

ML16070A201

**NSIR\_DPR\_Admin Resource**

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**From:** YOUNG, David <dly@nei.org>  
**Sent:** Tuesday, March 01, 2016 7:28 AM  
**To:** Anderson, Joseph  
**Cc:** Johnson, Don; PERKINS-GREW, Susan  
**Subject:** [External\_Sender] Proposed EP FAQ for Discussion on 3/24/16 *324/16 .msg*

Joe,

Good morning.

Below is a proposed EP FAQ that we would like to discuss during the public meeting on March 24, 2016.

Feel free to contact me with any questions.

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**Relevant guidance:**

This question concerns NEI 99-01, Revision 5

**Questions or Comments: (including relevant background information):**

Initiating Condition (IC) HS4 addresses a "HOSTILE ACTION within the PROTECTED AREA." The associated Example EAL is aligned with the IC wording and states, "A HOSTILE ACTION is occurring or has occurred within the PROTECTED AREA as reported by the (site security shift supervision)." How should this IC and EAL be interpreted during an attack where projectiles fired from outside the PROTECTED AREA boundary have impacted structures or personnel within the PROTECTED AREA but the attackers have not breached the PROTECTED AREA boundary?

**Proposed Solution:**

If an attack has occurred where projectiles fired from outside the PROTECTED AREA boundary have impacted structures or personnel within the PROTECTED AREA, and the attackers have not breached the PROTECTED AREA boundary, then IC HS4 should be considered met and a Site Area Emergency should be declared. The basis for this answer is provided below.

A HOSTILE ACTION is defined as:

“An act toward a NPP or its personnel that includes the use of violent force to destroy equipment, take HOSTAGES, and/or intimidate the licensee to achieve an end. This includes attack by air, land, or water using guns, explosives, PROJECTILES, vehicles, or other devices used to deliver destructive force. Other acts that satisfy the overall intent may be included. HOSTILE ACTION should not be construed to include acts of civil disobedience or felonious acts that are not part of a concerted attack on the NPP. Non-terrorism-based EALs should be used to address such activities (i.e., this may include violent acts between individuals in the owner controlled area).”

Considering this definition in light of the event described by the question above, it can be determined that “PROJECTILES” are a “violent force” directed “toward a NPP or its personnel;” therefore, if the “PROJECTILES” have impacted anywhere within the PROTECTED AREA, then there has been a HOSTILE ACTION within the PROTECTED AREA.

The first paragraph of the basis for IC HS4 states, “This condition represents an escalated threat to plant safety above that contained in the Alert in that a HOSTILE FORCE has progressed from the OWNER CONTROLLED AREA to the PROTECTED AREA.” This sentence was intended to help the reader understand the logic for escalating the emergency classification vis-à-vis IC HA4, “HOSTILE ACTION within the OWNER CONTROLLED AREA or airborne attack threat.” For the condition described, it is an accurate statement (i.e., the HOSTILE FORCE first enters the OWNER CONTROLLED AREA and then the PROTECTED AREA); however, it was not intended to override the HS4 IC and EAL in the case where the HOSTILE FORCE has not breached the PROTECTED AREA boundary but a HOSTILE ACTION has occurred with the PROTECTED AREA boundary. In such a case, the Site Area Emergency must be declared.

To avoid potential confusion on the part of emergency classification decision-makers, it is recommended that the first paragraph of the HS4 Basis be revised to read,

“This condition represents an escalated threat to plant safety above that contained in the Alert in that a HOSTILE FORCE has progressed from the OWNER CONTROLLED AREA to the PROTECTED AREA, or any HOSTILE ACTION has taken place within the PROTECTED AREA.” [new text underlined for clarity]

Consistent with the guidance in Regulatory Issue Summary (RIS) 2003-18, Supplement 2, *Use of Nuclear Energy Institute (NEI) 99-01, “Methodology for Development of Emergency Action Levels,” Revision 4, Dated January 2003*, it is reasonable to conclude that the change proposed above would be considered as a “difference.”



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