UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

February 2, 2007

NRC REGULATORY ISSUE SUMMARY 2007-02: CLARIFICATION OF NRC GUIDANCE FOR EMERGENCY NOTIFICATIONS DURING QUICKLY CHANGING EVENTS

ADDRESSEES

All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory information summary (RIS) to clarify NRC guidance for making emergency notifications during quickly changing events in which the emergency classification changes before the notification is made to the offsite response organizations (OROs) and the NRC. This RIS requires no action or written response by addressees.

BACKGROUND

The Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.47(b) and Appendix E to 10 CFR Part 50, "Emergency Planning and Preparedness for Production and Utilization Facilities," require, in part, that power reactor emergency preparedness plans describe a standard four-level emergency classification scheme and that procedures are in place to notify OROs of the emergency conditions. The licensee's emergency response organization (ERO) is required to assess the emergency conditions, declare the appropriate classification, and notify the OROs of the emergency. Should the plant conditions deteriorate further, the ERO is to re-classify the event, declare the escalated emergency, and notify the OROs. These requirements are intended to ensure timely ORO response and actions to protect the health and safety of the public. For timely ORO response to occur, the licensee must make timely and accurate classifications and notifications.

Power reactor licensees are specifically required by Section IV.D.3 of Appendix E to have the capability to notify responsible State and local government agencies within 15 minutes after declaring an emergency. This requirement applies to a licensee's initial declaration and any subsequent declaration of an escalated emergency classification.

SUMMARY OF ISSUE

Degrading plant conditions during a rapidly evolving event can cause an escalated emergency classification to be declared before the notifications for the previous (or initial declaration) are

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made. The NRC has become aware of at least one instance in which a licensee revised its procedures to state that it was permissible to restart the 15-minute notification "clock" if degrading plant conditions cause an escalation in the declared emergency while the notification for the previous declaration was in progress. The procedure went on to specify that the 15-minute time requirement for the notification of the previous declaration does not apply and the notification is not made in these cases. Consequently, a notification could be delayed for up to 30 minutes. However, since the procedure doesn't limit the use of this "clock" restart, an initial notification may be further delayed if the emergency escalates again before a notification can be made.

This notification protocol is not in compliance with the requirements of Appendix E as the procedure change reduces the licensee's capability to notify State and local governmental agencies within 15 minutes after declaring an emergency. Since the OROs implement actions in a staged approach depending on the emergency classification level, deferring a required notification could reduce their ability to implement timely actions to protect the health and safety of the public.

The NRC recognizes that there could be exigent circumstances for exceeding this 15-minute criterion during an actual emergency response and the emergency preparedness cornerstone of the Reactor Oversight Program provides for this eventuality. Nonetheless, the licensee is required by regulation to have the *capability* of making the notification within 15 minutes of declaring an emergency. Licensees should ensure their notification procedures and ERO training provide the capability for making notifications to State and local governmental agencies within 15 minutes after declaring an emergency, as required by Appendix E.

Further, it is suggested the licensees consult with their offsite counterparts when structuring an approach for handling notifications associated with rapidly evolving events to ensure that the approach addresses the ORO needs while complying with Appendix E. Acceptable approaches include:

- If the plant condition degrades and a higher classification emergency is declared before the notifications are made for the lesser emergency declaration, the licensee should update the notification to reflect the higher emergency classification and complete the updated notifications within 15 minutes of the *lesser* emergency declaration.

  Note: Since the OROs will take actions consistent with the higher emergency classification, it is not necessary to identify the lesser classification in the updated notification. However, the plant conditions that gave rise to the lesser classification should be identified, if still present, in the followup notifications.

- If the notification cannot be updated and completed within 15 minutes of the lesser emergency declaration, the ERO should make the notification for the lesser emergency within 15 minutes of its declaration. The notification could contain the caveat that a change in classification was forthcoming. In parallel, the licensee should prepare the notification for the higher emergency classification and make an additional notification within 15 minutes of its declaration.

- If the notifications are made serially and the notifications for the lesser emergency declaration are in progress when the escalation is declared, the remaining notifications should be completed so that all OROs have the same classification information. Remaining notifications could contain a caveat that a change in classification was forthcoming. In parallel, the licensee should prepare the notification for the higher emergency classification and make an additional notification within 15 minutes of the escalated declaration.

BACKFIT DISCUSSION

This RIS requires no action or written response. Any action by addressees to implement changes to their emergency plans or procedures in accordance with the guidance in this RIS is strictly voluntary and, therefore, is not a backfit under 10 CFR 50.109. Consequently, the NRC staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because the RIS is informational and pertains to a staff position that does not depart from current regulatory requirements and practices.

CONGRESSIONAL REVIEW ACT

This RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. §§ 801-808) and, therefore, is not subject to the Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.). Existing requirements were approved by the Office of Management and Budget (OMB), approval number 3150-0011.

Public Protection Statement

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information collection requirements unless the requesting document displays a currently valid OMB control number.

CONTACT

Please direct any questions about this matter to the technical contact listed below.

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Note: NRC generic communications may be found on the NRC public Web site, http://www.nrc.gov, under Electronic Reading Room/Document Collections.

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