

EPFAQ 2013-002 Draft Response

Question:

Since the rule established a new requirement for licensees to develop an ETE analysis based on most recent decennial census data and submit its results between 12/23/2011 and 12/22/2012 (365 days later, 2012 being a leap year), when must the first estimate of EPZ permanent resident population changes be completed?

The FR language [76 FR 72580, 3rd column] states “Thereafter [after submitting the decennial Census based ETE], these licensees are required to annually review changes in the population...”

NEI Proposed Solution:

The first EPZ permanent resident population change estimate must be performed within 365 days following the date the updated ETE required by 10 CFR 50 Appendix E Part IV.4 was submitted to the NRC.

Basis for the answer: The Federal Register Notice [76 FR 72580, 3rd column] states - “The NUREG/CR-7002 guidance is an acceptable template to meet the requirements for ETE analysis development and nuclear power reactor licensees should use this guidance, or an appropriate alternative, when developing an ETE analysis or analysis update. The first set of 2010 census data is expected to be available in 2011. The NRC will establish a schedule for review of the updated ETEs. After the licensee submits the ETE analysis for NRC review, these ETEs will be known as the licensee’s “updated” ETEs, as opposed to the “approved” ETEs, which are the ETEs approved by the NRC when it issues a license.

Thereafter, these licensees are required to annually review changes in the population of their EPZs. To complete these reviews, licensees will use data from the U.S. Census Bureau, which annually produces resident population estimates and State/local government population data, if available. These reviews must be conducted no more than 365 days apart.”

NRC Response:

Nuclear power reactor licensees are required to estimate emergency planning zone (EPZ) permanent resident population changes once a year, but no later than 365 days from the date of the previous estimate, per 10 CFR Part 50, Appendix E, Section IV.5.

When a nuclear power reactor licensee has updated its evacuation time estimate (ETE) analysis within the previous 365 days to comply with either 10 CFR Part 50, Appendix E, Section IV.4 or Section IV.6, the first estimate of EPZ permanent resident population changes would be due no later than 365 days from the effective date of the licensee emergency plan change that incorporates or references the most recent updated ETE analysis. For example, a licensee

updated its ETE analysis in 2012 based on 2010 decennial census data from the U.S. Census Bureau in accordance with Section IV.4 of Appendix E. The updated ETE analysis was incorporated into the licensee emergency plan with an effective date of December 10, 2012, and was submitted to the NRC for review on December 17, 2012. The licensee would need to complete an annual EPZ permanent population change estimate no later than December 10, 2013. In this case, the date is based on when the updated ETE analysis became part of the licensee emergency plan, either by incorporation or by reference. This action documents that the licensee considers the analysis to be complete (and, for example, not an interim report) prior to its submittal to the NRC for completeness review. Because the NRC is not approving the updated ETE analysis, the date when it was submitted to the NRC for review is irrelevant for the purpose of determining the date of the analysis.

If a nuclear power reactor licensee has not updated its ETE analysis within the past 365 days because none of the criteria in either Section IV.4 or Section IV.6 of Appendix E are met, the licensee will need to perform an annual review of EPZ permanent resident population changes within 365 days of the date the previous estimate was completed. For example, the licensee performs a review of EPZ permanent resident population changes in 2013, which the licensee completes on December 10, 2013. The next estimate would be due no later than 365 days from the date of the previous estimate, or in this case December 10, 2014.

Section IV.5 of Appendix E also requires licensees to maintain the annual estimates of EPZ permanent population changes so they are available for NRC inspection during the time between decennial censuses. The estimates may be documented by various means, such as a report, memorandum to file, or closeout of a licensee commitment tracking item, as long as the estimates are accessible for NRC inspection. The completion date for each estimate should be clearly stated.