

EPFAQ 2013-005 Response

Question:

The NRC's regulation at 10 CFR Part 50, Appendix E, Section IV.E.8.d states in part that alternative facilities must be capable of performing offsite notifications. Specifically, the regulation states:

"For nuclear power reactor licensees, an alternative facility (or facilities) that would be accessible even if the site is under threat of or experiencing hostile action, to function as a staging area for augmentation of emergency response staff and collectively having the following characteristics: the capability for communication with the emergency operations facility, control room, and plant security; the capability to perform offsite notifications; and the capability for engineering assessment activities, including damage control team planning and preparation, for use when onsite emergency facilities cannot be safely accessed during hostile action."

This is further explained in NSIR/DPR-ISG-01, "Interim Staff Guidance Emergency Planning for Nuclear Power Plants," Rev. 0, November 2011, which states:

"For the case where the EOF is located outside the owner-controlled area and the alternative facility is not located in the EOF, the EOF would likely be available to perform the ORO notification function. However, there is no guarantee that the EOF would be available to perform this function during hostile action. Therefore, the alternative facility must be capable of performing offsite notifications."

Under the strictest interpretation, this guidance implies that alternative facilities must be capable of performing offsite notifications, regardless of whether the EOF is available to perform those notifications or not. This interpretation would require some licensees to have the capability for notifications at three facilities (i.e., control room, EOF and the alternative facility). However, the *Federal Register* notice for the Emergency Preparedness (EP) Final Rule (76 FR 72560, 72587; November 23, 2011) explains that licensees can achieve the required capabilities of the alternative facility (or facilities) in the most appropriate manner for their site. This indicates that the capability for offsite notification can be performed at one of multiple designated alternative facilities.

If the EOF is located outside the owner controlled area and is accessible during a Hostile Action Based event, and has the capability to perform offsite notifications within 15 minutes of a change in emergency classification level or issuance of a PAR, then would it be acceptable to designate this responsibility to the EOF? In this situation, the EOF becomes the alternative facility for the offsite communication function.

NEI Proposed Solution:

For cases where a licensee's EOF is located outside the owner controlled area, is a safe distance from the plant, and accessible during a Hostile Action Based event, it is consistent with

the regulation and regulatory guidance for the EOF to perform the alternative facility notification function.

Supporting basis information:

In the strictest interpretation, “capability” may require some licensees to install redundant ORO notification systems in the alternative facility serving a function of assembly area or, at a minimum, ensure sufficient qualified individuals are available to simultaneously notify OROs in a timely manner. Note that some licensees require notification of up to 7 agencies, as required by their Emergency Plan.

The EP Final Rule Federal Register Notice (76 FR 72587) states that “the NRC intends for licensees to use existing facilities that are a safe distance from the plant. Therefore, the NRC will not codify the equipment that must be present in the alternative facility (or facilities), but rather will allow licensees to achieve the required capabilities of the alternative facility (or facilities) in the most appropriate manner for their site.”

NRC Response:

The NRC agrees in principle with the NEI proposed solution. The option for licensees to designate the emergency operations facility (EOF) as an alternative facility was recognized in the EP Final Rule *Federal Register* notice (76 FR 72587) “if it is located outside the owner controlled area and is within about 30 miles of the site.” The NRC’s position on designating the EOF as an alternative facility is based on the following considerations: 1) hostile action (threatened or actual) would be directed at the nuclear power plant site and would impact access to the owner controlled area; 2) restrictions to owner controlled area access due to hostile action would not impact EOF access as long as the EOF is located outside the owner controlled area and EOF access is not dependent on owner controlled area access (for example, due to a common access point); and, 3) the EOF is located far enough from the site such that hostile action and security/law enforcement activities at the site would not cause a safety hazard for personnel responding to the EOF. Under these conditions, the EOF is likely to be accessible during hostile action occurring at the nuclear power plant site based on the EOF’s location and distance from the site.

During hostile action when the alternative facility or facilities are in use, the EOF, as one of the alternative facilities, would need to be capable of performing the offsite notification function within 15 minutes of a change in emergency classification level and/or issuance of a protective action recommendation since the offsite notification location(s) at the site may not be accessible after the initial emergency declaration. The licensee’s emergency plan will need to address either full EOF activation, or partial EOF activation for performing offsite notifications, based on the same emergency classification levels and conditions under which the alternative facility or facilities would be put into use. For example, if a licensee’s EOF is not normally activated at an Alert, but the emergency plan calls for use of the alternative facility or facilities following declaration of an Alert or higher due to hostile action at the site, then EOF full or partial activation to enable offsite notification at an Alert or higher is required.

In summary, the EOF may be designated as the alternative facility for the offsite notification function if the facility:

1. is located outside the owner controlled area and within about 30 miles of the site*;
2. will be accessible during threatened or actual hostile action at the site; and,
3. has the capability to perform offsite notifications within 15 minutes of a change in emergency classification level and/or issuance of a protective action recommendation when the alternative facility or facilities are in use.

* If an EOF greater than 30 miles of the site has been approved by the NRC for the offsite notification function, then it may be designated as the alternative facility for the offsite notification function as long as the other conditions described above are met.