



NUCLEAR ENERGY INSTITUTE

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July 14, 2004

Mr. Nader Mamish
Director, Emergency Preparedness Directorate
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: NEI Comments on Draft "NRC Views for 50.54(q) Discussion"
May 20, 2004

Dear Mr. Mamish:

In the past ten years, the NRC and the industry have refined the regulatory process used by licensees to seek NRC approval prior to implementing certain activities, which rely on the establishment of a threshold that is both definable and concise. Revision to 10 CFR 50.59, "Changes, Tests and Experiments," established a framework on which to build a regulatory structure of processes that require prior NRC approval. The relationship of the various regulations and the function they perform was further developed through NEI 96-07, "Guidelines for 10 CFR 50.59 Implementation," NEI 99-04, "Guidelines for Managing NRC Commitment Changes" and NEI 98-03, "Guidelines for Updating Final Safety Analysis Reports." Each of these documents has been fully endorsed by the NRC.

In the wake of these documents the NRC and the industry recognized that 10CFR50.54(q) was another regulatory process that could also benefit from new examination and review for possible improvements and enhancements.

The objective of both organizations was to provide guidance within the current regulatory structure that would result in a process that is neither cumbersome nor ambiguous, that allows for changes, but ultimately and most importantly, ensures NRC review and approval is obtained for matters that would challenge or invalidate the ability to respond to an emergency.



Through NEI, the industry developed a 10CFR50.54(q) guidance document that provides a consistent and thorough method for complying with the regulation. First, it establishes terms that are consistent with the 10 CFR 50.59 rule and associated guidance. Second, it clearly defines the threshold at which prior NRC approval is required. The document draws on the precedence established by both industry guidance and NRC endorsement of that guidance, as well as published NRC guidance and positions. Finally, the guidance provides a process to document and evaluate the proposed changes to emergency plans.

Comments

The industry believes the guidance document developed by the NEI task force, and the document developed by the NRC, both have great merit. However, based on the history of moving toward a well-integrated process for determining if activities should be approved by the NRC through various applicable regulations (i.e., 10 CFR 50.59, 10 CFR 50.54), NEI and the industry believe that the draft NRC guidance is not building on processes already long established and is in turn redefining concepts already defined and incorporated into licensees programs.

Of issue is the concept of commitments. NEI and the industry believe there is fundamental agreement with the NRC on the treatment of commitments. However, NEI and the industry believe the language in the NRC draft guidance both redefines the term "commitment", and adds a term (over commitment) that is not necessary and inappropriately exempts Emergency Preparedness from the established industry commitment process (i.e., footnote on page 2 of draft NRC Views for 50.54(q) Discussion). The NEI guidance on commitments acknowledges commitments in the Emergency Plan and establishes the process by which to change them as 10 CFR 50.54 (q). In order to address this, the task force has enhanced the NEI guidance document to more clearly state that Emergency Plan commitments will be reviewed in accordance with 10 CFR 50.54(q).

NEI believes that the NRC guidance, to focus on function and ability to perform the function, and not on the minor details necessary to do so, is a significant improvement over the tendency to look at numbers, such as 'how many'/quantity.

During the 50.54(q) public meeting on June 3, 2004, NRC took an action to provide the licensees with written clarification on the use of Commission, NRC, NRR, NSIR, and NRC Regions in the role of reviewing and approving emergency plan submittals. NEI suggests such clarification be provided in the Regulatory Issue Summary (RIS).

Consistent with the dialogue during the June 3, 2004 public meeting, NEI concurs that while examples are useful; they should not be the process by which licensees

Mr. Nader Mamish
July 14, 2004
Page 3 of 3

apply 50.54(q), as the Draft "NRC Views for 50.54(q) Discussion" suggests. It was suggested that the use of examples are limiting and that additional questions could always defined the need for new examples. Similar to the 50.59 process, the use of examples would do well in a Resource Manual used in industry training workshops. NEI, in conjunction with the NRC, plans to conduct a training workshop that includes participants from both NRC and licensees.

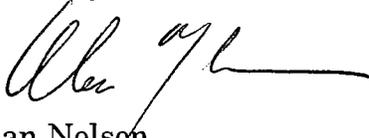
Enclosed are recommended enhancements to Draft "NRC Views for 50.54(q) Discussion," May 20, 2004 and revised NEI 10 CFR 50 54(q) Draft Guidance for your consideration.

NEI appreciates the opportunity to comment on the Draft "NRC Views for 50.54(q) Discussion", as well as the opportunity for dialogue on the subject guidance documents. Our goal is to provide the industry with a document that has been fully endorsed by the NRC that will lead to consistency in the application of 10 CFR 50.54(q).

Once the staff has had an opportunity to review the industry's approach and recommendations, I suggest that we discuss coordination of an NRC – industry implementation workshop in the Fall time frame.

If you have any questions regarding this submittal or request a meeting, please contact me at (202) 739-8110 or by e-mail (apn@nei.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Nelson", with a long horizontal flourish extending to the right.

Alan Nelson

c: Eric Leeds

Enclosures

10 CFR 50.54(q) Guidance

NEI 50.54(q) Task Force

July 2004

This document is meant to provide a review process, and implementation guidance to be used by the licensee, to determine whether a proposed activity that has an impact on the emergency plan (including the emergency action levels) (1) constitutes a decrease in effectiveness (DIE) of the plan or (2) results in the plan, as changed, no longer meeting either the planning standards of 10 CFR 50.47(b) or the requirements of Appendix E to 10 CFR Part 50. (Note 1) When the licensee's evaluation under 10 CFR 50.54(q) determines that the proposed activity will not decrease the effectiveness of the plan, and that the plan, as changed, continues to meet the planning standards of 10 CFR 50.47(b) and requirements of Appendix E, prior NRC approval is not required.



NUCLEAR ENERGY INSTITUTE

10 CFR 50.54(q) Guidance
NEI 50.54 (q) Task Force
July 2004

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1. Introduction	2
2. Background	2
3. 10 CFR 50.54(q) Regulation	4
4. Definitions and Applicability of Terms	5
5. 10 CFR 50.54(q) Evaluation Guidelines	6
6. NRC Prior Approval	9
7. References	10

Attachment 1 – 10 CFR 50.54(q) Evaluation Process

Attachment 2 – 10 CFR 50.47(b) Planning Standards

Attachment 3 – Decrease in Effectiveness (DIE) Screen and Evaluation Flow Chart

1. INTRODUCTION:

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

This document is meant to provide a review process, and implementation guidance to be used by the licensee, to determine whether a proposed activity that has an impact on the emergency plan (including the emergency action levels) (1) constitutes a decrease in effectiveness (DIE) of the plan or (2) results in the plan, as changed, no longer meeting either the planning standards of 10 CFR 50.47(b) or the requirements of Appendix E to 10 CFR Part 50. (Note 1) When the licensee's evaluation under 10 CFR 50.54(q) determines that the proposed activity will not decrease the effectiveness of the plan, and that the plan, as changed, continues to meet the planning standards of 10 CFR 50.47(b) and requirements of Appendix E, prior NRC approval is not required.

NRC may subsequently review the revised emergency plan. Licensees may be requested to make available, either through the inspection process or in accordance with 10 CFR 50.4(b) (5) ("*Written Communications, Emergency Plan and related submittals*") the supporting documentation and evaluations for plan changes whenever questions arise regarding a decrease in effectiveness. This guidance provides a method for documenting evaluations. However, no matter what mechanism is used when a subsequent review takes place, it is ultimately the authority of NRC to determine compliance with regulations. (Note 2)

This process also provides guidance for the review and evaluation of activities that result in emergency plan changes that must be submitted for approval prior to implementation. In accordance with 10 CFR 50.54(q), licensees may make changes, which decrease the effectiveness of the emergency plan, but must submit these to the Commission for approval by NRC prior to implementing the changes. (Note 3)

Note 1 – It is acceptable to relocate emergency plan information to lower tier documents (such as emergency plan procedures) if the evaluation guidance contained in this document is then applied to that information incorporated into those lower tier documents (i.e., once that information is included in lower tier documents, it must be treated like "plan" and changes reviewed for decrease in effectiveness).

Note 2 – Nothing contained in this guidance is intended to invalidate prior actions or submittals.

Note 3 – A key point in the discussion of DIE is that "prior commission approval" is meant to be from NRC, and is not be misconstrued by obtaining a "review" from the NRC Regional Headquarters.

2. **BACKGROUND**

- a) Some interpretation issues and inconsistencies regarding implementation of 10 CFR 50.54(q) by both the licensees and NRC have occurred in the past. Historically, various regulatory and industry documents (e.g., EPPOS 4, proposed rulemakings and responses, draft white paper from 1998) have been prepared in an attempt to clarify the language in 10 CFR 50.54(q) such that licensees "*may make changes to these plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of paragraph 50.47(b) and the requirements of Appendix E to this part.*"

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

- b) In late 2003, NEI formed a task force to review and evaluate everything done to date regarding 10 CFR 50.54q issues/challenges. NEI's goal is to formulate guidance for the licensee's use. This guidance document also provides guidance to clarify and restore the original intent of the rule in determining the acceptability of changes made pursuant to 10 CFR 50.54 (q). This guidance attempts to clarify and restore the original intent of the rule in determining the acceptability of changes made pursuant to 10 CFR 50.54 (q). While fairly effective at controlling changes, 10 CFR 50.54(q) is often viewed as overly restrictive, somewhat ambiguous, and inconsistently interpreted and applied. In addition, consistent application of the regulation, in turn, will alleviate potential ambiguities and will reduce unnecessary regulatory burden.
- c) In July 2003, the NRC published for comment a proposed rule (Emergency Planning and Preparedness for Production and Utilization Facilities (68 Fed. Reg. 43673, July 24, 2003) that would correct prior NRC approval protocol regarding EALs since there is an inconsistency between 10 CFR 50.54(q) and Appendix E. The proposed rule recognizes that NRC review and approval of every EAL change prior to implementation is not necessary to provide reasonable assurance that EALs will continue to provide an acceptable level of safety. By requiring prior NRC review and approval in the two situations described in the proposed rule (EAL changes that potentially decrease the effectiveness of the emergency plan and changing from one EAL scheme to another) adequate regulatory oversight of the licensee's emergency classification system will be ensured. The NRC will continue to review through the inspection process the licensee's determinations as to which EAL changes represent potential decreases in the effectiveness of the Emergency Plan. The industry concurs that these changes will provide a means for licensees to modify their EALs without undo regulatory burden.
- d) While latitude has always existed to allow improvements in one area of the plan to offset reductions in other areas, evaluation of the appropriateness of these determinations has been a subject of much discussion and concern. It is the intent of this guidance to reduce or eliminate these inconsistencies and ambiguities. Use of this guidance should allow a licensee to add to, delete from, or modify the current emergency plan, without NRC prior approval, provided that the 10 CFR 50.54(q) evaluation clearly demonstrates that there is no reduction in effectiveness of the plan and that the result of the proposed change will provide required protection. This guidance also clarifies the provision to properly evaluate and reduce commitments where a licensee may have exceeded regulatory requirements and where such commitments were not agreed to between the licensee and the regulator to address a site-specific need.
- e) It is expected that licensees will judiciously make determinations regarding 10 CFR 50.54(q) changes and implement such changes in accordance with regulations. With the use of clarifications provided in this guidance, licensees will be able to methodically implement changes made pursuant to 10 CFR 50.54(q) without prior NRC approval, where appropriate, while maintaining an emergency plan that continues to meet the standards and requirements set forth in 50.47(b) and Appendix E. Use of this guidance will result in fewer unwarranted change requests submitted to the regulator for pre-approval resulting in more timely responses to licensees submitting appropriate changes for review and approval.
- f) Based on the review performed by the NEI taskforce, the following conclusions were made regarding key issues for implementing procedures and emergency action levels:
- Changes to Procedures Which Implement the Emergency Plan

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

The 10 CFR 50.54(q) process refers to changes that may be made to the emergency plan, *not to procedures*, which implement the plan. However, licensees may have relocated certain plan information to lower tier documents, such as implementing or administrative procedures, to facilitate more timely and resource efficient updates. In this situation, 10 CFR 50.54(q) applies to future proposed changes to these lower tier documents when they include relocated plan information. Location of relocated information should be administratively controlled to ensure changes to those documents are reviewed in accordance with 10 CFR 50.54(q).

- Clarification of Guidance Regarding Changes to Emergency Action Levels

If a proposed activity results in a change to the EALs, then the licensee under 10 CFR 50.54(q) will determine if there is a decrease in effectiveness of the plan and if it continues to meet the standards in 10 CFR 50.47(b) and Appendix E to 10 CFR Part 50. If the results of the evaluation conclude that there is no DIE, no change to the classification scheme, and the standards are met, then the licensees may make the changes to EALs without NRC approval. [This will be effective upon finalization of the proposed rule published July 24, 2003.]

- g) Guidance on acceptable methods for meeting the requirements of 10 CFR 50.54(q), 10 CFR 50.47(b), and Appendix E is contained in Regulatory Guide 1.101 which endorses NUREG-0654/FEMA-REP-1, NUMARC/NESP-007, and NEI 99-01. Guidance for implementation of NEI 99-01 is provided in RIS 2003-18. The licensee should review EALs and changes there to with State and local governmental authorities on an annual basis and document those reviews. The licensee shall discuss, obtain, and document agreement on EAL classification scheme changes with State and local governmental authorities prior to implementing the change. NRC approval shall be obtained for EAL changes that involve scheme or incorporate a unique methodology, i.e., outside the guidance provided in NURG-0654/FEMA-REP-1, NUMARC/NESP-007, or NEI 99-01.

3. 10 CFR 50.54 (q) Regulation

The standards of 10 CFR 50.47(b) and requirements of 10 CFR 50 Appendix E are summarized in Attachment 1 (steps 2 and 3) to support performing the 10 CFR 50.54(q) evaluation process related to a licensee's emergency plan. Provided below are the requirements of 10 CFR 50.54(q).

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

- 10 CFR 50.54(q)

A licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans that meet the standards in 10 CFR 50.47(b) and the requirements in appendix E of this part. The licensee shall retain the emergency plan and each change that decreases the effectiveness of the plan as a record until the Commission terminates the license for the nuclear power reactor. The nuclear power reactor licensee may make changes to these plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of 10 CFR 50.47(b) and the requirements of appendix E to this part. This nuclear power reactor licensee shall retain a record of each change to the emergency plan made without prior Commission approval for a period of three years from the date of the change. Proposed changes that decrease the effectiveness of the approved emergency plans may not be implemented without application to and approval by the Commission. The licensee shall submit, as specified in 10 CFR 50.4, a report of each proposed change for approval. If a change is made without approval, the licensee shall submit, as specified in 10 CFR 50.4, a report of each change within 30 days after the change is made.

4. DEFINITIONS AND APPLICABILITY OF TERMS

Implementation of the 10 CFR 50.54(q) process is dependent upon the proper use of key terms. The following definitions explain key terms necessary to complete an evaluation that meets the intent of 10 CFR 50.54(q). These key definitions were put together using guidance associated with the 10 CFR 50.47(b), Appendix E of 10 CFR Part 50, EPPOS #4, proposed Rev 1, and SDP 0609 App B, and NEI 99-04.

- **Activity:** A series of events or actions that may result in a change to the emergency plan, or regulation required emergency plan information that has been relocated in lower tier documents.

DISCUSSION:

1. An activity sets in motion the need to determine impact on certain licensing bases documents using regulatory review criteria such as 10 CFR 50.54(q).
2. Activities may range from something as simple as making an editorial change or organization change to complicated facility modifications.
3. For the purposes of 10 CFR 50.54(q) activities, such as road closings or population increases, within the community should be considered for its impact on emergency plan when appropriate.
4. Activities may be identified by the applicability determination process provided by 10 CFR 50.59 (c) 4 or through another process.

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

- **Approved Emergency Plan:** The latest approved plan is the one reviewed by NRC that received unconditional NRC approval for the issuance or continuance of an operating license.

DISCUSSION:

1. A safety evaluation report or letter from NRC documents approval of the emergency plan.
2. The latest approved plan may not necessarily be the current plan in effect. In order to determine DIE, a review of previous NRC correspondence and evaluations is necessary.

- **Current Emergency Plan:** The current emergency plan is the initial/original NRC approved emergency plan that has been maintained in accordance with 50.54(q) and submitted in accordance with 10 CFR 50.4

DISCUSSION:

1. The current plan will include approvals by the NRC as documented in a letter to the licensee, a safety evaluation report, or historically in some instances, an inspection report.
2. The licensees may incorporate plan changes that do not reduce the effectiveness of the plan based on results of the 10 CFR 50.54(q) evaluation without NRC approval.
3. Any deviation in the 50.54(q) process may lead to a DIE
4. The current plan includes the current EALs; however, changes to EALs shall be discussed and agreed upon by local and State government authorities and documented prior to implementation.

- **Change:** For the purposes of this document and documents related to or resulting from this document, change is defined as: A result of an activity that, through revision of the emergency plan, adds, modifies or deletes an obligation or commitment that implements the standards of 10 CFR 50.47(b) or requirements of Appendix E and therefore is determined to require evaluation in accordance with 10 CFR 50.54q.

DISCUSSION:

1. A proposed activity that results in a revision to the emergency plan (including EALs) that does not adversely impact the EALs, 10 CFR 50.47(b) planning standards, or App E requirements can be implemented via the screening criteria in Section 5.
2. A DIE evaluation is required to determine if an activity adversely impacts EALs, 10 CFR 50.47(b) planning standards, or App E requirements and the results of that evaluation determines if NRC approval is needed.

- **Emergency Plan Commitment:** Regulatory Commitment means an explicit statement to take a specific action agreed to or volunteered by a licensee that has been submitted in writing on the docket to the NRC (as defined in NEI 99-04, revision 0). Commitments contained in the emergency plan are reviewed and evaluated in accordance with licensee procedures and 10 CFR 50.54(q) as described in this NEI guidance.
- **Effectiveness:** The ability of an emergency plan, as written, to meet the requirements of 10 CFR 50.47(b), Appendix E to 10 CFR Part 50, and thus adequately protect the health and safety of the public.

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

- **Decrease in Effectiveness:** A change to the emergency plan, that if implemented, would not meet the requirements of 10 CFR 50.47(B) and Appendix E to 10 CFR Part 50, therefore may reduce the ability to protect the health and safety of the public.
- **Lower tier document:** A plant procedure that contains relocated emergency plan information (i.e., 10 CFR 50.47(b) or Appendix E requirements) that no longer exists in the emergency plan.
- **Planning Standard:** Any of the sixteen Emergency Preparedness Planning Standards defined in 10 CFR 50.47(b) and related sections of Appendix E to 10 CFR Part 50.
- **Risk Significant Planning Standard:** Any of the four Planning Standards defined in 10 CFR 50.47(b): 10 CFR 50.47(b)(4), (5), (9), and (10), including the related sections of Appendix E to 10 CFR Part 50.
- **NRC Prior Approval:** A change to the emergency plan (including Emergency Action Levels (EAL)) that has been submitted to NRC for approval before the plan or EAL change can be implemented.

5. 10 CFR 50.54(q) EVALUATION GUIDELINES

The 10 CFR 50.54(q) evaluation guidelines have been provided and are reflected in Attachment 1. There are six steps defined that outline the process to evaluate proposed activities and the impact on the Emergency Plan. **Attachment 1 is intended to be used to document the review.** Attachment 1 includes a mechanism to document the review of the following:

- 10 CFR 50.47 (b) [Planning Standards]
- 10 CFR 50 Appendix E Overview
- 10 CFR 50.54 (q)

Step 1: Describe the proposed change(s) to the Emergency Plan

The description should consist of a concise summary of the proposed activity, and a brief statement that explains why the changes are being made. The description should also identify the section(s) of the emergency plan that is (are) being revised as well as any references that are pertinent to the understanding and or acceptability of the screen and or evaluation. For editorial changes it is acceptable to state in this section that the change is editorial in nature and will continue to meet the standards in steps 2 & 3. To determine if the change is editorial in nature use the site-specific guidance specified for a procedure editorial change.

Step 2: Perform a review of the 50.47(b) planning standards

In order to determine if a proposed change has resulted in a reduction in effectiveness it is necessary to review the change and implications of the change against the subject areas defined in 10 CFR 50.47(b) (see Attachment 2 for additional input on each planning standard). Each planning standard should be reviewed and a decision made as to whether it is affected. Documentation to support both yes and no answers should be provided. More detailed documentation of yes answers should be provided. Several of the areas delineated in 10 CFR 50.47(b) have been identified as risk significant planning standards in NRC Inspection Manual MC 0609, Appendix B, "Emergency Preparedness Significance Determination Process."

Step 3: Perform a review of Appendix E

Just as it is necessary to evaluate the proposed change against 10 CFR 50.47(b) to determine if a reduction in effectiveness has occurred, it is also necessary to evaluate the change against the eight criteria in 10 CFR 50 Appendix E. Documentation to

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

support both yes and no answers should be provided. More detailed documentation of yes answers should be supplied in the comments section.

Step 4: Describe the effect of the proposed change(s) on the effectiveness of the emergency plan

Steps 1 through 3 provide the foundation for Step 4. In this section the data documented in steps 2 and 3 are compared against four criteria that will provide reasonable assurance that the effectiveness of the emergency plan has or has not been reduced. In addition, changes that affect information in the emergency plan but are not derived from either 10 CFR 50.47(b) or Appendix E are also reviewed for impact. If the affected section of the plan or lower tier document does not implement a planning standard (refer to Part 3) then determine if the section was added to the plan based on a written commitment to the NRC (use the commitment data base and assistance from plant regulatory departments to determine if there are any commitments).

If the section of the plan or lower tier document does not implement a planning standard or is not a commitment to the NRC then state in this section that "*information in the section of the plan was provided as information only and therefore changes to the section do not reduce the effectiveness of the plan*"

If the section of the plan or lower tier document does implement a planning standard, determine if the change decreases the effectiveness of the plan by the following:

- If the change still implements the planning standard utilizing a different method then document the new method and state *why* the change does not decrease the effectiveness of the plan
- Does the capability still exist to conduct this function
- If a parameter was changed then state *why* change and the change is not a decrease in the effectiveness of the plan
- If an instrument/tool type was substituted and the instrument still performs the same function, then state *why* the instrument/tool still performs the same function the change does not alter the effectiveness of the plan

The planning standards set baseline minimum levels for planning purposes. In some cases, the Emergency Plan exceeds those baseline levels. When considering a change, consider the impact on timeliness and function or ability to perform a function, and not on the minor details necessary to do so. If the plan exceeds the baseline standard and a reduction is proposed, also determine if a commitment was made to the NRC (other than the plan) where the licensee committed to a baseline that was greater than the planning standard. If so, consultation with the plant's regulatory department is required for the change (prior approval of the change may be required – see section 6 of this guidance). If no commitment to the NRC was made, state how the section that is changing exceeds the baseline planning standards and make a determination that the information that exceeded the planning standard was provided as "information only" and therefore the change does not decrease the effectiveness of the plan

Step 5

Step 5 provides an opportunity to further establish whether the change continues to meet 10 CFR 50.47(b) and Appendix E through justification of the acceptability of the change (i.e., the how and why). A summary of the review performed to this point is established. Reasonable assurance that documentation, providing insight into the bases for the emergency plan, are also examined. Affected planning standards should be identified here and annotated if they are risk significant. If, in this step it is determined that the planning standards are not met, the change should either be altered to allow the standards to be met or NRC approval should be sought.

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

Step 6

The final step is to provide the overall conclusion that the change either does or does not decrease the effectiveness of the plan. In addition, step 6 documents who performed and reviewed the evaluation.

6. NRC PRIOR APPROVAL

The need for NRC prior approval, as defined in Section 4, is delineated in the attached flow chart (Attachment 3) based on the results of Section 5 (Attachment 1).

10 CFR 50.54(q) Guidance

NEI 50.54 (q) Task Force

July 2004

7. REFERENCES

Title 10, Code of Federal Regulations, Section 50, paragraph 47(b).

Title 10, Code of Federal Regulations, Section 50, Appendix E, Section IV.

Title 10, Code of Federal Regulations, Section 50, paragraph 54(q).

EPPOS 4: "EMERGENCY PREPAREDNESS POSITION (EPPOS⁴) ON EMERGENCY PLAN AND IMPLEMENTING PROCEDURE CHANGES," dated November 1998

RIS 2003-18 NRC REGULATORY ISSUE SUMMARY 2003-18 USE OF NEI 99-01, "METHODOLOGY FOR DEVELOPMENT OF EMERGENCY ACTION LEVELS,"

FSAR

NRC Inspection Manual MC 0609, Appendix B, "Emergency Preparedness Significance Determination Process," dated 03/06/03

NRC Letter to licensees on emergency preparedness

NUREG-0694, "TMI-Related Requirements for New Operating Licenses"

NUREG-0737, "Clarification of TMI Action Plan Requirements"

NUREG-0696, "Criteria for Emergency Planning Facilities"

NUREG-0654, Rev. 1 "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants"

NUREG-0818, DRAFT, "Emergency Action Levels for Light Water Reactors"

EPA 400-R-92-001, "Manual of Protective Action Guides and Protective Actions for Nuclear Incidents"

10 CFR 100, "Reactor Site Criteria"

FEMA REP-10, "Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants"

NEI 96-07, "Guidelines for 10CFR 50.59 Implementation"

NEI 99-01, "Methodology for development of Emergency Action Levels"

NEI 99-02, "Regulatory Assessment Performance Indicator Guideline"

NEI 98-03, "Guidelines for Updating Final Safety Analysis Reports"

NEI 99-04, "Guidelines for Managing NRC Commitment Changes"

Proposed Rule, Emergency Planning and Preparedness for Production and Utilization Facilities (68 Fed. Reg. 43673, July 24, 2003) to amend 10 CFR Part 50 Appendix E.IV regarding NRC approval of licensee changes to Emergency Action Levels (EAL) and exercise requirements for co-located licensees

10 CFR 50.54(q) Guidance
ATTACHMENT 1
10 CFR 50.54(q) Evaluation Process

Instructions:

The following is guidance on performing 10 CFR 50.54(q) evaluations as part of licensees input to plant specific safety evaluation processes. All steps must be completed if a "yes" answer is documented to any part of Step 2 or 3. If Step 2 and 3 are all answered "no", document and complete Step 5 and 6.

Step 1 – Describe the proposed change to the emergency plan

Step 2 – Perform a review of the 10 CFR 50.47(b) planning standards

Step 3 – Perform a review of Appendix E

Step 4 – Describe the effect of the proposed change(s) on the effectiveness of the emergency plan

Step 5 – Describe if and how the revised emergency plan will continue to meet the standards of 10CFR50.47(b) and the requirements of Appendix E to 10CFR50.

Step 6 - Conclusion and approval

10 CFR 50.54(q) Guidance
ATTACHMENT 1
10 CFR 50.54(q) Evaluation Process

<i>Step 1 - Describe the proposed change(s) to the Emergency Plan</i>	
Action	Result
Identify the emergency plan section (or lower tier document)	
Describe the change	
For editorial changes it is acceptable to state in this section that the change is editorial in nature and will continue to meet the standards in steps 2 & 3. To determine if the change is editorial in nature use the site specific guidance specified for a procedure editorial change.	
Reference(s) (e.g., plant tracking document or corrective action program report)	

10 CFR 50.54(q) Guidance

ATTACHMENT 1

10 CFR 50.54(q) Evaluation Process

Step 2 - Perform a review of the 50.47(b) planning standards		
Action	Result	
Does this activity affect any of the following subject areas of 10 CFR 50.47(b)? SDP 0609B (*Risk Significant Planning Standard)		
1. Assignment of ERO responsibilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Assignment of on-shift ERO personnel	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Arrangement for utilizing State or local resources and staff	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.* EALs	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.* Notifications to off-site agencies, the ERO or the public	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Communications between off-site agencies, the ERO, or the public	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Dissemination of public information	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Adequacy of emergency facilities and equipment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9.* Methods, systems, and equipment for off-site response to a radiological emergency	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10.* Protective Action Recommendations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. Emergency Worker radiological control	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12. Medical services for contamination injured personnel	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13. Re-entry / Recovery plans	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14. Drills and exercises	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15. Radiological emergency response training	<input type="checkbox"/> Yes	<input type="checkbox"/> No
16. Plan development, review and distribution	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Comments:		

10 CFR 50.54(q) Guidance
ATTACHMENT 1
10 CFR 50.54(q) Evaluation Process

Step 3 – Perform a review of Appendix E		
Action	Result	
Does the proposed activity affect any of the following subject areas of 10 CFR 50, Appendix E?		
(i)(ii)(iii) Emergency plans as described in the FSAR	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv) A. Organization for coping with radiological emergencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv) B. Assessment of radiological emergencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv) C. Classifications, EALs and ERO activation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv) D. Notification of Federal, State and local agencies and the public	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv) E. ERFs, equipment, and communications	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv) F. Training, drills, and exercises	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv) G. Plans and procedures and surveillance of equipment and supplies	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv) H. Re-entry and Recovery following an accident	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Comments:		

If all answers to Step 2 and Step 3 are "NO", document in Step 5 and 6 and implement change.

10 CFR 50.54(q) Guidance

ATTACHMENT 1

10 CFR 50.54(q) Evaluation Process

Step 4 - Describe the effect of the proposed change(s) on the effectiveness of the emergency plan	
Action	Results
<p>1. If the affected section of the plan or lower tiered document does not implement a planning standard (refer to Attachment 2) then determine if the section was added to the plan based on a written commitment to the NRC (use the commitment data base and assistance from plant regulatory departments to determine if there are any commitments).</p>	
<p>2. If the section of the plan or lower tiered document does not implement a planning standard or is not a commitment to the NRC, then state in this section that <i>"information in the section of the plan was provided as information only and therefore changes to the section do not decrease the effectiveness of the plan"</i></p>	
<p>3. If the section of the plan or lower tiered document does implement a planning standard, determine if the change decreases the effectiveness of the plan by the following:</p>	
<p>a) If the change still implements the planning standard utilizing a different method, then document the new method and state why the change does not decrease the effectiveness of the plan.</p>	
<p>b) Does the capability still exist to conduct this function?</p>	
<p>c) If a parameter was changed, then state why the change is not a decrease in the effectiveness of the plan</p>	

10 CFR 50.54(q) Guidance

ATTACHMENT 1

10 CFR 50.54(q) Evaluation Process

Step 4 - Describe the effect of the proposed change(s) on the effectiveness of the emergency plan	
Action	Results
<p>d) If an instrument/tool type was substituted and the instrument still performs the same function, then state why the instrument/tool still performs the same function. If the instrument/tool still performs the same function then the change does not alter the effectiveness of the plan.</p>	
<p>e) If no commitment to the NRC was made, state how the section that is changing exceeds the baseline planning standards and make a determination that the information that exceeded the planning standard was provided as "information only" and therefore the change does not decrease the effectiveness of the plan. The planning standards set baseline minimum levels for planning purposes. In some cases the emergency plan exceeds those baseline levels. When considering a change, consider the impact on timeliness and function or ability to perform a function, and not on the minor details necessary to do so. If the plan exceeds the baseline standard and a reduction is proposed, then determine if a commitment was made to the NRC (other than the plan) where the licensee committed to a baseline that was greater than the planning standard. If so, consultation with the plant's regulatory department is required for the change (prior approval of the change may be required - see section 6 of this guidance).</p>	

10 CFR 50.54(q) Guidance
ATTACHMENT 1
10 CFR 50.54(q) Evaluation Process

Step 5 - Describe if and how the revised emergency plan will continue to meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR50.

Action	Results
Based on steps 2 and 3, document the results of how the revised emergency plan, or lower tier document, will continue to meet the standards of 10 CFR 50.47(b) and requirements of Appendix E.	
Determine what planning standards (PS) are affected by the change from the above documents.	List Planning Standards
Is a risk significant (RS) PS affected? (4, 5, 9 or 10)	<input type="checkbox"/> Yes <input type="checkbox"/> No

Step 6 - Conclusion and approval

10 CFR 50.54(q) Guidance

ATTACHMENT 2

10CFR50.47(b) Planning Standards Overview

10CFR 50.47 (b) (1) responsibilities & staffing

- Primary responsibilities have been assigned for emergency response by
- Nuclear facility licensee
- State and local organizations within the Emergency Planning Zones
- Emergency responsibilities of the various supporting organizations have been specifically established.
- Each principal response organization has staff to respond and to augment its initial response on a continuous basis.

10CFR 50.47 (b) (2) on-shift responsibilities & timely augmentation

- On-shift responsibilities for emergency response are unambiguously defined.
- Adequate staffing to provide initial facility accident response in key functional areas is maintained at all times.
- Timely augmentation of response capabilities is available.
- The interfaces among various onsite response activities and offsite support and response activities are specified.

10CFR 50.47 (b) (3) assistance & augmentation

- Arrangements for requesting and effectively using assistance resources have been made,
- arrangements to accommodate State and local staff at the licensee's near-site Emergency Operations Facility have been made,
- other organizations capable of augmenting the planned response have been identified.

10CFR 50.47 (b) (4) emergency classification and action level scheme

- A standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters, is in use by the nuclear facility licensee,
- and State and local response plans call for reliance on information provided by facility licensees for determinations of minimum initial offsite response measures.

10CFR 50.47 (b) (5) notification procedures

- Procedures have been established for notification, by the licensee, of
- State and local response organizations
- Emergency personnel by all organizations;
- The content of initial and follow-up messages to response organizations and the public has been established;
- Means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone.

10CFR 50.47 (b) (6) Communications Provisions

- Provisions exist for prompt communications among principal response organizations to emergency personnel and to the public.

10CFR 50.47 (b) (7) Public Information

- Public education materials provided periodically to the public

10 CFR 50.54(q) Guidance

ATTACHMENT 2

10CFR50.47(b) Planning Standards Overview

10CFR 50.47 (b) (8) emergency facilities and equipment

- Adequate emergency facilities and equipment to support emergency response
- Procedures and drawings shall be distributed and controlled within the ERFs in accordance with licensee procedures

10CFR 50.47 (b) (9) radiological assessment methods, systems, and equipment

- Adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition are in use.

10CFR 50.47 (b) (10) protective actions

- A range of protective actions has been developed for the plume exposure pathway EPZ for emergency workers and the public. In developing this range of actions, consideration has been given to evacuation, sheltering, and, as a supplement to these, the prophylactic use of potassium iodide (KI), as appropriate,
- Guidelines for the choice of protective actions during an emergency, consistent with Federal guidance, are developed and in place, and
- Protective actions for the ingestion exposure pathway EPZ appropriate to the locale have been developed.

10CFR 50.47 (b) (11) radiological exposure control & protective action guides.

- Means for controlling radiological exposures, in an emergency, are established for emergency workers.
- The means for controlling radiological exposures shall include exposure guidelines consistent with EPA Emergency Worker and Lifesaving Activity Protective Action Guides.

10CFR 50.47 (b) (12) medical services

- Arrangements are made for medical services for contaminated injured individuals.

10CFR 50.47 (b) (13) recovery and reentry plans

- General plans for recovery and reentry are developed.

10CFR 50.47 (b) (14) drills & exercises

- Periodic exercises are conducted to evaluate emergency response capabilities,
- Periodic drills are conducted to develop and maintain key skills.
- Deficiencies identified as a result of exercises or drills are corrected.

10CFR 50.47 (b) (15) emergency response training

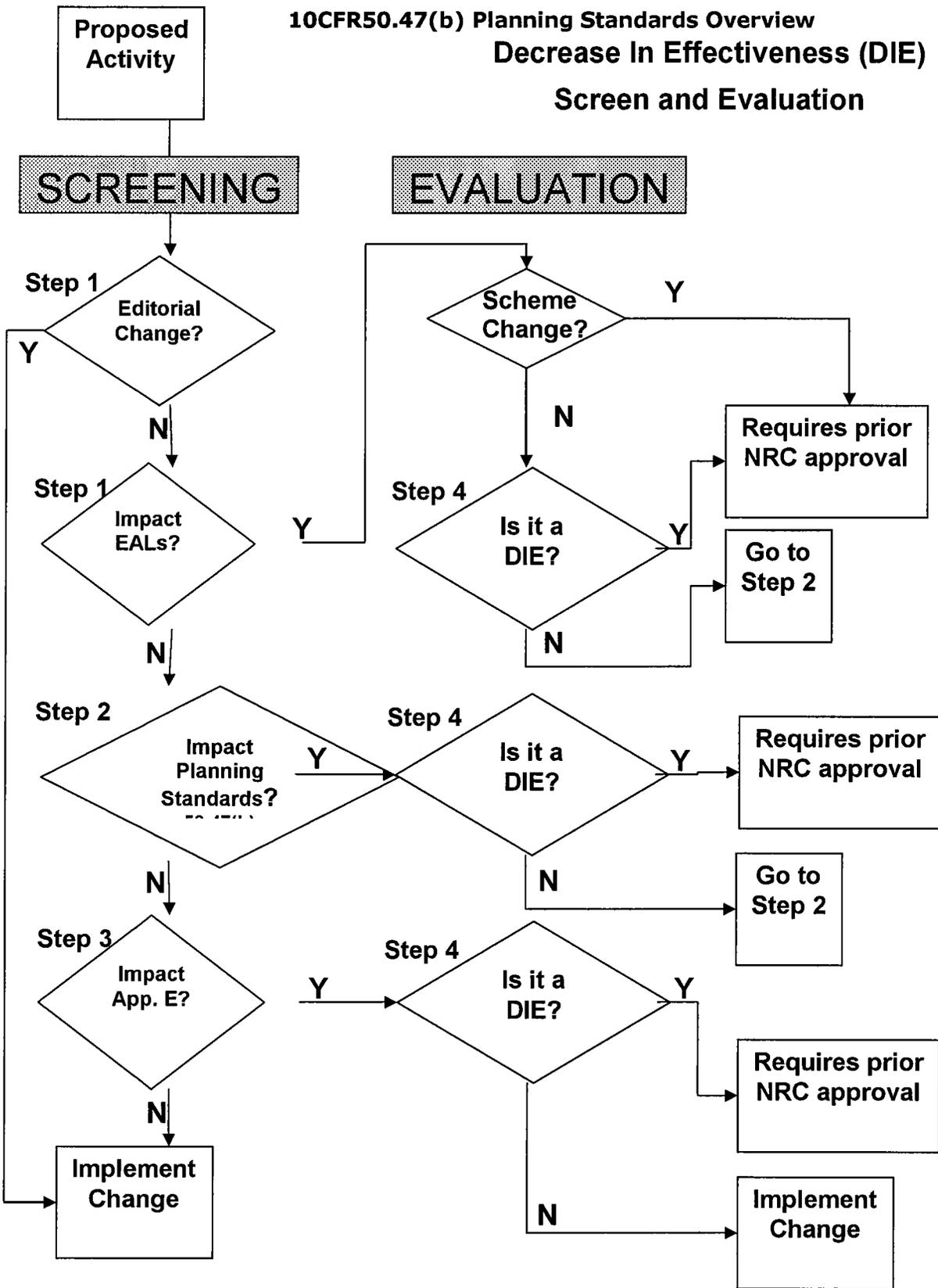
- Training is provided to those who may be called on to assist in an emergency.

10CFR 50.47 (b) (16) emergency response planner Responsibilities & training

- Responsibilities for plan development, review, and distribution are established.
- Planners are properly trained

ATTACHMENT 2

10CFR50.47(b) Planning Standards Overview
Decrease In Effectiveness (DIE)
Screen and Evaluation



Draft

May 20, 2004

NRC Views for 50.54(q) Discussion *[Comments from industry 07.06.04]*

Purpose

(1) define the meaning of "decrease in effectiveness (DIE)" and (2) clarify the process for making changes to nuclear power plant emergency plans. No action or written response is required on the part of addressees. *[item 3 and 4 noted above will be included in Resource Manual used in training workshop]*

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Deleted: ; (3) provide examples of acceptable changes to an emergency plan and examples of DIE; and, (4) provide changes that may not meet the DIE criteria, but warrant submittal to the NRC for approval prior to implementation.

Discussion

The process for changing an emergency plan is addressed in 10 CFR 50.54(q). The NRC issued guidance to its staff regarding changes to licensees' emergency plans in the form of an Emergency Preparedness Position Statement (EPPOS), which was shared with the industry. Based upon feedback from the nuclear power industry and experience gained by the NRC staff as a result of reviewing emergency plan changes, a need to further clarify the process for making changes to an emergency plan has been identified.

The requirements related to nuclear power plant emergency plans are set forth in the standards contained in 10 CFR 50.47 and the requirements of 10 CFR 50 Appendix E. Licensees change their emergency plans for a number of reasons such as changes related to site-specific needs, changes to the licensee basis, and revised regulations and guidance. The change process is described in Attachment 1, "50.54(q) Flowchart," and Attachment 1A, "Decrease in effectiveness determination." This guidance provides the framework for changing nuclear power plant emergency plans in order to maintain safety at the plant and adequately protect the health and safety of the public. This improved process results in NRC activities and decisions which are more effective, efficient, and realistic.

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Deleted: We will also discuss examples of what would not constitute a decrease in effectiveness (DIE) in Attachment 2, "Examples of acceptable plan changes," and changes that would result in a DIE in Attachment 3, "Examples of decreases in effectiveness." It should be noted that Attachments 2 and 3 contain several examples that are not intended to be all inclusive, or exclusive, of changes that licensees desire to implement. In addition, changes that may not meet the DIE criteria, but warrant submittal to the NRC for approval prior to implementation, are listed in Attachment 4, "Changes that warrant NRC prior approval."

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Regulations

10 CFR 50.54(q) states, in part, "The nuclear power reactor licensee may make changes to these plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of 50.47(b) and the requirements of Appendix E to this part . . . Proposed changes that decrease the effectiveness of the approved emergency plans may not be implemented without application to and approval by the Commission."

[in some cases, more appropriate to use term of "function" in accordance with SDP 0609, instead of "commitment"]

Definitions

1. Decrease in effectiveness (DIE) - a reduction to a licensee's emergency preparedness function related to the capability or timeliness in performing a function contained in the approved emergency plan.

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Deleted: commitment

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[part a) reworded to address: function, capability and timeliness]

a) A reduction to an emergency preparedness function means that the emergency plan, as changed, would result in the loss of capability to meet 50.47(b) or Appendix E. Consequently, the capability to perform a function either by capability or timeliness as previously stated in the emergency plan no longer exists or has degraded the licensee's capability to protect the health and safety of the public.

Deleted: commitment
Deleted: based on functions
Deleted: a current emergency preparedness commitment(s).

[part b) deleted since scope of discussion included in rewording of part a)] Emergency preparedness (EP) commitment is consistent with the terminology defined in NEI 99-04. The commitment statement(s) made in the emergency plan that addresses how a particular regulatory requirement(s) will be met.

Deleted: b) A reduction to an emergency preparedness commitment based on timeliness means that the time requirements to perform a function as set forth in 10 CFR 50.47(b) and 10 CFR 50 Appendix E, and as defined in the licensee's approved emergency plan, are not met. This would include items such as notification, classification, and Emergency Response Organization (ERO) augmentation. ¶

3. Approved emergency plan:

- a) The emergency plan approved by the NRC at initial licensing.
- b) Revised emergency plan that has been submitted to the NRC, reviewed and approved as documented in a docketed Safety Evaluation.
- c) An alternate method for complying with the regulations that has been submitted to the NRC, docketed, and found to be acceptable by the NRC (as docketed in SER)

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[suggest this clarification so confusion does not arise between SERs and NRC Regional inspection reports].

Deleted: 3. Over-commitments - those commitments made by the licensee that exceed the standards set forth in 10 CFR 50.47(b) and the requirements in Appendix E that licensees have in their emergency plan. ¶
¶
4

4. "current" / "living" / "updated" emergency plan

- a) The initial/original NRC approved emergency plan that has been maintained in accordance with 50.54(q) and submitted in accordance with 10 CFR 50.4 (Any deviation in the 50.54(q) process may lead to a DIE).

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Deleted: ¹ An EP commitment is not a regulatory commitment as defined in NBI-99-04, "Guidelines for Managing NRC Commitment Changes."

Emergency Plan Change Process

Reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency is based on an emergency plan that meets the standards of 10 CFR 50.47 and the requirements of 10 CFR 50 Appendix E, and a successful implementation of the emergency plan. Licensees may change their emergency plan without submitting every change to the NRC for prior approval. The 10 CFR 50.54(q) change process is outlined in Attachment 1 and supplemented by Attachment 1A. The licensee identifies the proposed change and then determines whether the proposed change meets the standards of 50.47(b) and the requirements of 10 CFR 50 Appendix E.

If there is any doubt whether the proposed change is a DIE, a pre-application review conference call with the staff is encouraged. This will allow for sufficient exchange of information between the licensee and NRC staff members regarding technical issues related to emergency plan changes being considered prior to the submittal. A key factor for determining whether a change to an emergency plan is a DIE is the approved emergency plan. The approved plan will be used to determine whether there has been a DIE. Changes that are a result of a DIE are required to be submitted to the NRC for review and approval by the Commission. The staff will review the emergency plan change against the standards, regulations, guidance documents (as committed to by the licensee) and the approved plan.

Licensees are encouraged to make changes to their emergency plan as long as they have a comparable basis, and the emergency plan as changed continues to meet NRC requirements. The 50.54(q) review should thoroughly document the change including the basis for the change. The current NRC requirements for document retention specify that changes that do not warrant NRC approval must be retained for three years. Changes that decrease the effectiveness of the emergency plan must be retained until the Commission terminates the license. It is prudent to save emergency plan change documentation in the event that future changes are made. However, the NRC maintains the prerogative to review, at anytime, the emergency plan changes that have been made.

Changes to an emergency plan could be based upon advances in technology, new or revised rules, site specific needs, processes, and/or guidance (such as NEI guidance endorsed by the NRC, Technical Specification changes, or modifications to instrumentation). These changes should be documented and a rationale defining the need should be established. This rationale will serve as part of the basis for the approved plan, and subsequent changes will rely on this basis for any future DIE determinations. If a licensee has changed its basis and subsequently chooses to change the basis back to the previous state, the same process must be followed.

Related topics regarding emergency plan changes

1. Alternate Methods for Complying with the Regulations

Regulatory Guide 1.101, Revision 4, "Emergency Planning and Preparedness for Nuclear Power Reactors," states, "Licensees and applicants may propose means other than those specified by the provisions of the Regulatory Position of this guide for meeting applicable regulations." Licensees that want to use alternate methods for meeting the regulations should submit them to the Office of Nuclear Reactor Regulation (NRR) *[will NSIR be part of this review process]* for review and approval prior to implementation. Alternate methods for complying with the regulations are the licensee's proposed means for meeting the regulations. Alternate methods have not been endorsed by the NRC nor are they contained in the current regulations or guidance documents.

2. Emergency Action Level Changes

Emergency action level (EAL) changes are subject to the requirements of 50.54(q). However, there is a defined process related to making changes to EAL schemes. The NRC staff developed guidance for making changes to EAL schemes in Regulatory Issue Summary (RIS) 2003-18 "Use of NEI 99-01, 'Methodology for Development of Emergency Action Levels,' Revision 4, dated January 2003."

3. Inspection Activities

An inspector's review of changes to the emergency plan does not constitute approval of the emergency plan as changed. The inspector performs a screening review of the changes and not a complete review of the emergency plan when conducting an inspection. The purpose of inspecting emergency plan changes is to verify the effectiveness of the implementation of the licensee's 50.54(q) change process.

Deleted: 1. Over-Commitments
Licensees that want to seek relief from over-commitments should submit the request to the NRC for prior approval. The purpose for reviewing these changes is to allow the NRC staff to perform its regulatory function and make determinations to ensure adequate protective measures remain in place. Although it is recognized that the industry is making technological advances, the "over-commitments" are considered as emergency preparedness commitments and, therefore, need the approval of the NRC prior to removal from the emergency plan. The submittal should document and provide the basis that explains why the over-commitment is no longer necessary.

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4. Relocation of items from the Emergency Plan to Emergency Plan

Implementing Procedures

The emergency plan implementing procedures (EPIPs) are not considered to be part of the emergency plan. However, if a licensee removes an emergency preparedness commitment or function described in 50.47(b) from its approved emergency plan and places it in an EPIP, initially the emergency plan should be reviewed to determine if a DIE exists. The rationale is, licensees could conceivably remove an item(s) from the emergency plan, place it in an EPIP and then remove it from the EPIPs without conducting a 50.54(q) evaluation, thereby bypassing the Plan as the controlling document for licensing purposes. However, if the EPIP is considered part of the emergency plan through incorporation or is necessary to meet the NRC requirements, any changes to the EPIP should have an accompanying 50.54(q) evaluation.

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Attachments: Attachment 1-50.54(q) Flowchart *[comments on flowchart are hand markups]*

Attachment 1A-Decrease in effectiveness determination

[Attachments 2, 3, and 4 will be included in Resource Manual used in training workshop]

Deleted: Attachment 2-Examples of acceptable plan changes¶
Attachment 3-Examples of decreases in effectiveness¶
Attachment 4-Changes that would warrant NRC prior approval

Draft

Attachment 1A Decrease in Effectiveness Determination

The purpose of this attachment is to determine if the proposed change would result in a decrease in effectiveness only, and does not replace a licensee's 50.54(q) documentation/basis for a change.

1. Does the capability still exist to conduct this function?
 Yes No

2. Are the time requirements of all the affected EP function(s) still met?
 Yes No N/A

Deleted: commitment(s)

If No is checked in box 1 or 2 the change is a decrease in effectiveness. If the answers to questions 1 and 2 are yes, continue to follow the 50.54(q) flowchart.

Draft

Attachment 2

Examples of acceptable plan changes

[Examples will be included in Resource Manual used in training workshop]

-
-

Deleted: <#>Management, organization and/or responsibility changes are acceptable if the function for command and control and the line of succession is clearly defined and assigned tasks do not overload the on-shift organization. ¶

''
<#>Organizational changes are acceptable if the ability to maintain an on-shift staff without an overload of assignments, and to augment it in accordance with the Emergency plan is maintained.¶

<#>Changes to ERO augmentation processes are acceptable if they remain capable of ensuring augmentation of the initial response staff in accordance with facility activation commitments.¶

Changes to ERO are acceptable if the staffing levels of NUREG-0654 Table B-1 or an approved alternative method are maintained.

Deleted: <#>Changes are acceptable if the level of offsite assistance is maintained.¶

<#>Changes to the Emergency Operations Facility (EOF) are acceptable if accommodations for offsite authorities are adequate.¶

<#>Changes to processes to provide follow-up messages and/or the content of the follow-up messages to offsite authorities are acceptable if the offsite authorities agree that the process and information content is adequate to support their emergency response needs.¶

<#>Changes to communications systems and processes are acceptable if they maintain the capability to implement offsite notifications within 15 minutes.¶

<#>An increase in communications technology that decreases the need for a backup systems is acceptable.¶

<#>Changes that provide an alternate means of notifying the public consistent with FEMA guidance are acceptable.¶

<#>The use of digital chart recorders versus paper recorders is acceptable.¶
Emergency Action Level and other changes based on NRC approved Technical Specification or Offsite Dose Calculation Manual changes are acceptable.

Draft

Attachment 3

Examples of decreases in effectiveness

[Examples will be included in Resource Manual used in training workshop]

Deleted: <#>The licensee installed seismic monitoring equipment that required local readout by a trained I&C Tech using a computer-like device; however, the I&C tech was a 30-minute responder, rather than an on-shift engineering release order (ERO) member, thereby, delaying the classification of certain EALs.¶

<#>Following an Alert declaration for a carbon dioxide discharge into one of the emergency diesel generator rooms, the licensee implemented a series of corrective actions which included the revision of the EALs pertaining to toxic gas events at two stations. These changes were primarily based upon the licensee's assessment that the conditions did not meet the definition of an Alert. The licensee's change to the EALs would reduce the number of declarable events because not only was the presence of gas required but also an effect on plant operations needs to be considered.¶

<#>(With the revised EALs, no emergency classification would have been made.) The emphasis of the EAL shifted from personnel safety to the impact on plant conditions or operations.¶

<#>A significant deviation in the EAL scheme from the NRC approved version. The deviation involved changes to eight EALs that decreased the effectiveness of the Emergency Plan in that emergency conditions that would have resulted in classification at the General Emergency, Alert, and Notification of Unusual Event levels under the prior NRC approved plan would now result in a lesser classification or no classification.¶

<#>Changes that reduce the coverage of or increase the activation time of Alert and Notification Systems without review and approval by offsite agencies and FEMA.¶

<#>Equipment is removed from the Emergency Response Facility (ERF) and the plan such that the capability to communicate among the ERFs or offsite agencies does not exist.¶

<#>Changes are made such that the capability to notify ERO responders no longer exists.¶

<#>Procedures are revised such that a range of offsite protective actions or adequate protective actions for onsite personnel who are not members of the ERO would not be recommended or implemented. ¶

<#>Procedures are revised such that follow-up notifications do not take into account previous PARs. ¶

<#>Changes are made such that personnel in the owner controlled area are not informed of the need to evacuate or shelter.¶

Draft

Attachment 4

Changes that warrant NRC prior approval

[Examples will be included in Resource Manual used in training workshop]

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Deleted: <#>Increase in augmentation response times¶
<#>Increase in facility activation time¶
<#>Removal of current NUREG 0654 Table B-1 responders or alterations of a¶
<#>NRC approved alternative¶
<#>Combining Emergency Operating Facilities (EOF)¶
<#>Alternate methods to comply with the regulations¶
<#>Moving EOFs greater than 25 miles from the site¶
<#>Habitability requirements of the nearsite (within 10 miles) EOF/Technical Support Centers (TSC)¶
<#>Relocation of the (TSC) outside the protected area¶
<#>Complete or major revisions or the combining of the Emergency Plan(s)¶
Changes to EALs as identified in RIS-2003-18 "Use of NEI 99-01, 'Methodology for Development of Emergency Action Levels,' Revision 4, dated January 2003"

oThe licensee installed seismic monitoring equipment that required local readout by a trained I&C Tech using a computer-like device; however, the I&C tech was a 30-minute responder, rather than an on-shift engineering release order (ERO) member, thereby, delaying the classification of certain EALs.

oFollowing an Alert declaration for a carbon dioxide discharge into one of the emergency diesel generator rooms, the licensee implemented a series of corrective actions which included the revision of the EALs pertaining to toxic gas events at two stations. These changes were primarily based upon the licensee's assessment that the conditions did not meet the definition of an Alert. The licensee's change to the EALs would reduce the number of declarable events because not only was the presence of gas required but also an effect on plant operations needs to be considered.

o(With the revised EALs, no emergency classification would have been made.) The emphasis of the EAL shifted from personnel safety to the impact on plant conditions or operations.

oA significant deviation in the EAL scheme from the NRC approved version. The deviation involved changes to eight EALs that decreased the effectiveness of the Emergency Plan in that emergency conditions that would have resulted in classification at the General Emergency, Alert, and Notification of Unusual Event levels under the prior NRC approved plan would now result in a lesser classification or no classification.

oChanges that reduce the coverage of or increase the activation time of Alert and Notification Systems without review and approval by offsite agencies and FEMA.

oEquipment is removed from the Emergency Response Facility (ERF) and the plan such that the capability to communicate among the ERFs or offsite agencies does not exist.

oChanges are made such that the capability to notify ERO responders no longer exists.

oProcedures are revised such that a range of offsite protective actions or adequate protective actions for onsite personnel who are not members of the ERO would not be recommended or implemented.

oProcedures are revised such that follow-up notifications do not take into account previous PARs.

oChanges are made such that personnel in the owner controlled area are not informed of the need to evacuate or shelter.

oA change is made that increases an EP commitment followed by a change that decreases the new EP commitment.