

April 22, 2015

MEMORANDUM TO: James W. Andersen, Deputy Director
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

FROM: Joseph D. Anderson, Chief **/RA/**
Operating Reactor Licensing and Outreach Branch
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

SUBJECT: SUMMARY OF PUBLIC MEETING BETWEEN THE U.S. NUCLEAR
REGULATORY COMMISSION, THE NUCLEAR ENERGY
INSTITUTE, AND INDUSTRY ON EMERGENCY PREPAREDNESS
FREQUENTLY ASKED QUESTIONS HELD ON MARCH 31, 2015

The purpose of this Category 2 public meeting with industry representatives, held on March 31, 2015, was to discuss proposed Emergency Preparedness Frequently Asked Questions (EPFAQs) developed by the Nuclear Energy Institute (NEI) for possible submission at a later date. Refer to Enclosure 2 for a listing of potential EPFAQs discussed.

The staff reiterated the process that industry generated EPFAQs should be reviewed, compiled, and screened by NEI prior to submitting to the U.S. Nuclear Regulatory Commission. However, this does not preclude anyone from submitting EPFAQs directly to the NRC via the emergency preparedness section of the NRC public website (<http://www.nrc.gov/about-nrc/emerg-preparedness/faq/faq-contactus.html>).

Members of the public were provided an opportunity to provide comments.

CONTACT: Oscar L. Aragon, NSIR/DPR
(301) 287-3790

Enclosures:
Meeting Attendees
Draft EPFAQs

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**PUBLIC MEETING TO DISCUSS CHANGES TO THE
EMERGENCY PLANNING FREQUENTLY ASKED QUESTIONS PROCESS**

Tuesday, March 31, 2015 (8:30 a.m. – 12:30 p.m.)

<u>Name</u>	<u>Affiliation (if any)</u>
Oscar Aragon	U.S. NRC (NSIR/DPR)
Troy Burnett	Entergy
John Costello	Dominion Services
Raymond Hoffman	U.S. NRC (NSIR/DPR)
Martin Hug	Nuclear Energy Institute
Don Johnson	U.S. NRC (NSIR/DPR)
Robert Kahler	U.S. NRC (NSIR/DPR)
Richard Kinard	U.S. NRC (NSIR/DPR)
Steve Lavie	U.S. NRC (NSIR/DPR)
Aron Lewin	U.S. NRC (NRR/DIRS)
Marvin Lewis	N/A
Michael Norris	U.S. NRC (NSIR/DPR)
John Overly	Duke Energy
Monica Ray	Energy Compliance Consultants
Steve Sawtshenko	FirstEnergy
Martin Vonk	EP Consulting, LLC
Michael Wasem	U.S. NRC (NSIR/DPR)
David Young	Nuclear Energy Institute

Individuals representing the industry called into the meeting.

Proposed NRC EP FAQ 1

Question, including background description and applicable reference(s):

Assume that an Nuclear Regulatory Commission (NRC)-approved high-wind speed EAL reads “Wind speed greater than X mph;” however, no instrumentation or parameter value source is specified in the EAL or the Basis. Operators have instructions in severe weather operating procedures (i.e., not EPIPs) for determining wind speed from onsite sources (e.g., a primary tower, a backup tower and/or portable temporary instruments) and offsite sources (e.g., NWS or a local airport), and are trained on the acquisition of the necessary data. Some of these sources can provide data more quickly than others – an installed instrument reading vs. a phone call or use of portable temporary instruments. NEI believes that a loss of emergency assessment capability report (for the loss of the ability to assess the wind speed EAL) would be required if **all** the procedurally-driven sources for wind speed were unavailable. Would this be a reasonable approach for licensees in this situation to follow?

Proposed Solution:

If the licensee’s approved EAL threshold and bases DO NOT identify the instrument displaying the wind speed expressed in the EAL, then whatever procedurally defined source(s) for the wind speed value could be used to declare the EAL. As long as there was an available source for the wind speed value, then the assessment capability is not LOST. Again, this response is contingent upon the EAL that identifies the threshold wind speed value, and its basis, NOT specifying the instrument(s) used to obtain the wind speed. If a single specific wind speed instrument is identified, then that instrument would be the basis for determining if reportable condition exists. All of the other possible data sources might fall into the compensatory action category.

Engineering judgment may come into play when assessing the various sources of the wind speed value. For example, a remote/offsite wind speed source must be representative of the conditions at the site.

Proposed NRC EP FAQ 2

Question, including background description and applicable reference(s):

Assume that a fire detector in an area containing safety system equipment fails. In accordance with their Fire Protection Program requirements, a plant would establish a fire watch for the area. There would be a short period of time between the failure and the establishment of a fire watch, but the necessary actions are controlled by a fire protection program procedure. Would a loss of emergency assessment capability report (for the loss of remote fire detection in the given area) be required in this case? The failure/malfunction of a fire detector is not an infrequent event and, given the planned programmatic actions to address it, the industry is unclear if this type of an event warrants a report.

Proposed Solution:

Given the information provided, the NRC staff does not believe that this event would be reportable under § 50.72(b)(3)(xiii) provided that the licensee's fire-related EALs address fire notifications by plant personnel. In the last 3 revisions of NEI 99-01, this provision is addressed by:

Revision 4 – "FIRE in buildings or areas contiguous to any of the following (site-specific) areas not extinguished within 15 minutes of control room notification or verification of a control room alarm:"

Revision 5 – "FIRE in buildings or areas contiguous to any of the following (site-specific) areas not extinguished within 15 minutes of control room notification or verification of a control room alarm:"

Revision 6 – "Report from the field (i.e., visual observation)"

None of these EALs contain a reference to a specific fire alarm; therefore, they are not affected by a fire alarm outage. Further, there are two parameter sources here: (1) a fire alarm and (2) a receipt of a notification. In keeping with the general guidance, both must be lost to warrant an event report, i.e., a loss of ALL procedurally driven sources. An outage of a fire alarm would not be reportable as the notifications threshold is still available. Although a

dedicated fire watch may be driven by the fire protection plan as a contingency action, a fire watch isn't the only source of notification. As is typically covered in site-specific access training, all plant employees are required to promptly report emergency conditions such as fires to the control room. The NRC staff approved site-specific EALs knowing that not all areas of the plant are monitored by fire alarms; for these areas, observation by plant workers is the sole indication of a fire.

The licensee needs to also keep in mind the requirements of §50.54(q)(2). The NRC resident inspectors will be interested in the status of any long-term fire detection outages.

Proposed NRC EP FAQ 3

Question, including background description and applicable reference(s):

Are all emergency plan implementing procedures (EPIP) required to be sent to the NRC?

Licensees shall submit changes to the emergency plan implementing procedures to the Commission, as specified in § 50.4, within 30 days of such changes.

Federal Register Notice 45FR55402 on page 55405 states:

“Issue K: Implementing Procedures, NRC review of implementing procedures is only necessary to apprise the NRC staff of the details of the plans for use by the NRC during the course of an actual emergency”.

Does the Federal Register Notice statement clarify what implementing procedures are required to be sent to the NRC?

Proposed Solution:

Yes. Only emergency plan implementing procedures (EPIP) that are used during the course of an emergency are required to be sent to the NRC within 30 days of a change. Administrative type procedures (e.g.; procedures describing the drill and exercise program, training program and procedures used for surveillance of facilities and equipment) not used during the course of an emergency.

Proposed NRC EP FAQ 4

Question, including background description and applicable reference(s):

Are all emergency plan implementing procedures (EPIPs) subject to the emergency plan change process discussed in RG 1.219 "Guidance on Making Changes to Emergency Response Plans for Nuclear Power Plants"?

RG 1.219 states:

Ordinarily, subtier documents such as emergency plan implementing procedures (EPIPs) are not considered to be part of an emergency plan for the purpose of evaluating proposed changes. If a licensee relocates a programmatic description from the emergency plan to a subtier document, that programmatic description continues to be subject to the 10 CFR 50.54(q) change process.

Recent statements in inspection reports infer that the emergency plan change process discussed in RG 1.219 applies to all EPIP changes. For example, one inspection report states:

"Contrary to the above, the [station name omitted] station did not submit changes to emergency plan implementing procedures within 30 days of such changes, and did not submit a summary of its analysis of the changes within 30 days after the changes were put into effect".

A list of implementing procedures was documented in the inspection report.

The licensee, subject to the inspection report, may have relocated emergency plan programmatic requirements from their emergency plan to all the listed EPIPs (subtier documents). However, not enough information was provided in the inspection report to infer that the change process was applicable due to removal of a programmatic description from the emergency plan and relocation to the EPIPs (a subtier document) listed in the inspection report. Inspection report statements such as the above, without clarifying information infer that all EPIPs (a subtier document) are unilaterally subject to the emergency plan change process discussed in RG 1.219.

Proposed Solution:

Unless a licensee relocates a programmatic description from the emergency plan to an EPIP (a subtier document), the change to the EPIP is not subject to the emergency plan change process and a summary of an analysis of the changes is not required to be submitted with the EPIP.

Proposed NRC EP FAQ 5

Question, including background description and applicable reference(s):

In some cases examples in RG 1.219 do not appear to meet the definition of a change to the emergency plan.

RG 1.219 "Guidance on Making Changes to Emergency Response Plans for Nuclear Power Plants" requires that an evaluation be performed to determine if NRC approval is required for a "change" to the "emergency plan".

The definition of "change" in RG 1.219 states

The 10 CFR 50.54(q) change process starts when a licensee decides to make a change to its emergency plan—an intentional act on the part of the licensee.

The RG also states:

Ordinarily, subtier documents such as emergency plan implementing procedures are not considered to be part of an emergency plan for the purpose of evaluating proposed changes. If a licensee relocates a programmatic description from the emergency plan to a subtier document, that programmatic description continues to be subject to the 10 CFR 50.54(q) change process.

Some example activities provided in RG 1.219 Section 1.1 and Section 4.0 do not appear to describe changes to the emergency plan. Specifically, the examples are contained in sections 1.1.b, 4.3c(1), 4.4e(1), 4.5e(1), 4.5f(2), 4.6c(2), 4.6c(3), 4.7c(1), 4.7c(3), 4.8c(1), 4.10c(1), 4.11c(1), and 4.15c(1)(c).

Proposed Solution:

A licensee would not evaluate the example activities cited in the RG 1.219 examples, using the emergency plan change process, because the example activities do not result in a change to the licensee's emergency plan. The NRC will clarify the examples provided in the next revision of RG 1.219.

Proposed NRC EP FAQ 6

Question, including background description and applicable reference(s):

What guidance does the NRC provide related to 10CFR50.54(q)(2)?

RG 1.219, "Guidance on Making Changes to Emergency Response Plans for Nuclear Power Plants", provides guidance on the implementation of 50.54(q)(1), (3), (4) and (5). Guidance on 50.54(q)(2), which states:

(2) A holder of a license under this part, or a combined license under part 52 of this chapter after the Commission makes the finding under § 52.103(g) of this chapter, shall follow and maintain the effectiveness of an emergency plan that meets the requirements in appendix E to this part and, for nuclear power reactor licensees, the planning standards of § 50.47(b).

Is limited to one statement in RG 1.219, Section 1.1:

Once an operating license is issued, the licensee is required to maintain the effectiveness of its emergency plan (10 CFR 50.54(q)(2)).

What NRC 10 CFR 50.54(q)(2) implementation guidance is available to licensees?

Proposed Solution:

Other than the statement in Section 1.1 to RG 1.219, no NRC guidance exists. The guidance in NEI 11-03 Rev 1, "Guidelines for Maintaining and Evaluating Changes to Emergency Plans", Appendix A and B, provides a reasonable method for ensuring emergency plan effectiveness is maintained in accordance with 10 CFR 50.54(q)(2).