



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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August 23, 2023

MEMORANDUM TO: Hipólito J. González, Chief
Plant Licensing Branch I
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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FROM: Jamie Heisserer, Deputy Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

SUBJECT: OEDO-23-00184 - LICENSE AMENDMENT REVIEW
PROCEDURES IN LIC-101 FOR RELOCATING AN
EMERGENCY OPERATION FACILITY

The Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-101, "License Amendment Review Procedures,"¹ Appendix B, "Guide for Processing Licensing Amendments for Operating Reactors and Plants Transitioning to Decommissioning," Section 9.2.6, "Signature Authority," states:

Signature and concurrence authority for various documents and correspondence issued by NRR is governed by NRR Office Instruction ADM-200, "Delegation of Signature Authority." As noted in ADM-200, the approvals and denials related to emergency plan and EAL [emergency action level] changes is *[sic]* based on the Staff Requirements Memorandum for SECY 08-0024 dated May 19, 2008 (ADAMS Accession No. ML081400510). The signature authority for emergency plan related licensing actions is as follows:

- 1) Emergency plan and EAL changes submitted for NRC approval in accordance with 10 CFR 50.54(q) or Section IV.B of Appendix E to 10 CFR Part 50 (except for exemptions and relocations of emergency

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¹ Suber, G. F., LIC-101, Revision 6, "License Amendment Review Procedures," July 31, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19248C539)

operations facilities as noted below) shall be signed by the NRR Office Director or NRR Deputy Office Director (when acting for the Office Director).

- 2) Exemptions from 10 CFR 50.47(b) and Appendix E to 10 CFR Part 50 that represent a reduction in effectiveness of the licensee's emergency plan require Commission approval. Guidance on processing exemptions is provided in NRR Office Instruction LIC-102, "Exemptions from NRC Regulations."
- 3) Relocation of an emergency operations facility, if it is located more than 25 miles from the nuclear power plant, requires Commission approval.

All three items above require review by OGC.

Item 1 above does not require technical editor review. Items 2 and 3 will require technical editor review on the SECY paper requesting Commission approval.

In the staff requirements memoranda^{2,3} for SECY-22-0090, "Duke Energy Request to Relocate the Emergency Operations Facility," and SECY-22-0106, "Xcel Energy Request for Emergency Operations Facility Consolidation and Relocation," the Commission delegated approval authority for future requests to relocate emergency operations facilities to the Director of the Office of Nuclear Reactor Regulation, in consultation with the Office of Nuclear Security and Incident Response. These memoranda also state:

For future delegated approvals, the staff should inform the Commission 10 days prior to their issuance. The staff should consult with the Commission in the event unusual circumstances or policy issues come to light during future reviews.

In conformance with the delegation of authority in the staff requirements memoranda for SECY-22-0090 and SECY-22-0106, Section 9.2.6 of Appendix B to LIC-101 is revised to state:

Signature and concurrence authority for various documents and correspondence issued by NRR is governed by NRR Office Instruction ADM-200, "Delegation of Signature Authority." As noted in ADM-200,⁴ the approvals and denials related to emergency plan and EAL changes are based on the staff requirements memoranda for SECY 08-0024 (ML081400510), SECY 22-0090

² Clark, B. P., Secretary, memorandum to Dorman, D. H., Executive Director for Operations, "Staff Requirements – SECY-22-0090 – Duke Energy Request to Relocate the Emergency Operations Facility," February 9, 2023 (ML23040A305)

³ Clark, B. P., Secretary, memorandum to Dorman, D. H., Executive Director for Operations, "Staff Requirements – SECY-22-0109 – Xcel Energy Request for Emergency Operations Facility Consolidation and Relocation," February 9, 2023 (ML23040A252)

⁴ The staff issued Revision 13 of ADM-200 (ML19240B408) prior to the staff requirements memoranda for SECY 22-0090 and SECY-22-0106. By memorandum dated June 8, 2023 (ML23080A127), the staff revised the delegation of authority for a request to relocate an emergency operation facility to reflect the Commission direction in the staff requirements memoranda for SECY 22-0090 and SECY-22-0106.

(ML23040A305), and SECY-22-0106 (ML23040A252). The signature authority for emergency plan-related licensing actions is as follows:

- 1) Emergency plan and EAL changes submitted for NRC approval in accordance with 10 CFR 50.54(q) or Section IV.B of Appendix E to 10 CFR Part 50 (except for exemptions and relocations of emergency operations facilities as noted below) shall be signed by the NRR Office Director or NRR Deputy Office Director (when acting for the Office Director).
- 2) Exemptions from 10 CFR 50.47(b) and Appendix E to 10 CFR Part 50 that represent a reduction in effectiveness of the licensee's emergency plan require Commission approval. Guidance on processing exemptions is provided in NRR Office Instruction LIC-102, "Exemptions from NRC Regulations."
- 3) Approval of an emergency operations facility (re)located more than 25 miles from the nuclear power plant shall be signed by the NRR Office Director with concurrence from the applicable Office of Nuclear Security and Incident Response branch chief. Ten days prior to issuance, DORL staff should inform the Commission via a Commissioner assistant note.

All three items above require review by OGC.

Items 1 and 3 above do not require technical editor review. Item 2 will require technical editor review on the SECY paper requesting Commission approval.

These changes should be reflected in the next revision of LIC-101 and posted on the NRR Office Instruction SharePoint Site.

SUBJECT: OEDO-23-00184 - LICENSE AMENDMENT REVIEW PROCEDURES IN LIC-101 FOR RELOCATING AN EMERGENCY OPERATION FACILITY DATED AUGUST 23, 2023

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ML23131A059 (Pkg)

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NRR-106

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