

## EPFAQ 2012-004 Draft Response

### Question:

Appendix E to Part 50, Section IV.A.9 requires by December 24, 2012, for nuclear power reactor licensees, a detailed analysis demonstrating that on-shift personnel assigned emergency plan implementation functions are not assigned responsibilities that would prevent the timely performance of their assigned functions as specified in the emergency plan. An applicant for an early site permit under Part 52 that chooses to propose either major features of an, or a complete and integrated, emergency plan (§ 52.17(b)(2)), or a combined license under Part 52 (§ 52.79(a)(21)) whose application is docketed before December 23, 2011 may choose to defer compliance with this rule until December 31, 2013.

Question: How may an applicant comply with the A.9 requirement by December 31, 2013 when:

- EOPs, AOPs and EIPs are not yet written?
- There is not yet a qualified on-shift staff?
- Job task analysis for the on-shift staff are not completed?
- A simulator is not yet available to perform time-motion studies?

### NRC Response:

The NRC agrees with the proposed solution as stated:

Federal Register / Vol. 76, No. 226 / Wednesday, November 23, 2011, page 72579, Section IV, "Section-by-Section Analysis" states:

An applicant that defers compliance with this rule is expected to implement this rule under the same schedule as it would implement EP requirements in the absence of this rule. This means that this rule does not require any immediate implementation actions on the part of any applicant, but rather shall be implemented after receipt of a combined license, and under the licensee's schedule for completing EP-related requirements (e.g., through completion of EP related Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)). (End of Federal Register) Therefore, an applicant that chooses to defer compliance shall request to:

- Amend the combined license or early site permit no later than December 31, 2013.
- Revise its combined license or early site permit application no later than December 31, 2013 (if the applicant has not received a combined license or early site permit before December 31, 2013).

Proposed Solution: The amendment or revision to the combined license or early site permit shall commit to performing the On-Shift Staffing Analysis using NEI 10-05, Assessment of On-Shift ERO Staffing and Capabilities, Revision 0; shall specify when the NEI 10-05 analysis will be performed during implementation of other EP-related requirements; and will be tracked by a license condition (same process used for implementation of Emergency Action Levels using NEI 07-01).