

Emergency Preparedness Program Frequently Asked Question (EPFAQ)

EPFAQ Number: 2016-001

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Originator: David Young

Organization: NUCLEAR ENERGY INSTITUTE

Relevant Guidance: NUMARC/NESP-007 (ML041120174)

NEI 99-01, Revision 4, (ML030230250)

NEI 99-01, Revision 5, (ML080450149)

NEI 99-01, Revision 6, (ML12326A805)

NEI 07-01, Revision 0, (ML092030210)

Applicable Section(s): Definitions of HOSTILE ACTION and/or PROJECTILE NEI 99-01, Revisions 5 and 6

Definitions of HOSTILE ACTION and/or PROJECTILE in NEI 07-01, Revision 0

Technical basis discussions for NUMARC/NESP-007 and NEI 99-01, Revision 4

Status: Accepted

QUESTION OR COMMENT:

Initiating Condition (IC) HS4 addresses a “HOSTILE ACTION within the PROTECTED AREA.” The associated example emergency action level (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 occurs during which projectiles fired from outside the PROTECTED AREA boundary impact 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 nuclear power plant (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 and a Site Area Emergency declaration is required based on IC HS4.

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 within 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 changed 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 (e.g., a PROJECTILE fired by a HOSTILE FORCE has impacted within the PROTECTED AREA). [New text underlined for clarity]

The HS4 basis paragraph cited above first appeared in NRC Bulletin 2005-02, *Emergency Preparedness and Response Actions for Security-Based Events*, dated July 18, 2005. The suggested change to this paragraph, also shown above, is fully consistent with the information presented in the bulletin (i.e., the change does not alter the intent of the bulletin guidance), and serves to clarify the basis to help better inform the application of the IC and EAL by end users.

The information provided in NRC Bulletin 2005-02 prompted licensees to assess potential changes to their emergency classification schemes and to make changes where necessary to align their schemes with the bulletin guidance. For this reason, the basis paragraph shown above may appear in licensee emergency classification schemes based on NUMARC/NESP-007, *Methodology for Development of Emergency Action Levels*, Revision 2 (dated January 1992) as well as NEI 99-01, Revision 4 (dated January 2003). Licensees using an emergency classification scheme based on NUMARC/NESP-007 or NEI 99-01, Revision 4, and that has this paragraph in the basis section for IC HS4, should also consider making the suggested change.

NRC RESPONSE:

RECOMMENDED FUTURE ACTION(S):

- ☐ INFORMATION ONLY, MAINTAIN EPFAQ
- ☐ UPDATE GUIDANCE DURING NEXT REVISION