

## Response to Public Comments on Draft Regulatory Guide (DG)-1324 Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors Proposed Revision 1 of Regulatory Guide (RG) 1.219

On December 24, 2015, the NRC published a notice in the *Federal Register* (86-FR-80396) that Draft Regulatory Guide, DG-1324 (Proposed Revision 1 of RG 1.219), was available for public comment. The Public Comment period ended on February 22, 2016. The NRC received comments from the organizations listed below. The NRC has combined the comments and NRC staff responses in the following table.

Comments were received from the following:

Susan Perkins-Grew, Senior Director,  
Security and Emergency Preparedness  
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Washington DC 20004  
ADAMS Accession No. ML16061A171

Commenter	Section of DG-1324	Specific Comments	NRC Resolution
NEI	§B, Reason for Change	<p><b>NEI recommends adding the following text to the last sentence:</b></p> <p>In addition, the NRC made <u>content and</u> format changes to this guide.</p> <p><b>Basis:</b></p> <p>Additions to the document beyond changes required to address decommissioning issues and minor formatting. For example, a discussion on unplanned outages was added to section 3.6.d.</p>	<p>The staff agrees with the intent of this comment, for the reasons given in the comment</p> <p>The staff revised the RG, using alternative language, due to this comment.</p>
NEI	§B, Background	<p><b>NEI recommends adding the following text to the final sentence of the last paragraph:</b></p> <p>Although the ROP does not apply to facilities that have been permanently shutdown, the emergency planning functions remain applicable to 10 CFR 50.54(q)(3) analyses <u>unless the specific planning standard that</u></p>	<p>The staff agrees with this comment, for the reasons specified in the comment.</p> <p>The staff revised the RG, using alternative language, due to this comment.</p>

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		<p>forms the basis for the function was previously exempted by the NRC.</p> <p><b>Basis:</b> Functions associated with exempted planning standards no longer apply.</p>	
NEI	§B, Background	<p><b>NEI recommends the following deletion to the first sentence:</b></p> <p>In 2013, four nuclear power reactors (<del>Crystal River, Kewaunee, San Onofre Units 2 and 3</del>) permanently ceased operations.</p> <p><b>Basis:</b> Noting the plant names infers that these plants made improper changes to emergency plans. Inclusion of names adds no value.</p>	<p>The staff agrees that including the names of the plants that permanently ceased operations does not add value. However, in the period between the development of DG-1324, and the final RG 1.219, additional facilities have announced permanent cessation of operations. The staff revised the RG to address the comment and identify the additional plants as stated above.</p>
NEI	C.1.1.b	<p><b>NEI recommends the following mark-up of sentence four:</b></p> <p>Minor administrative changes, such as <u>correcting</u> <del>updating a telephone number in a notification procedure</del> <u>position titles, spelling and document numbers</u>, would not warrant prior NRC staff review.</p> <p><b>Basis:</b> Typically procedures are not considered part of the emergency plan (see section 3.5c). This example leads licensees to believe emergency plan implementing procedures (EPIP) are subject to the process described in 10 CFR 50.54(q)(3).</p>	<p>The staff agrees with the comment that, ordinarily, EPIPs are not considered part of the emergency plan. The staff revised the RG, as suggested, due to this comment.</p>

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NEI	C.1.8	<p><b>NEI recommends adding the following footnote to the second sentence of the section:</b></p> <p>In the case of facilities that have certified permanent cessation of operations, NRC may have exempted certain planning standards in 10 CFR 50.47(b) or the requirements in Appendix E to 10 CFR 50.</p> <p><b>Basis:</b></p> <p>Clarifies that exempted regulatory requirements are not subject to the test.</p>	<p>The staff agrees partially with this comment.</p> <p>The staff agrees with the need for clarity but opted to revise §C.1.8.a rather than insert a footnote.</p> <p>The staff revised the RG, using alternative language, due to this comment.</p>
NEI	C.1.9.a.(3)	<p><b>NEI recommends the following mark-up of the first sentence:</b></p> <p>...emergency planning remains as long as <del>radioactive material</del> <u>spent nuclear fuel</u> remains on site.</p> <p><b>Basis:</b></p> <p>Provides clarity that the emergency plan is associated with the spent nuclear fuel.</p>	<p>The staff does not agree with this comment.</p> <p>Although the staff found that onsite spent fuel likely presents the greater risk, this doesn't eliminate the need for onsite response planning for any licensed radioactive material onsite (e.g., a storage building containing radioactive resin waste casks). A fire in the storage building may not create a need for public actions, but it does require onsite response. The staff did decide that, for clarity, the staff would refer to radioactive material as "licensed radioactive material."</p> <p>The staff revised the RG, as stated above, due to this comment.</p>
NEI	C.3.4.b	<p><b>NEI recommends the following word deletion in the third sentence:</b></p> <p>A change to align the on shift staffing with that of sister plants without <del>compensatory</del> actions to address the long staff augmentation times could reduce the effectiveness of the emergency plan.</p> <p><b>Basis:</b></p> <p>This sentence is not referring to the compensatory actions for temporary measures as described in section 3.6.d. The sentence, without the word compensatory, stands on its own.</p>	<p>The staff agrees with this comment for the reason stated in the comment.</p> <p>The staff revised the RG, as suggested, due to this comment.</p>

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NEI	C.3.5.b	<p><b>NEI recommends the following mark-up of the first sentence:</b></p> <p>This definition highlights that “emergency plan” includes <del>any</del> <u>the</u> document(s) that describes the programmatic methods that the licensee uses to maintain emergency preparedness and to respond to emergencies.</p> <p><b>Basis:</b></p> <p>As written, the guidance would imply that multiple documents describing compliance with the same Regulatory Requirement would be considered as part of the Emergency Plan and are multiple documents which annotate compliance to a regulatory requirement would not necessarily be considered as part of the Emergency Plan. From the existing guidance: “Ordinarily, sub-tier documents such as emergency plan implementing procedures (EPIPs) are not considered to be part of an emergency plan for the purpose of evaluating proposed changes....Repeating, as opposed to relocating, program element descriptions in sub-tier documents do not necessarily make the sub-tier documents subject to the 10 CFR 50.54(q) change process.”</p>	<p>The staff agrees with this comment for the reason stated in the comment.</p> <p>The staff revised the RG, as suggested, due to this comment.</p>

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NEI	C.3.5.d	<p><b>NEI recommends the following paragraph mark-up:</b></p> <p>As a simple test, a licensee can consider what programmatic document(s) <u>in addition to the Emergency Plan</u> would be required <del>it would supply during an inspection</del> to demonstrate that its <del>emergency plan</del> <u>meets</u> the regulatory requirements <u>are satisfied</u>, as informed by the evaluation criteria in NUREG-0654 or by approved alternatives. These documents would likely be subject to the 10 CFR 50.54(q) change process.</p> <p><b>Basis:</b></p> <p>As previously written, the paragraph may imply that any EPIP which demonstrates compliance with EP regulatory requirement would be subject to 54(q). From the existing guidance: <i>“Ordinarily, sub-tier documents such as emergency plan implementing procedures (EIPs) are not considered to be part of an emergency plan for the purpose of evaluating proposed changes....Repeating, as opposed to relocating, program element descriptions in sub-tier documents do not necessarily make the sub-tier documents subject to the 10 CFR 50.54(q) change process.”</i></p>	<p>The staff does not agree with this comment.</p> <p>The staff found that the original language in §C.3.5.d does not imply that any EPIP that demonstrated compliance with a regulation is subject to §50.54(q). The staff found that the guidance in §C.3.5.b and c identifies when a subtiered document may be subject to §50.54(q).</p> <p>The staff agrees that the text “...in addition to the Emergency Plan...” adds value.</p> <p>The staff revised the RG to include the accepted text: due to this comment.</p>
NEI	C.3.6	<p><b>NEI recommends the following minor mark-up:</b></p> <p>The 10 CFR 50.54(q) change process starts when a licensee <i>decides</i> to make a change to <i>its'</i> emergency plan...</p> <p><b>Basis:</b></p> <p>Editorial: Delete the apostrophe</p>	<p>The staff agrees with this comment for the reason stated in the comment.</p> <p>The staff revised the RG, as suggested, due to this comment.</p>
NEI	C.3.6.c	<p><b>NEI recommends replacing the previous text with the following text:</b></p> <p><del>If the licensee changes its emergency plan under 10 CFR 50.54(q)(2) to align the emergency plan to reflect these modifications...”</del></p>	<p>The staff partially agrees with this comment in that the reference to §50.54(q)(2) could be confusing.</p> <p>With the exception of the above reference, the suggested guidance is already provided in §C.3.6.c and d.</p>

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		<p><u>Under the 10 CFR 50.54(q)(2) process for maintaining the emergency plan, if the licensee determines that the emergency plan requirement cannot be maintained and a change to the emergency plan is needed, the licensee should transition to the 10 CFR 50.54(q)(3) process and change the emergency plan. (e.g., plant modifications to the radiation monitoring system because they no longer meet the EAL criteria).</u></p> <p><b>Basis:</b></p> <p>The current Regulatory Guide states that “licensee changes its emergency plan under 10 CFR 50.54(q)(2)”. This may mislead the reader. Changes to the emergency plan are made under 10 CFR 50.54(q)(3). NEI believes the staff intent was that when the licensee is ensuring that the emergency plan is maintained, under 10 CFR 50.54(q)(2) and determines that the plan can no longer be maintained, the emergency plan should be changed under 10 CFR 50.54(q)(3).</p>	<p>The staff found that the immediate corrective action to a condition that reduces the effectiveness of the emergency is to restore the effectiveness (e.g., fix the EAL or the radiation monitor.). There is a “transition to §50.54(q)(3)” only if the corrective action would change the current licensing basis of the plan.</p> <p>The staff revised the RG to correct the suggested confusion regarding §50.54(q)(2), due to this comment.</p>
NEI	C.3.7	<p><b>NEI recommends the following addition to section 3.7:</b></p> <p><u>e. Changes to the emergency plan that are required due to the addition of an accident sequence (e.g., addition of an ISFSI) are not considered a reduction in the effectiveness of the emergency plan.</u></p> <p><b>Basis:</b></p> <p>Provides guidance on how to address emergency plan changes for the addition of an ISFSI.</p>	<p>The staff does not agree with this comment.</p> <p>The suggested change is contrary to the language in §C.1.9.b. Plant reconfigurations enabled by change processes other than §50.54(q) do not factor into the reduction in effectiveness analysis. With regard to the specific example, the impact of the ISFSI on the licensee’s ability to perform emergency response activities needs to be evaluated to determine if a reduction in effectiveness exists.</p> <p>The staff did not agree on the suggested conclusionary statement as the burden is on the licensee to explain why the site-specific implementation of the change would not reduce the effectiveness of the emergency plan. See §C.4.</p> <p>The staff did not revise the RG due to this comment.</p>

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NEI	C.3.7.c	<p><b>NEI recommends adding the following new section d after section c:</b></p> <p><u>d. A licensee may seek changes in staffing identified in the emergency plan that support programs other than emergency preparedness (e.g., fire brigade staffing). In this case another change process applies (change process in 10 CFR 50.48(f)(3)). If the licensee reduces on-shift staffing and determines that this change does not affect the capability to perform emergency preparedness functions assigned in the emergency plan, then this staffing change would not be considered a reduction in effectiveness of the emergency plan.</u></p> <p><u>However, this conclusion does not apply if an on-shift staffing or augmentation staffing reduction was based on a reduced suite of accident scenarios predicated on a permanent cessation of operation. In this case, the staffing change affects the capability to perform an emergency preparedness function and a reduction in staffing is considered a reduction in the effectiveness of the emergency plan.</u></p> <p><b>Basis:</b></p> <p>This concept was addressed in NRC EPFAQ 2014-004. The above addition is also based on example three on page six.</p>	<p>The staff partially agrees with this comment.</p> <p>The staff does not agree on the suggested conclusionary statements that the change is or is not considered a reduction in the effectiveness of the emergency plan as the burden is on the licensee to explain why the site-specific implementation of the change would or would not reduce the effectiveness of the emergency plan. See §C.4.</p> <p>The staff found that the fire brigade issues is worthy of being an example since this configuration change is the result of a particular regulatory provision. Although this is addressed on Page 6 of RG 1.219, that discussion is background and not staff regulatory guidance. To this end the staff added an example to §4.2, which addresses staffing. The staff found that that the second part of the suggested change is adequately addressed in §1.9.b and did not need to be expanded upon further.</p> <p>The staff revised the RG, by adding a new example in §4.2, due to this comment.</p>
NEI	C.4.2.c.(4)	<p><b>NEI recommends the following addition to the first sentence:</b></p> <p><u>A change would require prior approval for a reduction in onshift staffing...</u></p> <p><b>Basis:</b></p> <p>Editorial: Makes it consistent with the other paragraphs of the section.</p>	<p>The staff agrees with this comment for the reasons stated in the comment.</p> <p>The staff revised the RG, as suggested, due to this comment.</p>

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NEI	C.4.2.d	<p><b>NEI recommends the following mark-up to the first and last sentence:</b></p> <p>A change to ERO staffing levels resulting from <del>changing circumstance or gains...</del> <u>communicators are an examples of this type of change a gain in efficiency. In this case, the capability to perform an emergency preparedness function is maintained.</u></p> <p><b>Basis:</b></p> <p>Licensees could assume that situations resulting from cessation of operations are a change in circumstance.</p>	<p>The staff does not agree with this comment.</p> <p>The staff found that the existing text is generic for any changing circumstance or gain in efficiency that allows a reduction in staffing for all operating reactors. Moreover, §1.9.(b) is clear in stating that a permanent cessation in operation is not a consideration in determining whether any change is a reduction in effectiveness</p> <p>The staff did not revise the RG due to this comment.</p>
NEI	C.4.4.e.(3), C.4.4.f	<p><b>NEI recommends the following addition and mark-ups:</b></p> <p>(3) A change could require prior NRC approval if it would result in an EAL that deviates <del>from the meaning or intent of the approved EAL bases such that the classification of the event would be different</del> from that approved by the NRC in a site-specific application or from an endorsed industry EAL scheme that had been approved for licensee use. <u>A deviation is an EAL change where the basis scheme guidance differs in wording and is altered in meaning or intent, such that classification of the event could be different between the basis scheme guidance and the site-specific proposed EAL. Examples of deviations include the use of altered mode applicability, altering key words or time limits, or changing words of physical reference (protected area, safety-related equipment, etc.).</u></p> <p>f. The following examples would generally not require prior NRC approval:</p> <p><u>(1) A change that differs in wording but agrees in meaning and intent, such that classification of an event would remain the same.</u></p>	<p>The staff agrees partially with this comment.</p> <p>The staff does not agree with substituting the "...classification of the event would be different..." with a definition of "deviation." The original language is direct to the point—if you are getting a different classification than before the change, that is likely a reduction in effectiveness. What caused that change is secondary. The staff also notes that 10 CFR Part 50, Appendix E, §IV.B provides that the scheme change in the suggested language would require prior NRC approval of the licensee’s implementation of the endorsed scheme. The staff agrees to replace “deviates” with another term to avoid confusion with Regulatory Issue Summary 2003-18, “Use of Nuclear Energy Institute (NEI) 99-01, Methodology for Development of Emergency Action Levels”.</p> <p>The staff included the new example (1) but declined to include example (2) as it is subsumed in example (1).</p> <p>The staff did revise the RG, as stated above, due to this comment.</p>

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		<p><u>(2) A change such as including the use of site-specific terminology or administrative re-formatting of site-specific EALs.</u></p> <p>(existing examples 1 and 2 are retained as examples 3 &amp; 4)</p> <p><b>Basis:</b> Provides consistency with Regulatory Issue Summary 2003-18, Use of Nuclear Energy Institute (NEI) 99-01, Methodology for Development of Emergency Action Levels.</p>	
NEI	C.4.5.e.(1)(a)	<p><b>NEI recommends the following mark-up of the sentence:</b></p> <p>A change to <u>the notification forms and their processing described programmatically in the emergency plan such that the process would take greater than 15 minutes to notify offsite agencies that reduces the accuracy or timeliness of emergency notifications,</u></p> <p><b>Basis:</b> Typically notification forms (NEI understands that there may be exceptions where notification forms are contained in the emergency plan) are not contained in an emergency plan. The example as previously written may therefore lead a licensee to believe that EIPs, that contain notification forms, are subject to the 10 CFR 50.54(q)(3) process.</p>	<p>The staff agrees partially with this comment.</p> <p>The staff agrees with the comment that the reference to “notification” form could be misinterpreted as suggested in the comment and will delete the reference to notification forms. However, the suggested added text regarding the emergency plan and 15 minute timeliness is already included in §C.4.5.e, and C.4.5.e.(1)</p> <p>The staff did revise the RG, as identified above, due to this comment.</p>
NEI	C.4.6.c.(2)	<p><b>NEI recommends the following mark-up of the sentence:</b></p> <p>A change to ERO callout <del>procedures</del> <u>processes</u> or hardware <u>discussed programmatically in the emergency plan</u> could require...</p> <p><b>Basis:</b></p>	<p>The staff agrees partially with this comment.</p> <p>The staff agrees to change “procedures” to “processes” for the reason stated in the comment.</p> <p>The staff does not agree with the inclusion of the phrase “...in the emergency plan...” or similar language, as it was deemed unnecessary. Section 50.54(q), the title of this RG, the background in §B, and the lead-in paragraphs for the example lists in §C.4 all clearly</p>

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		<p>Use of the word “procedure” may cause licensee to conclude that EIPs are subject to the 10 CFR 50.54(q)(3) process.</p>	<p>establish applicability of the guidance to emergency plan changes. That said, §C.3.5 specifically addresses when certain sub-tier documents that contain programmatic methods are subject to the §50.54(q) change process.</p> <p>The staff revised the RG, in part as suggested, due to this comment.</p>
NEI	C.4.7.c.(1)	<p><b>NEI recommends deletions of examples (a), (c), and (d) and mark-ups of the remaining paragraph examples:</b></p> <p>(b) procedural approval protocols cannot be carried out <del>because of</del> <u>based on</u> organization changes <u>made in the emergency plan.</u></p> <p>(e) <u>the news release process in the emergency plan is changed</u> such that news releases would not be released...</p> <p>(f) the process for news releases and briefing <del>would not be</del> <u>is</u> routinely coordinated with those supplied by OROs <u>is changed in the emergency plan</u></p> <p>(added) <u>A revision to the emergency plan deletes the programmatic requirement for annual media orientation referenced in NUREG-0654 II.g.5.</u></p> <p><b>Basis:</b></p> <p>Examples a, c, and d are not changes to the emergency plan and therefore should be deleted. The mark-up of b, e, and f ensure that licensees understand that the examples are changes to the emergency plan and subject to 10 CFR 50.54(q)(3).</p>	<p>The staff agrees partially with the comment that examples (a), (c), and (d) could be misleading for the reasons given in the comment, but determined that they need to be revised, rather than be omitted. With regard to the proposed additional examples, the staff agrees partially.</p> <p>The staff does not agree with the inclusion of the phrase “...in the emergency plan...” or similar language, as it was deemed unnecessary. Section 50.54(q), the title of this RG, the background in §B, and the lead-in paragraphs for the example lists in §C.4 all clearly establish applicability of the guidance to emergency plan changes. That said, §C.3.5 specifically addresses when certain sub-tier documents that contain programmatic methods are subject to the §50.54(q) change process.</p> <p>The staff revised the RG, as stated above, due to this comment.</p>

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NEI	C.4.8.c.(1)(f)	<p><b>NEI recommends the following addition to the example:</b></p> <p>(f) a change that reduces the inventory or availability of equipment <u>described in the emergency plan</u></p> <p><b>Basis:</b></p> <p>Ensures licensees understand the change is associated with the emergency plan and not a change to an inventory in an EPIP.</p>	<p>The staff does not agree with this comment.</p> <p>The staff does not agree with the inclusion of the phrase "...in the emergency plan..." or similar language, as it was deemed unnecessary. Section 50.54(q), the title of this RG, the background in §B, and the lead-in paragraphs for the example lists in §C.4 all clearly establish applicability of the guidance to emergency plan changes. That said, §C.3.5 specifically addresses when certain sub-tier documents that contain programmatic methods are subject to the §50.54(q) change process.</p> <p>The staff did not revise the RG due to this comment.</p>
NEI	C.4.11.c.(1)(c)	<p><b>NEI recommends the following mark-up of the example:</b></p> <p>(c) <u>Descriptions of personnel decontamination material and agents are removed from the emergency plan</u> <del>not being maintained in a ready state,</del></p> <p><b>Basis:</b></p> <p>Revised example makes it clear it specifically addresses a change to the emergency plan.</p>	<p>The staff does not agree with this comment.</p> <p>The original language of this example is consistent with the other examples and with the §C.4.11.c(1)</p> <p>The staff does not agree with the inclusion of the phrase "...removed from the emergency plan..." as it was deemed unnecessary. Section 50.54(q), the title of this RG, the background in §B, and the lead-in paragraphs for the example lists in §C.4 all clearly establish applicability of the guidance to emergency plan changes. That said, §C.3.5 specifically addresses when certain sub-tier documents that contain programmatic methods are subject to the §50.54(q) change process.</p> <p>The staff did not revise the RG due to this comment.</p>
NEI	C.4.14.c.(1)	<p><b>NEI recommends deleting examples (1)(a) to (1)(g) and the mark-up of example c.(1):</b></p> <p>(1) A change in the <del>drills and</del> exercises program discussion in the emergency plan such that it eliminates the need to conduct a hostile action based exercise once during the eight year <del>cycle. could require prior</del></p>	<p>The staff does not agree with this comment.</p> <p>The staff does not agree with the omission of "drills" from §C.4.14.c(1). §50.47(b)(14) specifically includes drills. The staff does not agree with the deletion of examples (1)(a) to (1)(b). However, the staff agrees to revise §C.4.14(1) to read "A change in drills and</p>

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		<p><del>NRC approval if it would reduce the challenge to ERO personnel to the extent that they are not provided adequate opportunities over the exercise planning cycle to practice key functional areas and major tasks, including the use of the plan, procedures, and equipment associated with those functions and tasks. Examples include the following:</del></p> <p><b>Basis:</b> NEI recommended deletion of c.(1)(a) to (g) because the examples do not represent changes to the emergency plan. Instead the examples represent challenges to the drill and exercise program. The above mark-up changes the paragraph to an example of a change to the emergency plan.</p>	<p>exercise <i>programs</i> could require....” The staff notes that §C.4.14.c, the lead in paragraph states, “The following are examples of changes to the licensee’s emergency plan that could require prior NRC approval.”</p> <p>The staff revised the RG, as stated above, due to this comment.</p>
NEI	C.4.15.d	<p><b>NEI recommends the following mark-up of the example:</b></p> <p><del>d. A change to an emergency training program lesson plans description to conform with approved changes in the emergency plan or to plant systems and equipment relied on in that plan title changes of key ERO members in the TSC would generally not require prior NRC approval.</del></p> <p><b>Basis:</b> Lesson plans are not part of the emergency plan.</p>	<p>The staff partially agrees with this comment for the reason stated in the comment.</p> <p>The staff agrees to substitute “description” for “lesson plans” but does not agree with the other suggested changes as the original language reflects changes that could force a change to the description.</p> <p>The staff revised the RG, as stated above, due to this comment.</p>