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Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors

Comment On: NRC-2015-0278-0001

Draft Regulatory Guides: Making Changes to Emergency Plans for Nuclear Power Reactors

Document: NRC-2015-0278-DRAFT-0001

Comment on FR Doc # 2015-32413

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General Comment

Comments are provided in the attached PDF files (total of two files).

Attachments

02-22-16_NRC_Industry Comments on DG-1324 (Docket ID NRC-2015-0278)

02-22-16_NRC_Industry Comments on DG-1324 (Docket ID NRC-2015-0278)_Attachment

SUNSI Review Complete
Template = ADM - 013
E-RIDS= ADM-03
Add= <i>S. Lavie (SPL)</i>
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February 22, 2016

Ms. Cindy K. Bladey
Office of Administration
OWFN 12H08
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Comments on Draft Regulatory Guide DG-1324, *Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors*, (Docket ID NRC-2015-0278)

Project Number: 689

Dear Ms. Bladey:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on NRC Draft Regulatory Guide DG-1324, *Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors* (Docket ID NRC-2015-0278).

The updated document clarifies how the regulatory guidance applies to emergency plan changes at facilities that have certified permanent cessation of operation. NEI provides comments pertaining to the guidance application to these facilities in Table 1 of the attachment.

Beyond formatting changes, the staff made additional improvements to document content. In the spirit of continuous improvement, NEI provides additional suggestions that add further document clarity in Table 2 of the attachment.

Finally, in future document revisions, NEI recommends the staff identify document changes to improve transparency.

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

Ms. Cindy K. Bladey

February 22, 2016

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Perkins-Grew".

Susan Perkins-Grew

Attachment

c: Mr. Robert E. Kahler, NSIR/DPR/IRIB
Mr. Stephen F. Lavie, NSIR/DPR/IRIB
NRC Document Control Desk

Industry Comments on Draft Regulatory Guide 1.219 (DG-1324)

Table 1: Comments Associated with Permanent Cessation of Operations

#	Page	Section	Comment
1.	5	Reason	<p>NEI recommends adding the following text to the last sentence:</p> <p>In addition, the NRC made <u>content and</u> format changes to this guide.</p> <p>Basis:</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>
2.	6	Background	<p>NEI recommends adding the following text to the final sentence of the last paragraph:</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 forms the basis for the function was previously exempted by the NRC.</u></p> <p>Basis:</p> <p>Functions associated with exempted planning standards no longer apply.</p>
3.	7	Background	<p>NEI recommends the following deletion to the first sentence:</p> <p>In 2013, four nuclear power reactors (Crystal River, Kewaunee, San Onofre Units 2 and 3) permanently ceased operations.</p> <p>Basis:</p> <p>Noting the plant names infers that these plants made improper changes to emergency plans. Inclusion of names adds no value.</p>

#	Page	Section	Comment
4.	12	1.8	<p>NEI recommends adding the following footnote to the second sentence of the section:</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>Basis:</p> <p>Clarifies that exempted regulatory requirements are not subject to the test.</p>
5.	13	1.9(3)	<p>NEI recommends the following mark-up of the first sentence:</p> <p>...emergency planning remains as long as radioactive material <u>spent nuclear fuel</u> remains on site.</p> <p>Basis:</p> <p>Provides clarity that the emergency plan is associated with the spent nuclear fuel.</p>
6.	19	3.7	<p>NEI recommends adding the following new section d after section c:</p> <p>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.</p> <p>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.</p>

#	Page	Section	Comment
			<p>Basis:</p> <p>This concept was addressed in NRC EPFAQ 2014-004. The above addition is also based on example three on page six.</p>
7.	19	3.7	<p>NEI recommends the following addition to section 3.7:</p> <p>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.</p> <p>Basis:</p> <p>Provides guidance on how to address emergency plan changes for the addition of an ISFSI.</p>
8.	21	4.2.c(4)	<p>NEI recommends the following addition to the first sentence:</p> <p><u>A change would require prior approval for a reduction in onshift staffing...</u></p> <p>Basis:</p> <p>Editorial: Makes it consistent with the other paragraphs of the section.</p>
9.	21	4.2.d	<p>NEI recommends the following mark-up to the first and last sentence:</p> <p>A change to ERO staffing levels resulting from changing circumstance or gains... communicators are <u>an</u> examples of this type of change a gain in efficiency. <u>In this case, the capability to perform an emergency preparedness function is maintained.</u></p> <p>Basis:</p> <p>Licensees could assume that situations resulting from cessation of operations are a change in circumstance.</p>

Table 2: Document Improvement Opportunities

#	Page	Section	Comment
1.	8	1.1.b	<p>NEI recommends the following mark-up of sentence four:</p> <p>Minor administrative changes, such as <u>correcting</u> updating a telephone number in a notification procedure <u>position titles,</u> spelling and document numbers, would not warrant prior NRC staff review.</p> <p>Basis:</p> <p>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>
2.	16	3.4.b	<p>NEI recommends the following word deletion in the third sentence:</p> <p>A change to align the on shift staffing with that of sister plants without compensatory actions to address the long staff augmentation times could reduce the effectiveness of the emergency plan.</p> <p>Basis:</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>
3.	17	3.5.b	<p>NEI recommends the following mark-up of the first sentence:</p> <p>This definition highlights that "emergency plan" includes any <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>Basis:</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</p>

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			<p>therefore subject to 54(q). Per the guidance in step 3.5.c, multiple documents which annotate compliance to a regulatory requirement would not necessarily be considered as part of the Emergency Plan. From the existing guidance: <i>"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."</i></p>
4.	17	3.5.d	<p>NEI recommends the following paragraph mark-up:</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 it would supply during an inspection to demonstrate that its emergency plan meets 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>Basis:</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 (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."</i></p>
5.	18	3.6	<p>NEI recommends the following minor mark-up:</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>Basis:</p> <p>Editorial: Delete the apostrophe.</p>

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6.	18	3.6	<p>NEI recommends replacing the previous text with the following text:</p> <p>If the licensee changes its emergency plan under 10 CFR 50.54(q)(2) to align the emergency plan to reflect these modifications..."</p> <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>Basis:</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>
7.	22	4.4e(3) 4.4f	<p>NEI recommends the following addition and mark-ups:</p> <p>(3) A change could require prior NRC approval if it would result in an EAL that deviates from the meaning or intent of the approved EAL bases such that the classification of the event would be different 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>

#	Page	Section	Comment
			<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><u>(2) A change such as including the use of site-specific terminology or administrative re-formatting of site-specific EALs.</u></p> <p>(13) A change to an EAL numeric threshold to reflect an approved change in a technical specification would generally not require prior NRC approval provided that the basis of the approved EAL is unchanged (e.g., an EAL basis refers to a particular technical specification but not a limiting condition for operation value).</p> <p>(24) A change to an EAL numeric threshold to reflect a change in a plant design parameter, instrument response characteristics, or design calculation would generally not require prior NRC approval provided that the meaning or intent of the basis of the approved EAL is unchanged.</p> <p>Basis:</p> <p>Provides consistency with Regulatory Issue Summary 2003-18, Use of Nuclear Energy Institute (NEI) 99-01, Methodology for Development of Emergency Action Levels.</p>
8.	25	4.5.e.(1)(a)	<p>NEI recommends the following mark-up of the sentence:</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>Basis:</p> <p>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 EPIPs, that contain notification forms, are subject to the 10 CFR 50.54(q)(3) process.</p>

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9.	26	4.6.c(2)	<p>NEI recommends the following mark-up of the sentence:</p> <p>A change to ERO callout procedures <u>processes</u> or hardware <u>discussed programmatically in the emergency plan</u> could require...</p> <p>Basis:</p> <p>Use of the word "procedure" may cause licensee to conclude that EPIPs are subject to the 10 CFR 50.54(q)(3) process.</p>
10.	27	4.7.c(1)	<p>NEI recommends deletions of examples (a), (c), and (d) and mark-ups of the remaining paragraph examples:</p> <p>(b) procedural approval protocols cannot be carried out because of <u>based on organization changes made in the emergency plan,</u></p> <p>(e) <u>the news release process in the emergency plan is changed such that</u> news releases would not be released...</p> <p>(f) the process for news releases and briefing would not be 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>Basis:</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>
11.	28	4.8.c(1)(f)	<p>NEI recommends the following addition to the example:</p> <p>(f) a change that reduces the inventory or availability of equipment <u>described in the emergency plan</u></p> <p>Basis:</p> <p>Ensures licensees understand the change is associated with the emergency plan and not a change to an inventory in an EPIP.</p>

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12.	32	4.11.c(1)(c)	<p>NEI recommends the following mark-up of the example:</p> <p>(c) <u>Descriptions of</u> personnel decontamination material and agents are <u>removed from the emergency plan</u> not being maintained in a ready state,</p> <p>Basis:</p> <p>Revised example makes it clear it specifically addresses a change to the emergency plan.</p>
13.	34	4.14.c.(1)	<p>NEI recommends deleting examples (1)(a) to (1)(g) and the mark-up of example c.(1):</p> <p>(1) A change in the drills and 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 cycle. could require prior 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:</p> <p>Basis:</p> <p>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.</p> <p>The above mark-up changes the paragraph to an example of a change to the emergency plan.</p>

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14.	35	4.15.d	<p>NEI recommends the following mark-up of the example:</p> <p>d. A change to <u>an</u> emergency training program lesson plans <u>description</u> to conform with approved changes in the emergency plan or to plant systems and equipment relied on in that plan <u>title changes of key ERO members in the TSC</u> would generally not require prior NRC approval.</p> <p>Basis:</p> <p>Lesson plans are not part of the emergency plan.</p>