



NUCLEAR ENERGY INSTITUTE

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February 28, 2007

Mr. Melvyn Leach
Director Division of Preparedness and Response
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Methodology for Development of Emergency Action Levels NEI 99-01 Rev. 5
February 2007

Request NRC Endorsement

Dear Mr. Leach

The NEI Emergency Action Level Issue Task Force has finalized "Methodology for Development of Emergency Action Levels," NEI 99-01, Revision 5, February 2007. This document presents the methodology for development of emergency action levels (EALs) as an alternative to NRC/FEMA guidelines contained in Appendix 1 of NUREG-0654/FEMA-REP-1, Rev. 2, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," October 1980 and 10 CFR 50.47 (a)(4).

Enclosed for your review and endorsement in Regulatory Guide 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors," is the Final Draft, "Methodology for Development of Emergency Action Levels," NEI 99-01, Revision 5, February 2007. There are a limited number of submittals planned for 2007 and 2008. In an effort to reduce regulatory burden for both NRC and industry, NEI requests endorsement by September 2007.

Changes incorporated into the February 2007 submittal include modifications to:

- Section 5.0, "Generic EAL Guidance" and Recognition Category H, "Hazards and Other Conditions Affecting Plant Safety" to incorporate Hostile Action and Hostile Force.
- Initiating Conditions and Example Emergency Action Levels based on:
 - Twenty three Frequently Asked Questions (FAQ) approved and posted to the NRC web site in keeping with the "Frequently Asked Question Process for Emergency Preparedness Guidance," as provided in correspondence from Roy Zimmerman NRC Director Office of

Nuclear Security and Incident Response to Stephan Floyd NEI Vice President Regulatory Affairs (August 31, 2005).

- Lessons learned from operational events.
- Lessons learned identified by utilities that submitted and/or received approval from the NRC for plant specific implementations of 99-01 Revision 4.
- Basis sections to include developer notes which are differentiated from the basis by brackets and italic font.

A methodology for development EALs for passive light water reactors is included in NEI 07-01, "Methodology for Development of Emergency Action Levels Advanced Passive Light Water Reactors." NEI 07-01 will be submitted in parallel under a separate letter.

NEI 07-01 is based, in part, on EAL work accomplished through the NEI 99-01 Revision 5 developmental process. Therefore, NEI recommends that NEI 99-01, Revision 5 be understood by the Staff before reviewing NEI 07-01.

The industry appreciates the efforts that the staff made to utilize the FAQ process. This pilot process provided a major contribution to this revision and should be considered for use by the industry and staff for emergency preparedness generic issue clarification.

If you have any questions, please contact me at (202) 739-8110; apn@nei.org or Martin Hug at (202) 739-8129; (mth@nei.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Nelson", with a stylized flourish at the end.

Alan P. Nelson

Enclosure

c: Nader Mamish, Director, U.S. Nuclear Regulatory Commission
Document Control Desk