

Department of Energy

Washington, DC 20585

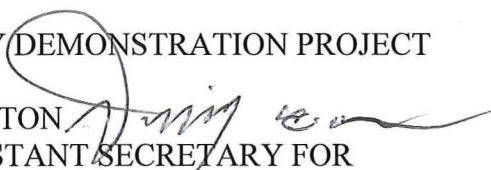
SEP 25 2017

MEMORANDUM FOR BRYAN C. BOWER

DIRECTOR

WEST VALLEY DEMONSTRATION PROJECT

FROM:

^{Job:} JAMES A. HUTTON 
DEPUTY ASSISTANT SECRETARY FOR
SAFETY, SECURITY, AND QUALITY ASSURANCE

SUBJECT:

West Valley Demonstration Project Exemption Request

The purpose of this memorandum is to respond to the West Valley Demonstration Project's April 13, 2017, and July 24, 2017, memoranda concerning the request for an exemption to the Threat Hazard Identification and Risk Assessment (THIRA) requirement in the Department of Energy (DOE) Order 151.1D, *Comprehensive Emergency Management System*. Sites are required to identify threats and hazards, impacting the site and anticipated capabilities necessary to address them.

The attached information submitted by your office, documenting a local government program for assessing threats and risk, meets the intent of the THIRA requirement. The Office of Emergency Operations in the National Nuclear Security Administration supports this determination and we approve this request as an equivalency (see attachments).

If you have any questions, please contact me or Mr. Jimmy McMillian, Director for Safeguards, Security and Emergency Preparedness, at (301) 903-5498.

Attachments

cc: James Owendoff, EM-1 (Acting)
Joceline Nahigian, EM-2.1 DCOS
Stacy Charboneau, EM-3
Kirk Lachman, EM-3
Kenneth Picha, EM-3
Melanie Pearson-Hurley, EM-3
Julie Goeckner, EM-3.1
Gregory Sosson, EM-3.11/CNS
Jimmy McMillian, EM-3.114
Frank Moussa, EM-3.114



EM 3.114 Emergency Management Equivalency/Exemption Request Worksheet

Requesting Site: West Valley Demonstration Project (WVDP)	Date of Request: April 13, 2017
Type of Request: Exemption Equivalency X	Request Approval: Yes X No
Site Exemption/Equivalency Request: Pursuant to DOE Order 151.1D, 3.c.(1), the DOE West Valley Demonstration Project (WVDP) requests an exemption to DOE Order 151.1D, Attachment 3, Section 2.d.(2) regarding the conduct of a THIRA in accordance with Department of Homeland Security (DHS), Comprehensive Preparedness Guide (CPG) 201, Threat and Hazard Identification and Risk Assessment Guide. The DHS CPG 201, is written as a community-based resource to assist in making decisions on how to manage risk to include developing needed capabilities. The WVDP site and Ashford Office Complex (AOC) offices are situated within municipalities. Formal relationships are documented via Memoranda of Understanding (MOU) or Letters of Agreement (LOA) with local agencies with first response capabilities in the event of an emergency requiring such resources. There is no cost benefit to the WVDP site, AOC, or DOE in preparing a THIRA in accordance with the CPG. Project funding, approximating \$100,000, to complete and document a THIRA would need to be added to an already tight DOE-WVDP funding profile. The WVDP site is involved in a deactivation and decommissioning process, with no long-term mission. Preparing a THIRA provides no value added.	
NA-40 Opinion <u>Conclusion:</u> The WVDP appears to have all the necessary information on hand to input into the THIRA Builder Tool. Furthermore, NA-40 will provide technical support to WVDP in meeting the established requirement. Considering the information provided, WVDP request is not justified, as required by DOE Order 251.1D, for exemption from the THIRA requirement. However, upon discussions and additional information provided by WVDP management and Deputy Assistant Secretary for Office Safety, Security and Quality Assurance, we recognize that the local government employs a different mechanism for assessing threats and risks that is very similar to the THIRA. Therefore, WVDP's request does meet a reasonable standard for an equivalency.	
General Counsel Per DOE Order 251.1D states that the organization seeking the equivalency or exemption must request and obtain advice from the OPI and their relevant GC before submitting the request to the Head of the Departmental Element for approval. WVDP did not obtain opinion from GC, therefore EM 3.114 requested advice from Office of Chief Counsel at the EMCBC. Tom Aug, Supervisor General Attorney, Office of Chief Counsel EMCBC, General & Environmental Law Division	

EMAIL Dated 2/26/2017: I looked at the PPD #8, as well as some CFR and USC references. Best I can tell, the THIRA is for communities to develop to help communities comply with PPD #8. The CFR requires various other plans, but not a THIRA. The DOE O 151.1D is what makes the THIRA a requirement for DOE sites. Therefore, I do believe we can request an exemption, especially since the site has an All Hazards Survey. Under DOE O 251.1D, I'm not sure who they are referring to when it states – (The Organization must) obtain advice from the OPI and their relevant GC office before submitting the request to the Head of the Departmental Element for approval.

The OPI is Emergency Operations, which you have correctly included. Not sure if they are referring to the OPI's relevant GC office or our Chief Counsel's office, which falls under GC. Generally, when GC is referred to, the document is referring to HQ GC, but not for certain in this case. **Regardless, I'm not seeing this exemption conflicting with any law or regulation.**

EM- 3.114 Comments

EM 3.114 does not totally agree with the NA-40 opinion. The NA-40 opinion does not fully address the WVDPs concern of conducting a THIRA and the value added. It should be noted that WVDP does not have a fire department and relies heavily upon the local fire and EMS response agencies through established agreements. Therefore, most resource planning for emergencies and disasters are coordinated through the local response agencies.

EM 3.114 does agree with NA-40 that a request for an equivalency would be more appropriated due to the additional information obtained from WVDP during the research of the exemption. **Therefore, EM 3.114 recommends the approval of an equivalency to the order concerning THIRA.**

EM 3.114 Process

Per, EM 3.114 Exemption/Equivalency Process procedure, the following three subjects shall be evaluated prior to rendering any conclusions:

Contrary to law or regulations

As stated above the exemption does not appear to conflict with any law or regulations beyond the DOE Order 151.1D requirement.

Ensures adequate protection of the public, workers, and the environment

As stated earlier the THIRA is written as a community-based resource to assist in making decisions on how to manage risk to include developing needed capabilities. The State of New York does not require the county to develop a THIRA. However, the state requires the county government to develop a County Emergency Preparedness Assessment (CEPA). CEPA is a framework and tool to help State and local stakeholders assess risk, capabilities, and the potential need for support and resources during emergencies or disasters. The Cattaraugus County CEPA includes the WVDP facility.

Also, the site's emergency planning technical base documents, BNA, DSAs, and emergency plans, etc., are in-place to protect the public, workers, and the environment. **Therefore, the exemption request does not affect the adequate protection of the public, workers, and the environment.**

Remains consistent with the primary goal and purpose of the directive

The purpose of the DOE Order 151.1D is to provide the Department of Energy, including the National Nuclear Security Administration (NNSA), policy for the development, management, and administration of the DOE Emergency Management System. This Order meets the requirements of Executive Orders, Policies, and Directives regarding emergency management; including Homeland Security Presidential Directive (HSPD) 5, which mandates that the Department adopt the National Incident Management System, in support of the National Response Framework. It assigns responsibilities, authorities, and accountabilities to the appropriate levels of Department management, promotes collaboration through consensus based programmatic decision making, and provides policy direction for coordination of these activities within the Department, and with other government and non-government organizations, to ensure efficiency and effectiveness.

Considering the information provided in the WVDP THIRA exemption request and the additional information provided concerning the emergency planning of the State and local stakeholders assessing risk, capabilities, and potential need for support and resources during emergencies or disasters.

It is determined that the exemption request of DOE Order 151.1D THIRA requirement does not affect the ability of WVDP to remain consistent with the primary goal and purpose of the directive.

Additional Information:

State of New York requires a County Emergency Preparedness Assessment (CEPA). The CEPA is a framework and tool to help State and local stakeholders assess risk, capabilities, and the potential need for support and resources during emergencies or disasters. The November 2016 Cattaraugus County CEPA includes the WVDP facility. It should be noted that the WVDP site and offices are situated within municipalities and as such, rely on local first response capabilities in the event of an emergency. Planning responsibilities for response needs are coordinated with the local response forces.

Reviewer: Greg Campbell

Date: 08/18/2017

Concurrence:

Date:



Department of Energy
National Nuclear Security Administration
Washington, DC 20585



August 10, 2017

MEMORANDUM FOR JAMES M. OWENDOFF
ACTING ASSISTANT SECRETARY
FOR ENVIRONMENTAL MANAGEMENT

THROUGH: JAMES A. HUTTON
DEPUTY ASSISTANT SECRETARY
FOR OFFICE SAFETY, SECURITY AND
QUALITY ASSURANCE

FROM: WILLIAM E. SMITH 
ACTING ASSOCIATE ADMINISTRATOR
FOR EMERGENCY OPERATIONS

SUBJECT: West Valley Demonstration Project Exemption Request

REFERENCES:

1. DOE Order 251.1D, *Departmental Directives Program*
2. DOE Order 151.1D, *Comprehensive Emergency Management System*
3. Memorandum, *Exemption Request to Department Of Energy Order 151.1D, Comprehensive Emergency Management System, Conduct of a Threat and Hazard Identification and Risk Assessment*, Dated April 13, 2017

PURPOSE: In accordance with Reference 1 and Reference 2, this memorandum serves to document the advice provided from the Office of Primary Interest, the Associate Administrator for Emergency Operations (NA-40), to the Head of the Departmental Element, Assistant Secretary for Environmental Management, concerning Reference 3.

BACKGROUND: Pursuant to Reference 2, and Presidential Policy Directive (PPD) 8, NA-40 must prepare, for the Secretary of Energy, a DOE Enterprise Threat and Hazard Risk Profile that incorporates the sites and facilities submitted Threat and Hazard Identification and Risk Assessments (THIRA). Each site and facility THIRA is vital for NA-40 to complete a comprehensive DOE Enterprise Threat and Hazard Risk Profile.

To ensure this process is deliberate, consistent and timely, NA-40 developed, through the Emergency Management Issues – Special Interest Group (EMISIG), a user-friendly tool for sites and facilities to develop their THIRA. The tool was piloted at several high hazard facilities, demonstrated at the annual EMISIG conference, and improved upon to



the point that a complex THIRA can be completed within one working-day. NA-40 provides assistance for the use of the tool and development of THIRAs through the NA-40 Technical Assistance Program.

Under the THIRA program, Federal Emergency Management Agency helps Federal Agencies, States, Metro Areas, and Tribes identify specific threats and hazards associated with potential incidents, events or occurrences. This standardized process also allows the DOE to set capability targets as identified in the National Preparedness Goal as required in the PPD 8: *National Preparedness*, and provides a method for estimation of resources needed to meet the capability targets, thus enabling a community to understand how to best manage and plan for its greatest risks.

CONCLUSION: The West Valley Demonstration Project (WVDP) appears to have all the necessary information on hand to input into the THIRA Builder Tool. Furthermore, NA-40 will provide technical support to WVDP in meeting the established requirement. Considering the information provided above, and provided within Reference 3, WVDP's request is not justified, as required by Reference 1, for exemption from the THIRA requirement. However, upon discussions and additional information provided by WVDP management and the Deputy Assistant Secretary for Office Safety, Security and Quality Assurance, we recognize that the local government employs a different mechanism for assessing threats and risks that is very similar to the THIRA. Therefore, WVDP's request does meet a reasonable standard for an equivalency.

RECOMMENDATION: It is the opinion and recommendation of NA-40, that WVDP considers submission of an equivalency for the THIRA requirement rather than an exemption. The basis for the above recommendation is that according to WVDP, the local government employs a similar process for assessing Threats and Risks, but not the Department of Homeland Security THIRA. Approval of an equivalency for the THIRA requirement, would meet the intent of DOE Order 151,1D, *Comprehensive Emergency Management System, for identifying and communicating potential hazards, threats, capability targets and resources to the local government and the Department of Energy.*

If you have any questions, please contact the **Office of Emergency Operations (NA-40)** at 202-586-3941.

CATTARAUGUS COUNTY CEPA RESULTS OVERVIEW

**DHSES EMERGENCY MANAGEMENT REGION V WNY ZONE
04 NOVEMBER 16**

8/16/2017

AGENDA



- Hazard Assessment Review
 - Hazard Focus Assessment
 - Hazard Focus Analysis
- Capability Assessment Review
 - Strengths / Enhancements Review
- Training / Resources Requested
- Recommended Plans
- Recommended Training Points / Recommended PTE Plan
- Recommended State OEM Training Classes
- Questions

HAZARD ASSESSMENT REVIEW



- Most likely hazards:
 - Flooding
 - Severe Winter Storm
 - Ice Storm (at least ½" or more)

- Most Immediate required outside assistance (based on a major incident of one of the most likely hazards)
 - Fatality Management

HAZARD FOCUS ASSESSMENT

Hazard	Likelihood	Consequence	Relative Risk Score
Flooding	Very High	High	20
Wildfire	High	High	16
Cyber Attack	High	High	16
Severe Winter Storms	High	Medium	12
Ice Storms (at least 1/2 inch or more)	Medium	High	12
Severe Wind/Tornado	Medium	High	12
Improvised Explosive Device (IED) / Vehicle Born IED	Medium	High	12
Hazmat Release	Medium	High	12
Hazmat Release - in transit	Medium	High	12
Radiological Release (Fixed Site)	Medium	High	12
Sustained Power Outage (three days or more)	Medium	High	12
Critical Infrastructure Failure	Medium	High	12
West Valley Facility - Transit	High	Medium	12
Food Contamination	Medium	Medium	9
Major Transportation Accident	Medium	Medium	9
Major Fires (non-Wildfires)	Medium	Medium	9
Pandemic	Low	High	8
Biological Agent Release	Low	High	8
Active Shooter	Low	High	8
Improvised Nuclear Device (IND)	Low	High	8
Radiological Dispersal Device (RDD)	Low	High	8
Dam Failure	Low	High	8
Hurricanes / Tropical Storm (Wind and Surge)	Low	Medium	6
Landslides	Medium	Low	6
Animal Disease / Foreign Animal Disease	Low	Medium	6
Extreme Temperatures	Medium	Low	6
Earth Quakes	Very Low	Medium	3
Drought	Very Low	Very Low	1

* Weight based on Relative Risk Score

HAZARD FOCUS ASSESSMENT



Hazard	Likelihood	Consequence	Relative Risk Score
Flooding	Very High	High	20
Wildfire	High	High	16
Cyber Attack	High	High	16
Severe Winter Storms	High	Medium	12
West Valley Facility - Transit	High	Medium	12
Ice Storms (at least Very Low/Low inch or more)	Medium	High	12
Severe Wind/Tornado	Medium	High	12
Improvised Explosive Device (IED) / Vehicle Born IED	Medium	High	12
Hazmat Release	Medium	High	12
Hazmat Release - in transit	Medium	High	12
Radiological Release (Fixed Site)	Medium	High	12
Sustained Power Outage (three days or more)	Medium	High	12
Critical Infrastructure Failure	Medium	High	12
Food Contamination	Medium	Medium	9
Major Transportation Accident	Medium	Medium	9
Major Fires (non-Wildfires)	Medium	Medium	9
Landslides	Medium	Low	6
Extreme Temperatures	Medium	Low	6
Pandemic	Low	High	8
Biological Agent Release	Low	High	8
Active Shooter	Low	High	8
Improvised Nuclear Device (IND)	Low	High	8
Radiological Dispersal Device (RDD)	Low	High	8
Dam Failure	Low	High	8
Hurricanes / Tropical Storm (Wind and Surge)	Low	Medium	6
Animal Disease / Foreign Animal Disease	Low	Medium	6
Earth Quakes	Very Low	Medium	Medium
Drought	Very Low	Very Low	Very Low

* Weight based on Likelihood of occurrence

HAZARD FOCUS ASSESSMENT



Hazard	Likelihood	Consequence	Relative Risk Score
Flooding	Very High	High	20
Wildfire	High	High	16
Cyber Attack	High	High	16
Ice Storms (at least 1/2 inch or more)	Medium	High	12
Severe Wind/Tornado	Medium	High	12
Improvised Explosive Device (IED) / Vehicle Born IED	Medium	High	12
Hazmat Release	Medium	High	12
Hazmat Release - in transit	Medium	High	12
Radiological Release (Fixed Site)	Medium	High	12
Sustained Power Outage (three days or more)	Medium	High	12
Critical Infrastructure Failure	Medium	High	12
Pandemic	Low	High	8
Biological Agent Release	Low	High	8
Active Shooter	Low	High	8
Improvised Nuclear Device (IND)	Low	High	8
Radiological Dispersal Device (RDD)	Low	High	8
Dam Failure	Low	High	8
Severe Winter Storms	High	Medium	12
West Valley Facility - Transit	High	Medium	12
Food Contamination	Medium	Medium	9
Major Transportation Accident	Medium	Medium	9
Major Fires (non-Wildfires)	Medium	Medium	9
Hurricanes / Tropical Storm (Wind and Surge)	Low	Medium	6
Animal Disease / Foreign Animal Disease	Low	Medium	6
Earth Quakes	Very Low	Medium	3
Landslides	Medium	Low	6
Extreme Temperatures	Medium	Low	6
Drought	Very Low	Very Low	1

* Weight based on consequence

HAZARD FOCUS ANALYSIS

- Based on your CEPA, your top three hazards for which you should be most prepared are below:

Hazard	Relative Risk Score	Likelihood
Flooding	20	Very High
Severe Winter Storms	12	High
Ice Storms (at least 1/2 inch or more)	12	High

- These three are at the top of the cross section of the Relative Risk Score and the likelihood of occurring.
- Your planning and training should focus on improving the capabilities required to respond to and recover from (e.g. damage assessment, cyber security, etc.) an incident like one of the above

CAPABILITIES ASSESSMENT REVIEW



Response Capacity

Capability	Deliver Capability w/o assistance
Onsite Incident Management	48 Hours
Law Enforcement Response Operations	48 Hours
Firefighting Support & Operations	48 Hours
Transportation	48 Hours
Health Emergency Preparedness	48 Hours
Damage Assessment	48 Hours
Debris Management	48 Hours
Search & Rescue Operations	24 Hours
EOC Management	24 Hours
Mass Care & Sheltering	24 Hours
EMS Operations	24 Hours
Logistics & Resource Management	24 Hours
CBRNE Response & Decontamination	Less than 24 Hours
Fatality Management	Less than 24 Hours

Capabilities	POETE Avg
Fatality Management	1.8
Continuity of Operations / Continuity of Government	2.0
CBRNE Response & Decontamination	2.0
Interoperable & Emergency Communications	2.4
Recovery	2.4
Damage Assessment	2.6
Mass Care & Sheltering	2.8
Transportation	2.8
CBRNE Detection & Interdiction	3.0
Planning	3.2
Citizen Awareness & Preparedness	3.2
Private Sector / NGO	3.2
Law Enforcement Counter-Terrorism Operations	3.2
Public Information & Warning	3.4
Search & Rescue Operations	3.4
Health Emergency Preparedness	3.4
EMS Operations	3.4
Logistics & Resource Management	3.4
Debris Management	3.4
Restoration of Infrastructure & Critical Services	3.4
Information Sharing & Intelligence Analysis	3.8
Critical Infrastructure / Key Resource Protection	3.8
EOC Management	3.8
Law Enforcement Response Operations	3.8
Cyber Security	4.0
Onsite Incident Management	4.0
Firefighting Support & Operations	4.0
Mitigation	4.0

* Weight based on POETE Avg.

Common (Overarching) Capabilities
Prevention / Protection Capabilities
Response Capabilities
Recovery / Mitigation Capabilities

STRENGTHS/ENHANCEMENTS REVIEW



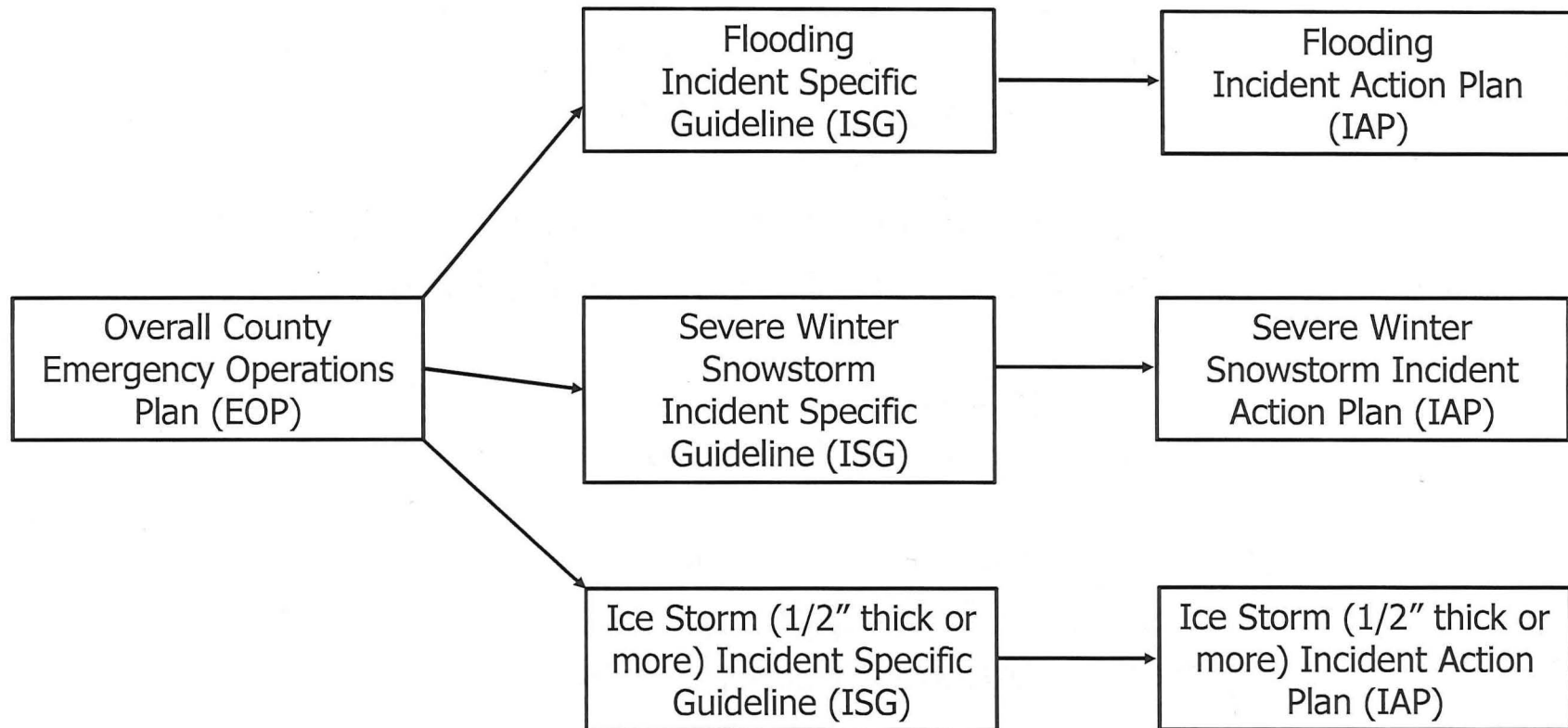
- Strengths:
 - Regional partnerships (county departments, agencies, local governments, and NGOs)
 - Robust communications system that supports COOP / COG
 - Partnership mitigation planning between Public Works and Emergency Services
 - Multi-jurisdictional Hazard Mitigation Plan has 100% local government participation
- Enhancement Opportunities:
 - Time for conducting training and drills on a regular basis
 - Formal Plans need to be developed for the following:
 - COOP / COG / Continuity of Facilities
 - Emergency Services / Public Works
 - Interoperable Communications
 - Recovery planning
 - Interoperable and Emergency Communications
 - Transportation and Fatality Management
 - Continued development and investment in communication systems

TRAINING/RESOURCES REQUESTED



1. Create a planning group to develop a COOP / COG Plan
2. Training and exercise for Mass Care & Sheltering
3. Mass casualty training and exercise in support of the EMS
4. Fatality Management training
5. Restoration of Infrastructure and Critical Services training and exercise

RECOMMENDED PLANS



RECOMMENDED TRAINING POINTS



1. Your training should address your enhancement opportunities in your capabilities assessment specifically addressing and preparing for capabilities that will be required in the event one of your most likely hazards occurs
2. It is recommended that you conduct training in crawl, walk, run phases and break it out quarterly and plan 12 months ahead
3. It is also recommended that training comes in a building block approach and all discussion based and operational exercises build off of one another
4. At the completion of your training plan all needs should have been addressed (e.g. push red areas to amber, push amber areas to green, and sustain green areas; utilizing most resources on red areas and limiting your use of resources of green areas)



RECOMMENDED PTE PLAN



	TRAINING PLAN FOR FLOODING RESPONSE & RECOVERY												
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Monthly Overview Example	Locate Stakeholders and Review current plans	Meet with stakeholders and prepare a scenario	Conduct Seminar with key players	Update/revise plan	Meet with stakeholders and update scenario	Conduct Tabletop or Workshop exercise with key players	Update/revise plan	Meet with each stakeholder agency and update scenario	Conduct Drills (each stakeholder agency conducting a drill for their responsibility)	Update/revise plan	Meet with stakeholders and finalize scenario	Conduct a functional or full scale exercise	
Weekly Overview Example	WK 1: Send current plan to all stake holders	WK 1: Plan meeting and Prepare scenario framework	WK 1-4: Conduct Seminar (sometime this month when a majority of stakeholders can attend)	WK 1-2: All stakeholders update/revise current plan	WK 1: Plan meeting / Prepare scenario framework	WK 1-4: Conduct Tabletop or Workshop (sometime this month when a majority of stakeholders can attend)	WK 1-2: All stakeholders update/revise current plan	WK 1-3: Meet with each stakeholder individually and update scenarios so each stakeholder can conduct their own drill	WK 1-4: Conduct individual drills with all stakeholders	WK 1-2: All stakeholders update/revise current plan	WK 1: Plan meeting / Prepare scenario framework	WK 1-4: Conduct exercise	
	WK 2-3: All stake holders review	WK 2: Conduct meeting and produce a scenario		WK 3-4: Compile updated plan and send to stakeholders for review	WK 2: Conduct meeting and produce a scenario		WK 3-4: Prepare for tabletop or workshop (whatever is most applicable)	WK 3-4: Compile updated plan and send to stake holders for review		WK 4: Each stakeholder prepare for their drill	WK 3-4: Compile updated plan and send to stakeholders for review		WK 2: Conduct meeting and produce the finalized scenario
	WK 4: Stakeholders update any necessary info based on last years exercises/real world incidents	WK 3-4: Prepare for seminar									WK 3-4: Prepare for functional or full scale exercise (whatever is most applicable)		

- Utilizing this battle rhythm can ensure that your county has all necessary plans up-to-date on a yearly basis and it helps to identify training and resource gaps
- This plan will identify and drive additional training requirements
- This battle rhythm is cyclical

RECOMMENDED TRAINING COURSES



1. E0103: Planning: Emergency Operations
2. SOEM: Organizing and Managing the Local EOC
3. E0288: Local Volunteer and Donations Management
4. G0386: Mass Fatalities Incident Response Course
5. E0417: Mass Care/Emergency Assistance Shelter Field Guide Training