2006-03)
ADAMS Accession No.: ML053390039

License Amendment Request

- **RIS 2015-16**, “Planned Licensing Action Submittals for All Power Reactor Licensees”
(ADAMS Accession No.: ML16013A156)
 - Intended to serve as a “living” data base
 - Updates provided via licensing organization to NRR/DORL Project Manager
- **Conference calls/meetings with NRC staff:**
 - Coordinated through NRR/DORL Project Manager
 - Public vs. non-public
 - Purposes:
 - Pre-submittal
 - Draft requests for additional information (RAIs)
 - Schedule or clarification

License Amendment Request

- Federal Register Notice (FRN) issued that will:
 - Brief description of amendment and facility involved;
 - Staff's proposed determination;
 - Solicit comments on proposed determination, and
 - Provide for a 30-day comment period
- Opportunity for public hearing based on challenge to significant hazards determination.
- **State Consultation** (10 CFR 50.91(b))
 - "Good faith effort" to consult with State
 - NRR/DORL Project Manager → Designated State official

Administrative Rulemaking

- (Effective December 31, 2015) Removed the requirement from Section V (Implementing Procedures) to Appendix E to 10 CFR Part 50:

“Licensees who are authorized to operate a nuclear power facility shall submit any changes to the emergency plan or procedures to the Commission, as specified in §50.4, within 30 days of such changes.”

- Intended to eliminate the unnecessary submittal of EPIP revisions that would not constitute a change to the licensee’s emergency plan

Administrative Rulemaking

- 10 CFR 50.54(q)(5): Emergency plan changes made without prior NRC approval
 - Under §50.4, submit a report, including a summary of analysis
 - **Certain subtier documents, such as EIPs, where a programmatic description was relocated from the emergency plan to a subtier document, would continue to be subject to §50.54(q).**

For More Information

Joe Anderson, Reactor Licensing Branch Chief

301-287-9300

Joseph.Anderson@nrc.gov

Bob Kahler, Policy & Oversight Branch Chief

301-287-3756

Robert.Kahler@nrc.gov

Bill Gott, Coordination Branch Chief

301-287-9256

William.Gott@nrc.gov

Harold Chernoff, Operations Branch Chief

301-287-0715

Harold.Chernoff@nrc.gov