

POLICY ISSUE
(Notation Vote)

June 16, 2010

SECY-10-0078

FOR: The Commissioners

FROM: R. W. Borchardt
Executive Director for Operations

SUBJECT: CENTRALIZED EMERGENCY OPERATIONS FACILITIES AND
COMBINED LICENSE APPLICATIONS

PURPOSE:

The staff seeks approval from the Commission to utilize a process for Commission review and approval of centralized Emergency Operations Facilities (EOF) as part of its emergency preparedness Combined Operating License (COL) and Early Site Permit (ESP) application review under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52. This would be different than the current process used for 10 CFR Part 50 licensees. This paper does not address any new commitments.

BACKGROUND:

In the Staff Requirements Memorandum (SRM) for SECY-96-170, "Assessment of Exceptions Granted for Locations and Staffing Times of Emergency Operation Facilities," dated September 27, 1996, the Commission approved the staff's recommendation to authorize the staff to accept or reject exceptions to the EOF criteria and backup EOF locations within 5 miles beyond the distance contained in NUREG-0737, Supplement 1 (25 miles). The SRM also stated:

Cases in which the licensee proposes a deviation beyond this authorization and proposals for centralized EOFs will continue to require Commission approval.

In order to receive Commission approval for such deviations, the staff prepares a Notation Vote paper consistent with SECY-96-170.

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There are centralized EOFs located in U.S. Nuclear Regulatory Commission (NRC) Regions I, II, and III. The NRC and the applicable States are familiar with the effectiveness of the centralized EOFs as demonstrated during numerous drills and exercises. To date, the Commission has approved 5 centralized EOFs located more than 25 miles from the Technical Support Center (TSC): Duke Energy in Charlotte, North Carolina (Oconee, McGuire, and Catawba); Tennessee Valley Authority in Chattanooga, Tennessee (Watts Bar, Sequoyah, and Browns Ferry); Southern Nuclear in Birmingham, Alabama (Farley, Vogtle, and Hatch); Exelon in Warrensville, Illinois (Braidwood, Byron, Dresden, LaSalle, Quad-Cities, and Clinton); and Exelon in Coatesville, Pennsylvania (Limerick, Peach Bottom, and Three Mile Island).

As a part of this approval process, the staff has requested that licensees conduct a dual-site exercise and revise their emergency plans to address the provisions for locating NRC and offsite responders closer to the nuclear power reactor site if requested. This request is due to some approved centralized EOFs being a significant distance from a site and the opportunity for the NRC to communicate face-to-face with site emergency response personnel. In addition, the staff reviews the proposal against the planning standards in 10 CFR 50.47(b) and the requirements in Appendix E to 10 CFR Part 50, with a particular emphasis on communication and coordination.

The 10 CFR Part 52 review process for new reactors includes staff review of emergency planning activities. Some applicants have proposed EOF locations that are beyond 25 miles from the site and some applicants have proposed EOFs that are centralized with the EOFs of other sites.

DISCUSSION:

The staff recommended review process for 10 CFR Part 52 COL and ESP applications would include Commission approval for centralized EOFs as part of the final Commission review for the COL or ESP. The staff would not provide the Commission a separate SECY paper as outlined in SECY-96-170. Following staff review of the emergency plan submitted as part of the application, a Safety Evaluation Report would document, among other things, the staff's approval of the proposed centralized EOF location. The Advisory Committee on Reactor Safeguards (ACRS) would also be able to consider the proposal as part of its review. Were the staff to use the centralized EOF approval process used for 10 CFR Part 50 licensees for new reactor applicants, the Commission could be asked to approve the proposed centralized EOF prior to the final decision regarding the proposed COL or ESP. This could result in actions that are not consistent with the 10 CFR Part 52 process. The 10 CFR Part 52 process includes the COL application receiving staff review and reviews by the ACRS and Atomic Safety Licensing Board before a final Commission hearing. The 10 CFR Part 52 process does not support separate or parallel Commission decision actions, such as a proposed centralized EOF, before the total COL application has been fully addressed and adjudicated. The process proposed in this paper supports an integrated approach that provides the benefit of a full staff and ACRS review.

In the proposed process, the staff will review COL or ESP applications referencing a centralized EOF against existing guidance and regulations. In addition, the staff will take into consideration whether the Commission previously approved the centralized EOF for use by other sites.

The staff will verify that the emergency plans contain a discussion of the centralized EOF, and that the centralized EOF includes the following features:

- (1) the capability to obtain and display plant data and radiological information for each reactor at a nuclear power reactor site and for each nuclear power reactor site that the facility serves;
- (2) the capability to analyze plant technical information and provide technical briefings on event conditions and prognosis to licensee and offsite response organizations for each reactor at a nuclear power reactor site and for each nuclear power reactor site that the facility serves.

Approval of the proposed centralized EOF would be granted by the Commission, following the hearing opportunity and certification that acceptance criteria are met, under the 10 CFR Part 52 process or as delegated.

The staff is currently reviewing COL applications proposing to use a centralized EOF for Bellefonte, Lee, Levy, Bell Bend, Nine Mile Point 3, and Calvert Cliffs 3. Applying the criteria utilized in reviewing similar requests by operating reactors, the NRC staff will request that the COL applicants propose a license condition requiring a demonstration of the ability of the centralized EOF to conduct a dual-site exercise. The staff must conclude that centralized EOFs for the proposed sites would not impede the ability of the respective COL applicants and organizations with emergency response responsibilities, such as Federal, State, and local governments, from performing their duties. The staff would also have to determine whether the centralized EOFs would continue to provide reasonable assurance that adequate protective measures can and will be implemented in the event of a radiological emergency.

Future requests by licensees of operating plants to centralize their EOFs will continue to be processed for approval through the Commission using the existing 10 CFR Part 50 process.

RECOMMENDATION:

The staff recommends that the Commission approve the staff's proposal for the Commission to make a determination of the acceptability of centralized EOFs as part of its review of COLs and ESPs submitted in accordance with 10 CFR Part 52.

RESOURCE:

There is no resource implications related to this SECY; thus, this paper requests no additional resources. Resources are currently included in the proposed budget for fiscal year 2010.

The Commissioners

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COORDINATION:

The Office of the General Counsel has reviewed this Commission paper and has no legal objection to the proposed process.

/RA by Martin J. Virgilio for/

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