



NUREG-1022, Rev. 3,
Supplement 1

Event Report Guidelines

10 CFR 50.72(b)(3)(xiii)

Final Report

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Event Report Guidelines

10 CFR 50.72(b)(3)(xiii)

Final Report

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ABSTRACT

NUREG-1022, Revision 3, "Event Reporting Guidelines: 10 CFR 50.72 and 50.73," contains guidelines that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable for use in meeting the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.72, "Immediate Notification Requirements for Operating Nuclear Power Reactors," and 50.73, "Licensee Event Report System." Section 3.2.13, "Loss of Emergency Preparedness Capabilities," of NUREG-1022, Revision 3, contains guidance for reporting under 10 CFR 50.72(b)(3)(xiii). Regulations in 10 CFR 50.72(b)(3)(xiii) require reports for a major loss of emergency assessment capability, offsite response capability, or communications capability. Much of the guidance found in Section 3.2.13 of NUREG-1022, Revision 3, is subject to engineering judgment. This supplement to NUREG-1022, Revision 3, endorses Nuclear Energy Institute (NEI) 13-01, "Reportable Action Levels for Loss of Emergency Preparedness Capabilities," dated July 2014. NEI 13-01 provides specific guidance for reporting under 10 CFR 50.72(b)(3)(xiii) and, as a result, reduces the need for engineering judgment. Guidance found in NEI 13-01 provides for an acceptable alternative to guidance found in Section 3.2.13 of NUREG-1022, Revision 3.

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1. BACKGROUND

On August 29, 1983, the U.S. Nuclear Regulatory Commission (NRC) published a final rule amending Title 10 of the *Code of Federal Regulations* (10 CFR) 50.72, “Immediate Notification Requirements for Operating Nuclear Power Reactors. Under this rule, 10 CFR 50.72(b)(1)(v) required licensees to submit reports to the NRC for any event that resulted in a major loss of emergency assessment capability, offsite response capability, or communications capability. These conditions are collectively referred to as a “loss of emergency preparedness capabilities.” While the *Federal Register* notice (FRN) associated with the rule (48 FR 39043) lists some examples of systems within scope, it is unclear to what extent a given degradation would be reportable (i.e., how much degradation would have to occur to be considered “major”). In 2000, the NRC revised 10 CFR 50.72 (65 FR 63769), which resulted in the renumbering of the reporting requirements. Loss of emergency preparedness capabilities were now reportable under 10 CFR 50.72(b)(3)(xiii). No other significant changes to this reporting criterion occurred during the 2000 rule change.

NUREG-1022, “Event Reporting Guidelines: 10 CFR 50.72 and 50.73,” contains guidelines that the staff of the NRC considers acceptable for use in meeting the requirements of 10 CFR 50.72 and 50.73, “Licensee Event Report System.” NUREG-1022, Revision 0, Supplement 1, “Licensee Event Report System: Description of System and Guidelines for Reporting” (published February 1984 under Agencywide Documents Access and Management System (ADAMS) Accession No. ML101550097); NUREG-1022, Revision 1 (published January 1998 under ADAMS Accession No. ML070530420); and NUREG-1022, Revision 2 (published October 2000 under ADAMS Accession No. ML003762595) all contained additional guidance for reporting under what is now 10 CFR 50.72(b)(3)(xiii). As was the case with the FRN for the rule, much of the NUREG-1022 guidance associated with 10 CFR 50.72(b)(3)(xiii) was unclear as to what extent a given degradation would be reportable. In addition, some of the guidance appeared to offer inconsistent approaches as to when to report under 10 CFR 50.72(b)(3)(xiii). As a result, much of the decision to report under 10 CFR 50.72(b)(3)(xiii) involved a licensee’s use of engineering judgment.

NUREG-1022, Revision 3 (ADAMS Accession No. ML13032A220) was published in January 2013. The NRC rewrote Section 3.2.13, “Loss of Emergency Preparedness Capabilities,” which provides guidance for reporting under 10 CFR 50.72(b)(3)(xiii), in an attempt to provide clearer guidance that was in conformance to both the rule and its associated FRNs. The changes focused on the reporting of major losses in capability as opposed to individual systems. In addition, Revision 3 provided guidance on planned activities. Although some of the guidance is specific, much of it is still general in nature. In many areas, the decision to report under 10 CFR 50.72(b)(3)(xiii) still involves a licensee’s use of engineering judgment.

The use of engineering judgment can result in inconsistent application. During public meetings conducted on April 3, 2013 (ADAMS Accession No. ML13100A390), and on May 7, 2013 (ADAMS Accession No. ML13109A228), the NRC discussed with external stakeholders, including the Nuclear Energy Institute (NEI), what specific considerations might be evaluated against when the NRC determines if acceptable engineering judgment was applied by a licensee. NEI 13-01, “Reportable Action Levels for Loss of Emergency Preparedness

Capabilities” (ADAMS Accession No. ML13281A794) was then drafted with the purpose of providing a detailed uniform approach to reporting under 10 CFR 50.72(b)(3)(xiii). By letter dated October 8, 2013 (ADAMS Accession No. ML13281A780), NEI requested NRC endorsement of NEI 13-01.

On May 2, 2014 (79 FR 25158), the NRC proposed to endorse NEI 13-01 dated October 2013 via a Draft for Comment NUREG-1022, Revision 3, Supplement 1 (ADAMS Accession No. ML14114A384). The NRC received five comments from NEI (ADAMS Accession No. ML14149A243). On July 3, 2014, the NRC held a public meeting to discuss the comments (ADAMS Accession No. ML14192B164). A summary of how the five comments were dispositioned is found in Appendix A, “Disposition of Comments Received on Draft for Comment NUREG-1022, Revision 3, Supplement 1.”

NEI then revised NEI 13-01 to reflect the discussions held on July 3, 2014. By letter dated July 16, 2014 (ADAMS Accession No. ML14197A205), NEI requested NRC endorsement of NEI 13-01 dated July 2014 (ADAMS Accession No. ML14197A206). NEI 13-01 provides more specific guidance for reporting under 10 CFR 50.72(b)(3)(xiii) and, as a result, reduces the need for engineering judgment. It should also be noted that some of the specific guidance found in NEI 13-01 differs from certain specific positions found in Section 3.2.13 of NUREG-1022, Revision 3.

2. ANALYSIS

NEI 13-01 seeks to provide specific guidance regarding the conditions or events that warrant reporting under 10 CFR 50.72(b)(3)(xiii), namely (1) major loss of emergency assessment capability, (2) major loss of offsite response capability, and (3) major loss of offsite communications capabilities. Reportability in NEI 13-01 is determined by using Reportable Action Levels (RALs). As defined and used in NEI 13-01, a RAL is a predetermined, site-specific, observable threshold that, when met or exceeded, requires notification of the associated event to the NRC in accordance with 10 CFR 50.72(b)(3)(xiii).

In Section 3.2.13 of NUREG-1022, the discussion states that the loss of capabilities would be reportable if the event substantially impaired a licensee's, or offsite official's, ability to respond to an emergency if one were to occur or has occurred. The NRC's evaluation of NEI 13-01 considered this threshold identified in NUREG-1022 in order to ensure that any significant events in which Commission action might be needed to maintain or improve reactor safety or to respond to heightened public concern will continue to be reported.

Much of the specific NEI 13-01 guidance for reporting under 10 CFR 50.72(b)(3)(xiii) reduces the need for the engineering judgment that might be needed under Section 3.2.13 of NUREG-1022. In creating NEI 13-01, NEI solicited inputs and feedback from the NRC as to what specific considerations might be evaluated against when determining whether acceptable engineering judgment was applied. The following paragraphs illustrate how specific guidance in NEI 13-01 reduces the need for engineering judgment:

1. Regarding emergency classification capability, NUREG-1022 states that "a loss of a significant portion of control room indication, including annunciators or monitors, or the loss of all plant vent stack radiation monitors, should be evaluated for reportability. In evaluating the reportability of such events, only those display systems, indicators, and annunciators that are relied upon in the emergency plan and the emergency plan implementing procedures addressing classification, assessment, or protective actions; or relied upon in other station procedures that provide input to these activities need to be considered. The indication remaining available should be considered in determining if a major loss of emergency assessment capability has occurred." The guidance is general in nature and subject to engineering judgment.

Table A in Section 3.1 of NEI 13-01 provides specific guidance for determining whether issues associated with emergency classification capability result in a major loss of emergency assessment. The focus is on the ability to declare an emergency for a given condition as described in the emergency plan (or by extension, any implementing procedure described in the plan). NEI 13-01 defines an Initiating Condition (IC) as "An event or condition that aligns with the definition of one of the four emergency classification levels by virtue of the potential or actual effects or consequences, as described in the site emergency plan or an implementing procedure described in the emergency plan." NEI 13-01 also defines Emergency Action Level (EAL) as "A pre-determined, site-specific, observable threshold for an Initiating Condition that, when met or exceeded, places the plant in a given emergency classification level, as described in the site emergency plan or an implementing

procedure described in the emergency plan.” As a result, an IC provides one or more EALs which, when met, will require an emergency declaration.

For an IC with multiple EALs that assess the same condition (i.e., high Reactor Coolant System radioactivity), instrumentation failures that result in an inability to evaluate a given EAL would not be considered a major loss of emergency assessment if at least one EAL, and thus the IC, could be evaluated. For scenarios in which an IC has multiple EALs that assess different conditions (i.e., an IC for natural hazards with EALs for high wind speed, seismic event, flooding), instrumentation failures that result in an inability to evaluate all EALs for one of the conditions would be considered a major loss of emergency assessment.

Table A in Section 3.1 of NEI 13-01 also proposes to provide allowances for planned evolutions. Reports would not be required for planned maintenance evolutions that are equal to or less than 24 hours in duration (regardless of compensatory measure status). After 24 hours, if there is an inability to evaluate all EALs for a given emergency condition as described in the emergency plan, a compensatory measure would need to be in place and the ability to evaluate at least one EAL must be restored within 72 hours from the time the maintenance evolution began.

The classification of an emergency is a significant emergency assessment capability. The classification capability is not lost unless all EALs for a given condition are rendered unavailable. The NRC approves a licensee’s emergency classification schemes, which include ICs and EALs. The NRC recognizes that declaring an emergency based on certain EALs (e.g., manual sampling and analysis) would take longer than reading an indication (e.g., radiation monitor) in the control room. If the IC can still be evaluated because of the availability of an EAL, there is no significant impairment of emergency assessment capability, even if an emergency declaration was delayed. As a result, NRC action or awareness is not likely warranted in such scenarios and, therefore, a report would not be needed.

Regarding the provisions for planned maintenance, NRC action or awareness is not likely warranted for the proposed scenarios in which a licensee maintains plant awareness during a controlled evolution. As a result, a report would not be needed. If a pre-existing condition is identified during a planned evolution, a licensee would need to evaluate whether an unplanned major loss existed.

2. NUREG-1022 indicates that reports are required for “Failures in the primary public alerting systems (e.g., sirens, tone alert radios), for whatever reason, that result in the loss of the capability to alert a large segment of the population in the emergency planning zone (EPZ) for more than 1 hour.” Regarding what constitutes a “large segment of the population,” Example 1 in Section 3.2.13 of NUREG-1022 states “The NRC has not established a numerical threshold (e.g., number, percentage, or area of failed sirens) for this reporting requirement because the thresholds need to be specific to the particular EPZ. The NRC expects its licensees to establish thresholds that reflect the EPZ-specific population density and distribution, the locations of the sirens or other alerting devices, and the overlap in coverage of adjacent sirens.” As a result, the basis for what constitutes a “large segment of the population” is subject to engineering judgment.

Section 3.2 of NEI 13-01 proposes to establish a numeric threshold for what is considered a “large segment of the population.” The Developer Notes for Section 3.2 state that “For purposes of developing this list {primary alert notification system}, ‘a large segment of the population in the EPZ’ should be taken to mean approximately 25% of the total EPZ population. Variations in population density/distribution should be considered when identifying potential combinations of lost equipment (e.g., sirens) that could cause the ‘25% of the total EPZ population’ threshold to be exceeded. For example, depending upon the site-specific {alert notification system} design and EPZ characteristics (e.g., topography, population density/distribution, etc.), the criterion ‘approximately 25% of the total EPZ population’ may or may not correlate to 25% of the sirens.”

Absent any specific current guidance that establishes numeric thresholds for what constitutes a “large segment of the population,” the NRC believes that the proposed 25% population threshold is reasonable for reporting considerations. Immediate NRC action or awareness is not likely warranted in scenarios for which primary alert notification failures impact less than 25% of a total EPZ population. As a result, a report would not be needed. It should be noted that although an event or condition might not rise to the level of requiring a report under 10 CFR 50.72(b)(3)(xiii), this does not imply that such an event or condition should not be corrected in order to re-establish or continue to ensure compliance with other regulatory requirements in place.

NRC evaluation also included areas in which proposed NEI 13-01 guidance differed from the specific guidance found in Section 3.2.13 of NUREG 1022. The NRC’s evaluation considered the following:

1. NUREG-1022 indicates that reports are not required for planned maintenance evolutions impacting the primary Emergency Response Facility (ERF) if (1) the ERF’s assessment capabilities could be restored to service within the facility activation time or the licensee had implemented viable compensatory actions and (2) the planned outage was not expected to, and did not, exceed 72 hours.

Section 3.1 of NEI 13-01 proposes that reports would not be required if planned maintenance evolutions affecting the primary ERF are equal to or less than 24 hours in duration (regardless of restoration capabilities or compensatory measure status). For planned maintenance evolutions affecting the primary ERF that are greater than 24 hours, NEI 13-01 guidance is similar to that found in NUREG-1022.

Regarding the provisions for planned maintenance, NRC action or awareness is not likely warranted for the proposed scenarios in which a licensee maintains plant awareness during a controlled evolution. As a result, a report would not be needed. If a pre-existing condition is identified during a planned evolution, a licensee would need to evaluate whether an unplanned major loss existed.

2. Under NUREG-1022, reporting considerations associated with unplanned or planned outages of the primary ERF do not take into account the availability of a backup or alternate facility. Unplanned losses of the primary ERF would be reportable if not restored within the facility activation time specified in the emergency plan. However, for planned maintenance evolutions that affect the primary ERF, engineering judgment is afforded under

NUREG-1022, in that a licensee could potentially consider whether or not a backup or alternate facility could be used as a compensatory measure during the evolution.

Section 3.1 of NEI 13-01 proposes to allow a licensee to credit a “backup ERF” during a planned or unplanned outage of a primary ERF when determining whether a reportable condition exists. For reporting considerations, “backup ERF” is defined as a location that may serve as a Technical Support Center (TSC) or Emergency Operations Facility (EOF) as described in the emergency plan or in a procedure described in the emergency plan and meets the requirements of Sections IV.E.8.a and 8.c of Appendix E, “Emergency Planning and Preparedness for Production and Utilization Facilities,” to 10 CFR Part 50, “Domestic Licensing of Production and Utilization Facilities.” If a defined “backup ERF” exists, an outage of the primary ERF, whether planned or unplanned, will not require a report. In ways similar to those outlined in NUREG-1022, facilities that do not meet the “backup ERF” definition would not necessarily be excluded for consideration as a compensatory measure associated with a planned maintenance evolution affecting the primary ERF. As an example, during planned evolutions that affect the primary ERF, an alternate facility may be used as a compensatory measure even if it does not meet the same design or operating requirements applied to a primary ERF. In addition, similar to NUREG-1022, loss of a backup ERF or alternate facility alone would not require a report.

If a licensee has a “backup ERF” that is capable of performing the functions of the primary facility, the licensee’s emergency assessment capability is not significantly impaired if the primary facility is not available. As a result, NRC action or awareness is not likely warranted in such scenarios, and therefore a report would not be needed.

3. NUREG-1022 indicates that reports are required for failures in the primary public alerting system that result in the loss of the capability to alert a large segment of the population in the EPZ for more than 1 hour. A planned outage of the primary public alerting system need not be reported if (1) the licensee had arranged for the implementation of Federal Emergency Management Agency (FEMA)-approved backup alerting methods should public alerting become necessary and (2) the planned outage was not expected to, and subsequently did not, exceed 24 hours.

Section 3.2 of NEI 13-01 proposes two options for determining whether planned and unplanned losses of the primary public alert and notification system are reportable. The first option is for sites with a FEMA-approved backup alerting method that does not meet the primary design objectives stated in Section IV.D.3 of Appendix E to 10 CFR Part 50. Similar to NUREG-1022, extended planned outages of the primary public alerting system would not be reportable if the FEMA-approved backup alerting method was available and the planned outage was not expected to, and subsequently did not, exceed 24 hours. However, NEI 13-01 proposes that for extended unplanned losses of the primary public alerting system, a report would not be required if the FEMA-approved backup alerting method was available and the primary public alerting system was returned to service within 24 hours.

This 24-hour cap is put into place to limit reliance on a less capable backup alerting method. However, because some backup capability exists, NRC action or awareness is not likely warranted in such scenarios for which the loss of the primary capability is limited in duration.

As a result, a report would not be required. After 24 hours, a report would ensure NRC awareness of the issue and allow follow-up action, as appropriate. In addition, the 24-hour time limit serves as an incentive to restore the primary public alerting system in a timely manner.

The second option for determining whether planned and unplanned losses of the primary public alert and notification system are reportable is for sites with a FEMA-approved backup alerting method that meets the primary design objectives stated in Section IV.D.3 of Appendix E to 10 CFR Part 50. Under the second option, extended planned and unplanned losses of the primary public alert and notification system are reportable only if the FEMA-approved backup alerting method is not available.

A FEMA-approved backup alerting method that meets the performance criterion of the primary system achieves the same level of performance as the primary system. If a backup alerting method is available, the licensee's offsite response capability is not significantly impaired, even if the primary method is not available. As a result, NRC action or awareness is not likely warranted in such scenarios, and therefore a report would not be needed.

Although there may be editorial or formatting differences, other specific guidance that is found in NEI 13-01 is similar in nature to specific guidance found in Section 3.2.13 of NUREG-1022. It should also be noted that Sections 1, 2, and 4 of NUREG-1022, Revision 3, contain general guidance for event reporting that would still apply to reports submitted under 10 CFR 50.72(b)(3)(xiii). While NEI 13-01 does appear to contain limited general reporting guidance that does not appear to conflict with NUREG-1022 guidance, much of the guidance found in Sections 1, 2, and 4 of Revision 3 of NUREG-1022 is not found in NEI 13-01. As a result, Sections 1, 2, and 4 of Revision 3 of NUREG-1022 are not considered superseded by licensee adoption of NEI 13-01. In addition, a decision that a particular condition is not reportable under 10 CFR 50.72(b)(3)(xiii) does not alleviate the requirement to maintain the effectiveness of an emergency plan in accordance with 10 CFR 50.54(q)(2) or the need for prior NRC approval of emergency-plan changes as required in accordance with 10 CFR 50.54(q)(4).

3. CONCLUSION

The NRC endorses NEI 13-01, "Reportable Action Levels for Loss of Emergency Preparedness Capabilities," dated July 2014. For reporting considerations associated with 10 CFR 50.72(b)(3)(xiii), the guidance found in NEI 13-01 provides an acceptable alternative to that found in Section 3.2.13 of NUREG-1022, Revision 3. Licensees that choose to adopt the guidance in NEI 13-01 should maintain as much fidelity as possible to the NEI document. This will help to minimize any potential regulatory compliance issues associated with reporting under 10 CFR 50.72(b)(3)(xiii).

Sections 1, 2, and 4 of Revision 3 of NUREG-1022 contain general guidance for event reporting that would still be applicable to reports submitted under 10 CFR 50.72(b)(3)(xiii). These sections are not considered superseded by licensee adoption of NEI 13-01.

Although an event or condition might not rise to the level of requiring a report under 10 CFR 50.72(b)(3)(xiii), this does not imply that such an event or condition should not be corrected to reestablish or continue to ensure compliance with other regulatory requirements in place. For example, a decision that a particular condition is not reportable under 10 CFR 50.72(b)(3)(xiii) does not alleviate the requirement to maintain the effectiveness of an emergency plan in accordance with 10 CFR 50.54(q)(2) or the need for prior NRC approval of emergency plan changes as required in accordance with 10 CFR 50.54(q)(4).

APPENDIX A

“Disposition of Comments Received on Draft for Comment NUREG-1022, Revision 3, Supplement 1”

On May 2, 2014 through *Federal Register* notice 79 FR 25158, the U.S. Nuclear Regulatory Commission (NRC) proposed to endorse NEI 13-01 dated October 2013. This was done through a Draft for Comment NUREG-1022, Revision 3, Supplement 1, “Event Report Guidelines 10 CFR 50.72(b)(3)(xiii) (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14114A384). The NRC received five comments from NEI (ADAMS Accession No. ML14149A243). On July 3, 2014, the NRC held a public meeting to discuss the comments (ADAMS Accession No. ML14192B164). The following summarizes how the five comments were dispositioned.

1. NEI Comment 1: Change to [Reportable Action Level] RAL 3.1, Table B1, statement “b.” Change to read, “The capability to perform EMERGENCY ASSESSMENT was not restored within the RESTORATION TIME specified in Table B1-1.”

NRC Response: The proposed change is accepted and considered a clarification of the original NRC intent. RAL 3.1, Table B1 evaluates the reportability of an unplanned loss of an Emergency Response Facility (ERF) or equipment. In NEI 13-01 dated October 2013, statement b stated, “The capability to perform EMERGENCY ASSESSMENT **cannot be** {emphasis added} restored within the RESTORATION TIME specified in Table B1-1.” Consistent with NUREG-1022, Revision 3, the NRC intent was that a report would be required if there was an unplanned loss of emergency assessment in a primary ERF / control room and capability was not restored within a specified period of time. Since verbiage found under “Restoration Time” in Table B1-1 differs from that found in Table B2-1 (planned loss of a ERF or equipment), the use of the term “cannot be” versus “was not” in NEI 13-01 dated October 2013, was considered by the NRC to be editorial in nature because of the formatting of NEI 13-01. However, some have misinterpreted the difference in wording to be an NRC change in position (i.e. misinterpreted to mean that for an unplanned loss of emergency assessment in a primary ERF / control room, only an ability to restore if needed is required versus actual restoration). To avoid any potential future confusion, the wording in NEI 13-01 is changed to reflect the original NRC intent. For an unplanned loss of emergency assessment in a primary ERF / control room, emergency assessment capability must be restored within the specified time to avoid a report (assuming a backup ERF is not available).

2. NEI Comment 2: Add to Basis for Table A. “The inability to assess EALs at an ERF is evaluated in accordance with Tables B1 and B2, since this is a sub-function of EMERGENCY ASSESSMENT (e.g., the loss of a computer system that displays plant data). Table A primarily addresses the loss of a plant structure or piece of equipment that provides a parameter value or other information necessary for an EAL assessment (e.g., a tank level instrument or a radiation monitor).”

NRC Response: The proposed change is not considered acceptable in that the proposal potentially conflicts with the actual RAL 3.1 tables. The proposed comment could be interpreted to mean that loss of emergency classification capability at a primary ERF / control room is evaluated only under Table B, “Loss of Emergency Response Facilities and Equipment” and not under Table A, “Loss of Emergency Classification Capability.” However, the original NRC intent was that if there is a loss of emergency classification capability at a primary ERF / control room, both Tables A and B1/B2 would be applicable and should be evaluated for reportability. NEI 13-01 dated July 2014, is revised to clarify this original NRC intent (i.e. all Tables should be evaluated for reportability for a given issue).

3. NEI Comment 3: Add to Basis for Tables B1 and B2. “The inability to obtain a parameter value or other information necessary to perform an emergency classification or RADIOLOGICAL ASSESSMENT due to the loss of a structure or piece of equipment in the plant is assessed in accordance with Tables A and C (i.e., the datum source such as a tank or radiation level is unavailable). Tables B1 and B2 are evaluated when an ERF computer system used to collectively acquire, process or display data used for EMERGENCY ASSESSMENT, including emergency classification or RADIOLOGICAL ASSESSMENT, is affected.”

NRC Response: Similar to comment 2, the proposed change is not considered acceptable in that the proposal potentially conflicts with the actual RAL 3.1 tables. The proposed comment could be interpreted to mean that loss of emergency classification capability / radiological assessment capability at a primary ERF / control room is evaluated only under Table B, “Loss of Emergency Response Facilities and Equipment” and not under Table A, “Loss of Emergency Classification Capability” and Table C, “Loss of Radiological Assessment Capability.” However, the original NRC intent was that if there is a loss of emergency classification capability / radiological assessment capability at a primary ERF / control room, Tables A, B1/B2, and C would all be applicable and should be evaluated for reportability. NEI 13-01 dated July 2014, is revised to clarify this original NRC intent (i.e. all Tables should be evaluated for reportability for a given issue).

4. NEI Comment 4: Add bracketed text to Basis for Tables B1 and B2. “As used in these Tables, an inability to perform EMERGENCY ASSESSMENT should not be assumed to have occurred simply because a structure or equipment design parameter is exceeded or feature nonfunctional. Rather, the decision should be based on whether or not ERO personnel could effectively perform EMERGENCY ASSESSMENT functions within the facility, using the equipment and data available. This decision should consider both the ability to activate the facility as well as the capability for protracted operation under emergency conditions. [For example, the loss of a facility's protected ventilation system would not preclude the ability to perform EMERGENCY ASSESSMENT provided that procedures described contingency measures that could be implemented in the event of a radiological release.]”

NRC Response: The proposed change is not considered acceptable in that the proposal potentially conflicts with the actual Tables B1 and B2 of RAL 3.1. The proposal allows for contingency measures in determining if a loss of emergency assessment exists at a primary ERF / control room. However, RAL 3.1, Table B1, “Unplanned Loss of Emergency Response Facilities and Equipment,” does not credit contingency measures or compensatory measures in determining if a report is required. In addition, “contingency measures” are not currently defined in NEI 13-01. “Contingency measures” that meet the requirements for “viable compensatory measures” as defined in NEI 13-01 may be considered only under RAL 3.1 Table B2, “Planned Loss of Emergency Response Facilities and Equipment.”

5. NEI Comment 5: Add bracketed text to Basis for Tables B1 and B2. “The availability and temporary use of an ALTERNATE FACILITY is a consideration in both Tables B1 and B2. An acceptable ALTERNATE FACILITY must meet the requirements of 10 CFR 50, Appendix E, sections IV.E.8.a and 8.c. An ‘alternative facility,’ established in accordance with Appendix E section IV.E.8.d, may be considered an ALTERNATE FACILITY for reporting assessment purposes if it also meets the applicable requirements of sections IV.E.8.a and 8.c. [An ALTERNATE FACILITY need not meet the same design or operating requirements applied to a normally used ERF (e.g., it may not possess a protected ventilation system.) A report is not required if the lost capability affects only an ALTERNATE FACILITY, and the primary ERF remains available.”

NRC Response: The proposed change is not considered acceptable in that the proposal potentially conflicts with the actual Table B1 of RAL 3.1, as well as the definition of “alternate facility” as found in NEI 13-01 dated October 2013. Per the proposal, an unplanned loss of emergency assessment in a primary ERF / control room would not be reportable because of the existence of a facility that does not meet the same design or operating requirements. However, the NRC’s intent was that for an unplanned loss of emergency assessment in a primary ERF / control room, a report would not be required only if there exists an “alternate facility” (as defined in NEI 13-01 dated October 2013) that meets certain design requirements and is capable of performing the functions of the primary facility such that the licensee’s emergency assessment capability is not significantly impaired when the primary facility is not available. If a facility existed that did not meet the definition, it could still be considered as a compensatory measure for planned outages that result in the loss of emergency assessment in a primary ERF / control room.

The use of the defined term “alternate facility” has led to confusion since the term is commonly used to describe facilities that may not meet the definition as found in NEI 13-01 dated October 2013. To avoid future confusion, NEI 13-01 dated July 2014 has been revised to reflect the original NRC intent. A facility that was defined as an “alternate facility” under NEI 13-01 dated October 2013 is now defined as a “Backup Emergency Response Facility (ERF)” under NEI 13-01 dated July 2014. Under NEI 13-01 dated July 2014, “alternate facility” has been redefined in a manner that resembles how it is more commonly used. An “alternate facility” is a “temporary location that may serve as a Technical Support Center (TSC) or Emergency Operations Facility (EOF) in support of a

planned work activity. [An acceptable ALTERNATE FACILITY must have sufficient capability to support effective direction and control of an emergency response; however, it need not meet the same design or operating requirements applied to a normally used ERF (e.g., it may not possess a protected ventilation system.)]"

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A. Lewin, NRC

11. ABSTRACT (200 words or less)

NUREG 1022, Revision 3, "Event Reporting Guidelines: 10 CFR 50.72 and 50.73," contains guidelines that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable for use in meeting the requirements of Title 10 of the Code of Federal Regulations (10 CFR) Sections 50.72 and 50.73. Section 3.2.13, "Loss of Emergency Preparedness Capabilities," of NUREG 1022, Revision 3, contains guidance for reporting under 10 CFR 50.72(b)(3)(xiii). 10 CFR 50.72(b)(3)(xiii) requires reports for a major loss of emergency assessment capability, offsite response capability, or communications capability. Much of the guidance found in Section 3.2.13 of NUREG 1022, Revision 3, is subject to engineering judgment. This supplement to NUREG 1022, Revision 3, endorses Nuclear Energy Institute (NEI) 13-01, "Reportable Action Levels for Loss of Emergency Preparedness Capabilities," dated July 2014. NEI 13-01 provides specific guidance for reporting under 10 CFR 50.72(b)(3)(xiii), and as a result, reduces the need for engineering judgment. Guidance found in NEI 13-01 dated July 2014 provides for an acceptable alternative to guidance found in Section 3.2.13 of NUREG 1022, Revision 3.

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