

**EMERGENCY PREPAREDNESS FREQUENTLY ASKED QUESTION (EPFAQ)**

**EPFAQ Number:** 2012-002

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**STATUS**

**PUBLIC COMMENT PERIOD OPEN**

**RELEVANT GUIDANCE:** ISG - NSIR/DPR-ISG-01 "INTERIM STAFF GUIDANCE EMERGENCY PLANNING FOR NUCLEAR POWER PLANTS"

INSPECTION PROCEDURE 71114.01 "EXERCISE EVALUATION"

**APPLICABLE SECTION(S)** ISG - NSIR/DPR-ISG-01 SECTION IV.H "EMERGENCY DECLARATION TIMELINESS"

**QUESTION OR COMMENT**

Why has the NRC added inspection criteria to the offsite emergency declaration Classification/Notification process?

**PROPOSED SOLUTION**

{NRC staff generated EPFAQ}

**NRC RESPONSE:**

Criteria were added to inspection procedures to enable NRC inspectors to consistently evaluate licensees' demonstration of the emergency preparedness rule change requiring licensees to have the capability to assess, classify and declare an emergency within 15 minutes. Additionally, the NRC added inspection guidance to clarify how notification timeliness should be assessed because a licensee's processes of declaring an emergency and notifying offsite response organizations of the declaration may overlap. For the purposes of determining whether further assessment of a licensee's capability to declare an emergency is necessary, the clock begins when the information that an emergency action level (EAL) threshold has been met or exceeded becomes available to the operator and ends when the declaration is made with no undue delay. For the purposes of determining whether further assessment of a licensee's notification capability is necessary, the clock begins at the time the declaration is made and ends when all responsible offsite authorities, as defined in the licensee's emergency response plan, have been notified of the emergency declaration, including the emergency classification level (ECL).

A licensee's emergency declaration and notification implementation procedures may differ from how the declaration and notification capabilities will be evaluated. For example, a licensee's classification procedure may not consider the emergency declaration process complete until the initial notification form is complete. However, the capability would be evaluated based on the declaration being made with no undue delay, which may or may not include completion of the notification form. Additionally, a licensee's assessment of a successful Drill and Exercise Performance (DEP) Performance Indicator (PI) notification opportunity may identify completion of the notification process when the first offsite authority is contacted. However, as stated previously, the clock ends when all responsible offsite authorities are notified of the declaration and ECL. The detail added is considered necessary, in part, to clarify the difference between assessing regulatory compliance with a capability requirement and assessing successful performance utilizing criteria per the EP DEP PI in NEI 99-02, Rev. 6, "Regulatory Assessment Performance Indicator Guideline" (ML092931123).

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## Attachment 1 – NEI Comments on Emergency Preparedness Frequently Asked Questions

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### Question or Comment

Why has the NRC added inspection criteria to the offsite emergency declaration Classification/Notification process?

### NEI Comments

#### Comment 1

RG 1.219, Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors, dated November 2011, states in Section 3.2b.:

“During the development of the emergency preparedness cornerstone of the ROP, a group of emergency preparedness subject matter experts, including NRC staff and industry stakeholders, with input from the public, developed the emergency preparedness significance determination process (Ref. 11). During the development, the group determined that the planning standard language would not be sufficiently clear for use as a basis for significance determination and instead developed a series of planning standard functions. These planning standard functions are paraphrases of the planning standards in terms of the significant functions that need to be accomplished, or the capabilities that need to be in place, to maintain the effectiveness of the emergency plan and the emergency response capability.

As stated above, the planning standard functions clarify the planning standard language. It appears that the NRC unilaterally changed the planning standard function agreed upon by all stakeholders.

The pre-decisional version of RG 1.219, dated December 2010, states in Section 4.5b. (1):

Procedures for notification of State and local governmental agencies are capable of initiating notification within 15 minutes after declaration of an emergency.

The final version of RG 1.219, dated November 2011, states in Section 4.5b. (1):

Procedures for notification of State and local governmental agencies are capable of alerting them of the declared emergency within 15 minutes after declaration of an emergency and providing follow-up notifications.

NEI recommends that the FAQ provide a basis for this change in the planning standard function. It was not the intent of NRC staff and industry stakeholders during the development of the significance determination process to develop capabilities that need to be in place that were counter to regulation. The current FAQ just restates the current NRC regulatory position.

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### Comment 2

NUREG 0654 criterion E.3 states:

These measures shall contain information about the class of the emergency, whether a release is taking place, potentially affected population and areas, and whether protective measures may be necessary.

A number of NRC inspectors have stated that they expect the licensee to have the capability of alerting off-site agencies of the declared emergency within 15 minutes after declaration of an emergency and also:

- Whether a release is taking place,
- Potentially affected population and areas,
- And whether protective measures may be necessary.

NEI request that NRC clarify that the above three additional criteria are not included in the 15 minute notification capability.

The second sentence in the second paragraph of the NRC Response Section adds to this confusion. The sentence states:

However, the capability would be evaluated based on the declaration being made with no undue delay, *which may or may not include completion of the notification form.*

NEI recommends the statement in the above sentence "*which may or may not include completion of the notification form*" be removed from the FAQ. The statement is not supported by the emergency preparedness function.

### Comment 3

NEI requests the NRC define the term "capable of alerting them of the declared emergency" in the context of a drill or exercise. If one of three notifications during an exercise fails to notify all agencies within 15 minutes of an emergency declaration, but the average time of all notifications was less than 15 minutes, does that mean the notification capability is degraded? NRC examples of degraded capability would be helpful.

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### Comment 4

The second sentence of the first paragraph of the NRC Response Section causes confusion as to when classification and declaration are complete and when notification begins. NEI recommends removal of the second sentence which states:

“Additionally, the NRC added inspection guidance to clarify how notification timeliness should be assessed because a licensee’s process of declaring an emergency and notifying offsite response organizations of the declaration may overlap.”

The sentence should be removed because it conflicts the next sentence that states the 15 minute classification clock ends when the classification is made.

### Comment 5

In the first paragraph, the third sentence of the NRC Response Section ends “with no undue delay.” The term is also used in the second paragraph second sentence. NEI recommends the regulatory language of 10CFR50 Appendix E IV.C.2 be used as a basis for the third sentence. Appendix E states:

By June 20, 2012, nuclear power reactor licensees shall establish and maintain the capability to assess, classify, and declare an emergency condition within 15 minutes after the availability of indications to plant operators that an emergency action level has been exceeded and shall promptly declare the emergency condition as soon as possible following identification of the appropriate emergency classification level.

Using the regulatory language above as a basis, NEI recommends the following revision of the third sentence:

For the purposes of determining whether further assessment of a licensee’s capability to declare an emergency is necessary, the clock begins once indications are available to plant operators that an emergency action level has been exceeded and ends when the emergency classification level is identified and promptly declared.