

April 29, 2005

MEMORANDUM TO: Eric W. Weiss, Chief  
Licensing and Regulatory Improvements Section  
Emergency Preparedness Directorate  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

FROM: Joseph D. Anderson, Emergency Preparedness Specialist **/RA/**  
Emergency Preparedness Directorate  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

SUBJECT: SUMMARY OF APRIL 26, 2005, CATEGORY 2 MEETING WITH  
NUCLEAR ENERGY INSTITUTE (NEI) AND LICENSEES TO DISCUSS  
GUIDANCE FOR EMERGENCY ACTION LEVELS (EALs), 10 CFR  
50.54(q) AND ALERT NOTIFICATION SYSTEM (ANS) PERFORMANCE  
INDICATOR, AND SECURITY/EMERGENCY PREPAREDNESS (EP)  
ENHANCEMENTS

On April 26, 2005, a public meeting was held between the U.S. Nuclear regulatory Commission (NRC) and representatives from the Nuclear Energy Institute (NEI) and interested licensees at NRC Headquarters, One White Flint North, 11555 Rockville Pike, Rockville, MD. A listing of meeting attendees is attached. Also, attached is a copy of the NRC staff's slide presentation.

The purpose of this meeting was to discuss and to seek further comment on the following:

Proposed NEI 10 CFR 50.54(q) White Paper and Guidance

In its opening remarks, the staff reviewed the status of the proposed March 2005 NEI white paper and guidance, and identified staff issues regarding the need to further define the terms "significant", "substantial" and "margin" in terms of a proposed change to a licensee's emergency plan. In response, NEI provided a copy of a revision to their March 2005 white paper (see attached) to further clarify that a change to an emergency plan must be evaluated separately against the requirements of 10 CFR 50.47(b) and Appendix E to Part 50, and whether the change constitutes a decrease in effectiveness (DIE). NEI further indicated that the evaluation checklist and examples provided in the proposed guidance document. Going forward on this topic, the staff will discuss the proposed NEI white paper with regions and obtain their comments, and will provide a letter to NEI outlining remaining issues with the proposed NEI white paper and guidance. NEI agreed to poll licensees to identify further examples based on industry experience that could be used to further clarify terminology.

A member of the public, representing the State of New Jersey (Bureau of Nuclear Engineering), verbally asked for further clarification regarding the rule change to Appendix E to Part 50,

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effective 04/26/05, which removed the requirement to obtain State and local governmental authority agreement of EAL changes. The rationale for the rule change was verbally explained by NRC staff during the meeting.

#### Clarification of EAL Guidance

As a follow-up to the February 20, 2005 public meeting on lessons-learned from recent EAL change submittals, the staff discussed a proposed Supplement 2 to Regulatory Information Summary (RIS) 2003-18, "Use of NEI 99-01, Methodology for Development of EALs, Revision 4," which is intended to clarify what would constitute a "deviation" versus a "difference" to the NEI 99-01 scheme. A draft copy of Supplement 2 to RIS 2003-18 is attached.

The staff also presented a paper outlining a frequently asked question (FAQ) process being considered for documenting and resolving issues dealing with the interpretation or applicability of EAL regulatory guidance issued or endorsed by the NRC [ADAMS Accession Number ML051100449].

Moving forward NEI will provide comments on the draft RIS supplement and EAL FAQ process, and will provide input on the implementation schedule for the proposed EAL FAQ process. The staff will further evaluate the use of electronic means (i.e., e-mail) to communicate proposed FAQs.

No public comments were received on this topic.

#### FAQ on ANS Performance Indicator

The staff discussed FAQ 52.2, which inquired whether siren testing conducted at facilities, such as county emergency operations centers (EOCs), that are not normally attended, may be credited in the ANS PI. NEI 99-02 guidance currently states, "If the redundant control station is not normally attended, requires setup or initialization, it may not be considered as part of the regularly scheduled test." NEI asked the staff to consider rewording the FAQ to reflect redundant control facilities that are staffed during an emergency.

No public comments were received on this topic.

#### 9/11-Related EP Enhancements

NEI discussed their proposed white paper dealing with enhancements to emergency preparedness and response at nuclear power plants in the post-9/11 environment. These enhancements include: enhanced security-based EALs and onsite protective actions, accelerated NRC notification, and changes to the drill and exercise program to address security-related events. NEI also outlined the proposed schedule for implementation of enhancements following the issuance of NRC generic communication.

No public comments were received on this topic.

- Attachments:
1. List of Attendees
  2. Slide presentation handout
  3. Revised NEI 10 CFR 50.54(q) White Paper, dated March 2005
  4. Draft Supplement 2 to RIS 2003-18

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Clarification of EAL Guidance

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FAQ on ANS Performance Indicator

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**DISTRIBUTION:**

EPD Reading File      J. Anderson    D. Johnson    K. Williams    R. Kahler  
R. Sullivan            S. Rosenberg   E. Weiss       N. Mamish

SISP Review Completed:           Eric W. Weiss          

**ADAMS Accession Numbers: ML051180499 (Package); ML051180491 (Memo); ML051180149 (List of attendees); ML051180225 (Slides presentation); ML051180155 (Revised NEI 10 CFR 50.54(q) white paper); ML051180469 (Draft Supp. 2 to RIS 2003-18) ML051100449 (Draft EAL FAQ process)**

\*See previous concurrence

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NAME	JDAnderson*	EWWeiss
DATE	04/04/2005	04/29/2005

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