

Responses to Follow Up Items from the 08/31/2016 Public Meeting with SNC on the Proposed Stewart County Project

(Final - 11/15/2016)

This summary provides the NRC staff responses to the below follow up items that were originally identified from the August 31, 2016, public meeting with Southern Nuclear Corporation (SNC) on their proposed Stewart County Project. The responses were developed in consultation with FEMA staff. (These responses are intended to be used in a public meeting with SNC, as NRC staff's current understanding of applicable regulations, guidance, and examples from previous or recent licensing actions, as such they do not convey an official NRC position on the specific items discussed.)

Item 1: "SNC sought NRC and FEMA guidance about the treatment of Federal property that include portions of Fort Benning within the 10-mile EPZ. The staff stated that they would engage with FEMA and identify how this was treated with respect to emergency planning for other nuclear power plants that are located on or adjacent to Department of Defense facilities (e.g., San Onofre Nuclear Generating Station (SONGS))."

Response 1: The NRC staff reviewed licensing documents for SONGS and the inclusion of Camp Pendleton in original licensing as an example of previous licensing actions. FEMA also reviewed available FEMA documentation and guidance to determine how other Federal properties have been treated in similar licensing actions. The result of these reviews concluded the following in relation to the treatment of nuclear power plants located on or adjacent to Department of Defense facilities:

- 1) A military reservation is property that the U.S. government has exclusive jurisdiction over.
- 2) A military reservation is considered separate from the surrounding state.
- 3) The jurisdiction and legislation over a military reservation have been granted to the U.S. and thereby is created as an independent sovereignty.
- 4) Originally approved SER for SONGS Units 2 and 3 (NUREG 0712) dated February 1981 states in part that the SONGS Emergency Coordinator has been given the responsibility to initiate notification to the Camp Pendleton Marine Corps Base with immediate actions to protect the public within the plume EPZ.
- 5) The Unified San Diego County Emergency Services Organization Operational Area Emergency Plan, dated October 2010, states in part that members of the U.S. Marine Corps residing on Marine Corps Base Camp Pendleton and their families would follow the directions provided by Camp Pendleton authorities.
- 6) Camp Pendleton was part of the Interjurisdictional Planning Group for the SONGS power plant whose independent emergency plan would be coordinated and integrated with other plans/letters of agreement outlining assignment of responsibilities which included Orange and San Diego Counties, Cities of San Clement, Dana Point, San Juan Capistrano, California State Parks, and California Edison. Camp Pendleton would also participate in exercises.

The NRC staff expects that the Fort Benning area would be treated in a similar manner. FEMA would make available to Fort Benning officials the normal planning assistance provided to other jurisdictions. However, FEMA would not be required to review or evaluate radiological emergency plans established by Fort Benning officials. FEMA would evaluate the integration

and interface of emergency plans for Fort Benning with other State and local emergency plans for consistency and effectiveness of the overall level of preparedness.

Item 2: “SNC asked the NRC and FEMA if there is guidance about the level of detail required for these emergency plans and implementing procedures to meet the requirements of Title 44 of the Code of Federal Regulations (44 CFR) Part 350 during the COLA phase. NRC and FEMA noted that there is guidance in FEMA document, “Standard Operating Procedure and Guidelines for the New Reactor Combined License Application,” Revision 4.1, dated October 10, 2008, which is publicly available. It was also noted that the approval of a 2015 revision to the document is pending and should be released soon.”

Response 2: The 2015 version of the referenced document is still under internal review by FEMA. Completion of this review is tentatively planned for December 2016.

Item 3: “The staff also pointed to the FEMA Interim Finding Report for WLS Units 1 and 2, which is also a “greenfield” site, and noted that it should be publicly available, as it is a part of the record for the COL mandatory hearing scheduled to be held on October 5, 2016.”

Response 3: The FEMA Interim Finding Report for WLS Units 1 and 2 can be found at ADAMS Accession No. ML100560447 and the cover letter from FEMA can be found at ADAMS Accession No. ML100560444.

Item 4: “SNC asked the NRC and FEMA about the level of detail required in a COLA at the “greenfield” stage for FEMA approval of the ANS Design Report.”

Response 4: Guidance on the design objectives for alert and notification systems (ANS) can be found in NUREG-0654/FEMA-REP-1 Appendix 3 (as amended by Supplement 4), 44 CFR 350.5(a), and FEMA’s Radiological Emergency Preparedness Program Manual, Section II, and Section V, Part A. The COLA should provide information sufficient to establish that the ANS will satisfy these criteria. A COL application may include inspection, test, analysis, and acceptance criteria (ITAAC) for the ANS. See WLS Units 1 and 2, ITAAC # 8.1.1.2.B.4, in Chapter 13 of the WLS FSER, available at ADAMS Accession No. ML15335A385, as an example.

Item 5: “The staff noted that they would engage with FEMA to identify the proper approach for a “greenfield” site to address the requirement to have LOAs as part of the COLA, considering WLS Units 1 and 2 as an example.”

Response 5: WLS Units 1 and 2 FSER has a license condition (LC) (13-6) to provide letters of agreement (LOAs) before fuel load. Also the WLS FSER includes a LC (13-4) to provide specific locations for reception centers and relocation sites with appropriate LOAs before the full participation exercise. A similar approach would be considered for other “greenfield” site applications. Chapter 13 of the WLS FSER is available at ADAMS Accession No. ML15335A385.

Item 6: “The staff noted that they would be able to support future meetings and stated that a conference call would be scheduled in the future to communicate the staff’s discussions with FEMA and to provide additional guidance regarding developing radiological emergency preparedness aspects of a COLA for a “greenfield” site.”

Response 6: NRC/NSIR/DPR/RLB staff in coordination with FEMA and the NRO PM proposed a public conference call with SNC on November 29, 2016, to discuss the above items.