

File



November 2, 1981

RULEMAKING ISSUE
(Affirmation)

SECY-81-629

For: The Commissioners

From: William J. Dircks, Executive Director for Operations

Subject: PROPOSED AMENDMENT TO 10 CFR PART 50, APPENDIX E - FREQUENCY OF EMERGENCY PREPAREDNESS EXERCISES

Purpose: To obtain Commission approval for publication in the Federal Register of a proposed amendment that would reduce the required frequency of full-scale emergency preparedness exercises.

Category: This paper covers a minor policy matter.

Background: On August 19, 1980, the NRC published revised emergency planning regulations, which became effective on November 3, 1980 (45 FR 55402). The regulations required nuclear power reactor licensees to submit upgraded emergency plans by January 2, 1981, to submit implementing procedures by March 1, 1981, and to implement the plans by April 1, 1981.

With regard to conducting exercises of emergency plans, Appendix E, Section IV.F., of 10 CFR Part 50 now requires:

"...Each licensee shall exercise at least annually the emergency plan for each site at which it has one or more power reactors licensed for operation. Both full-scale and small-scale exercises shall be conducted and shall include participation by appropriate State and local government agencies as follows:

1. A full-scale exercise which tests as much of the licensee, State, and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted:

Contact:
Mike Jamgochian, RES
443-5942

Brian Grimes, IE
492-4614

811270341
~~VA~~

OYM-IE
RES

- a. For each site at which one or more power reactors are located and licensed for operation, at least once every five years and at a frequency which will enable each State and local government within the plume exposure pathway EPZ to participate in at least one full-scale exercise per year and which will enable each State within the ingestion pathway to participate in at least one full-scale exercise every three years.
- b. For each site at which a power reactor is located for which the first operating license for that site is issued after the effective date of this amendment, within one year before the issuance of the operating license for full power, which will enable each State and local government within the plume exposure EPZ and each State within the ingestion pathway EPZ to participate."

Discussion:

The staff believes that the frequency and extent of emergency preparedness exercises, as currently required in 10 CFR Part 50, Appendix E, should be changed. Since the current regulation was published in the Federal Register on August 19, 1980, the NRC and FEMA staffs have observed and evaluated more than 25 exercises around nuclear power reactors. These exercises have included the participation of not only the licensee, State and local governmental officials, but, in some instances, have also included the participation of Federal officials. It has become apparent that an unnecessarily disproportionate amount of Federal, State, local government and licensee resources are being expended in order to conduct and evaluate the emergency preparedness exercises at the presently required frequency. As a result of this substantial expenditure of resources for these emergency preparedness exercises, less resources are available to establish and maintain the very important day-to-day upgraded state of emergency preparedness. In addition, necessary resources for correcting any deficiencies that surface during the exercises are being reduced.

After consultation with FEMA and State and local representatives, the staff has concluded that the frequency of full-scale emergency preparedness exercises is not cost effective and should be relaxed somewhat. Under the staff's proposal, power reactor licensees would continue to be required to conduct an onsite exercise annually but the present annual exercise frequency with offsite agencies would be relaxed to a biennial requirement. The minimum frequency of an exercise which would enable a State to participate with a particular site would be relaxed from the present once every five (5) years to once every seven (7) years. This change will assure that States with the greatest number of nuclear power plant sites

will not be required to exercise in a full participation mode more than once a year. However, licensees will still be required to conduct exercises with full State participation more frequently than once every seven years if it is necessary to allow the State to fully participate in an exercise on a biennial basis.

If the proposed amendment becomes a final rule, the staff is convinced that the available resources (on the Federal, State, local and licensee level) can be more effectively used to focus on the more pertinent issues and problems in establishing and maintaining an upgraded and effective day-to-day state of emergency preparedness. This will serve to aid in ensuring appropriate protection of the health and safety of the public.

FEMA is directly involved in the evaluation of offsite emergency preparedness exercises and, therefore, would be affected by the promulgation of this proposed rule change, therefore, the NRC staff consulted with the FEMA staff during the development of this paper. FEMA concurs in the staff's approach and in the proposed rule change.

The NRC and FEMA staffs have met with the Interorganizational Advisory Committee (IOAC) of the State Radiation Control Directors Association and have received their concurrence with the proposed regulation. Because some IOAC members expressed concern that single site States might need more than a biennial exercise in certain instances, a provision was added to require the licensee to conduct exercises annually with full State participation if requested by the State. It should be noted that this provision establishes a precedent in that it permits a State to require the conduct of joint exercises with greater frequency than required by NRC. In the staff's view, this provision is desirable--in light of the strong State rule in emergency preparedness--as a means of preserving the optimal frequency (once a year) in those States that are willing and able to participate that often, while granting relief (biennial exercises) in situations where annual State participation is not possible.

Another drill provision is also being considered by the staff for incorporation in NUREG-0654/FEMA-REP-1 (Revision 1, November 1980) in order to provide for a "table top" exercise for any State which does not have full or partial participation in an exercise in any particular year.


Example exercise frequencies for States with different numbers of sites is given in the Supplementary Information section of the proposed regulation.

Cost Estimate: The staff anticipates that there will be a decrease in cost to the NRC, State and local governments and to licensees associated with the proposed rule change.

Recommendation: That the Commission:

1. Approve: The publication for public comment of the proposed rule change in the Federal Register (Enclosure 1).
2. Note:
 - a. That appropriate Congressional committees will be notified of the proposed rule (draft Congressional letter is Enclosure 2).
 - b. That the ACRS is being informed of the proposed rule.
 - c. That, pursuant to § 51.51(d)(3) of the Commission's regulations, an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with the subject proposed amendment because there is no substantive or significant environmental impact.
 - d. That the Federal Register notice contains a statement that the NRC certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities, pursuant to the Regulatory Flexibility Act of 1980, § 605(b).
 - e. That the Federal Register notice contains a statement that, pursuant to the Paperwork Reduction Act of 1980, the NRC has made a preliminary determination that the proposed rule does not impose new recordkeeping, information collection, or reporting requirements.
 - f. That the staff will directly notify affected applicants, licensees, State governments, and interested persons of the proposed rule.
 - g. That a public announcement of the proposed rule will not be made.
 - h. That a Preliminary Value/Impact Analysis has been prepared (Enclosure 3).
 - i. The staff's conclusions, set forth in Enclosure 4, provide the analysis called for by the Periodic and Systematic Review of the Regulations. The criteria used were derived from Executive Order 12044, which

was rescinded on February 17, 1981, by Executive Order 12291 (see memorandum dated February 27, 1981, from L. Bickwit, General Counsel to the Commission). This approach is proposed as an interim procedure until the Commission decides what to do in response to Executive Order 12291.



William J. Dircks
Executive Director for Operations

Enclosures:

1. Federal Register Notice of Proposed Rulemaking
2. Draft Congressional Letter
3. Preliminary Value/Impact Analysis
4. TMI Action Plan Review

DISTRIBUTION:

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Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Thursday, November 19, 1981.

Commission staff office comments, if any, should be submitted to the Commissioners NLT November 12, 1981, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an open meeting during the week of November 23, 1981. Please refer to the appropriate weekly Commission Schedule, when published, for a specific date and time.

ENCLOSURE 1

NUCLEAR REGULATORY COMMISSION

10 CFR PART 50, APPENDIX E

Emergency Planning and Preparedness for
Production and Utilization Facilities: Frequency and
Extent of Exercises

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations in order to modify the frequency and extent of emergency preparedness exercises now required of nuclear power reactor licensees.

DATES: Comment period expires _____.* Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposal rule change and/or the supporting Value/Impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of the Value/Impact analysis and of the comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

*Insert date 30 days after publication in Federal Register.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-443-5942).

SUPPLEMENTARY INFORMATION: On August 19, 1980, the NRC published revised emergency planning regulations, which became effective on November 3, 1980 (45 FR 55402). The regulations required nuclear power reactor licensees to submit upgraded emergency plans by January 2, 1981, to submit implementing procedures by March 1, 1981, and to implement the plans by April 1, 1981.

With regard to conducting exercises of emergency plans, Appendix E, Section IV.F., of 10 CFR Part 50 now requires:

"...Each licensee shall exercise at least annually the emergency plan for each site at which it has one or more power reactors licensed for operation. Both full-scale and small-scale exercises shall be conducted and shall include participation by appropriate State and local government agencies as follows:

1. A full-scale exercise which tests as much of the licensee, State, and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted;
 - a. For each site at which one or more power reactors are located and licensed for operation, at least once every five years and at a frequency which will enable each State and local government within the plume exposure pathway EPZ to participate in at least one full-scale exercise per year and which will enable each State within the ingestion pathway to participate in at least one full-scale exercise every three years.
 - b. For each site at which a power reactor is located for which the first operating license for that site is issued after the effective date of this amendment, within one year before the issuance of the operating license for full power, which will enable each State and local government within the plume exposure EPZ and each State within the ingestion pathway EPZ to participate."

The Commission believes that the frequency of emergency preparedness exercises, as currently required in 10 CFR Part 50, Appendix E, should be changed. Since the current regulation was published in the Federal Register on August 19, 1980, the NRC and FEMA staffs have observed and evaluated more than 25 exercises around nuclear power reactors. These exercises have included the participation of not only the licensee, State and local governmental officials, but, in some instances, have also included the participation of Federal officials. It has become apparent that an unnecessarily disproportionate amount of Federal, State, local government and licensee resources are being expended in order to conduct and evaluate the emergency preparedness exercises at the presently required frequency. As a result of this substantial expenditure of resources for these emergency preparedness exercises, less resources are available to establish and maintain the very important day-to-day upgraded state of emergency preparedness. In addition, necessary resources for correcting any deficiencies that surface during the exercises are being reduced.

After consultation with FEMA and State and local representatives, the Commission has concluded that the frequency of full-scale emergency preparedness exercises is not cost effective and should be relaxed somewhat. Under the Commission's proposal, power reactor licensees would continue to be required to conduct an onsite exercise annually, but the present annual exercise frequency with offsite agencies would be relaxed to a biennial requirement. The minimum frequency of an exercise which would enable a State to participate with a particular site would be relaxed from the present once every five (5) years to once every seven

(7) years. This change will assure that States with the greatest number of nuclear power plant sites will not be required to exercise in a full participation mode greater than once a year. However, licensees will still be required to conduct exercises with full State participation more frequently than once every seven years if it is necessary to allow the State to fully participate in an exercise on a biennial basis.

The frequency of Federal participation at each site would also be extended to once every seven years to be consistent with the proposed change in the State exercise frequency.

A footnote to Section IV.F of Appendix E is also proposed which would specifically provide for the use of site-specific simulators to aid in realism of reactor parameters and their interplay in the scenario.

If the proposed amendment becomes a final rule, the Commission is convinced that the available resources (on the Federal, State, local and licensee level) can be more effectively used to focus on the more pertinent issues and problems in establishing and maintaining an upgraded and effective day-to-day state of emergency preparedness. This will serve to aid in ensuring appropriate protection of the health and safety of the public.

Because FEMA is directly involved in the evaluation of offsite emergency preparedness exercises and, therefore, would be affected by the promulgation of this proposed rule change, the NRC staff consulted with the FEMA staff during the development of this paper. FEMA concurs in this approach and in the proposed rule change.

Because some State and local emergency planners have expressed concern that in certain cases States may not have key decisionmakers involved at an adequate frequency under the proposed rule, the Commission is also requesting comments on the proposed addition of a new criterion to NUREG-0654/FEMA-REP-1. The new proposed criterion would be designated N.2.f. and read as follows:

"Protective Action Decisionmaking Drill. Any year that there is not partial or full participation in an exercise at a nuclear plant, a protective action decisionmaking 'table-top' drill shall be performed which involves at least the State agencies to demonstrate protective action decisionmaking."

Such a drill would be held, for example, in a State with only one nuclear power plant site every other year or in a State with two reactors where no full or partial exercise is scheduled in a particular year.

Since the addition of this new criterion to NUREG-0654/FEMA-REP-1 (Rev. 1, 1980) has a direct bearing upon the subject matter of this proposed amendment to the emergency planning regulations, the Commission requests that commenters address themselves to this new proposed criterion as well. In this way, the Commission can implement any change in regulatory requirements concurrent with revised guidance for licensees subject to those requirements.

The following tables provide further information relative to implementation of the new proposed exercise frequencies.

EXAMPLE EXERCISE FREQUENCIES FOR VARIOUS NUMBERS
OF NUCLEAR SITES HAVING PLUME EXPOSURE EPZs WITHIN A STATE

- F = Full participation by State and local governmental agencies and licensee
- P = Full participation by licensee and local governmental agencies and partial participation by States within plume exposure EPZ
- Blank or L = Licensee only

Case 1 One site with plume exposure EPZ within State

Year Site	1	2	3	4	5	6	7
A	F		F		F		F

(4F, 3L)

Case 2 Two sites* with plume exposure EPZ within State

Year Site	1	2	3	4	5	6	7
A	F		F		P		P
B		P		F		F	

(4F, 3P, 7L)

Case 3 Three sites with plume exposure EPZ within State

Year Site	1	2	3	4	5	6	7
A	F		P		P		P
B		P		F		F	
C	P		F		P		P

(4F, 7P, 10L)

*Where there are two licensees at one location, these are considered as two sites. Where one licensee has more than one reactor at one location, it is considered as one site.

Case 4 Four sites with plume exposure EPZ within State

Year \ Site	1	2	3	4	5	6	7
A	F		P		P		P
B		P		F		P	
C	P		F		P		P
D		P		P		F	

(4F, 10P, 14L)

Case 5 Five sites with plume exposure EPZ within State

Year \ Site	1	2	3	4	5	6	7
A	F		P		P		P
B		P		F		P	
C	P		F		P		P
D		P		P		F	
E	P		P		P		F

(5F, 13P, 17L)

Case 6 Seven sites with plume exposure EPZ within State

Year \ Site	1	2	3	4	5	6	7
A	F		P		P		P
B		F		P		P	
C	P		F		P		P
D		P		F		P	
E	P		P		F		P
F		P		P		F	
G	P		P		P		F

(7F, 18P, 24L)

Case 7

Example for Boundary Sites - Three States

Year Site	1	2	3	4	5	6	7
A _{1,2}	F		P		P		P
B _{3,1}		P		F		P	
C ₂	P		F		P		F
D ₃		F		P		F	
E ₁	P		F		P		P
F ₁		P		P		F	

subscript 1 = State 1

4 sites

(4F, 10P)

subscript 2 = State 2

2 sites

(3F, 5P)

subscript 3 = State 3

2 sites

(3F, 3P)

(21L Total)

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. § 605(b), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule concerns the frequency and extent of conducting full-scale exercises of emergency plans for nuclear power plants licensed pursuant to Sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. § 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. Accordingly, there would be no significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a determination that this proposed rule would not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50, Appendix E, is contemplated.

PART 50 - DOMESTIC LICENSING OF PRODUCTION
AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

AUTHORITY: Secs. 103, 104, 161, 182, 182, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.78-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50-100-50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

1. 10 CFR Part 50, Appendix E, Section IV.F, is revised to read as follows:*

APPENDIX E - EMERGENCY PLANNING AND PREPAREDNESS
FOR PRODUCTION AND UTILIZATION FACILITIES

* * * * *

F. Training

(a) The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that

* This regulation is typed in comparative text in order to assist in review.

employees of the licensee are familiar with their specific emergency response duties and (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel:

- a. Directors and/or coordinators of the plant emergency organization;
- b. Personnel responsible for accident assessment, including control room shift personnel;
- c. Radiological monitoring teams;
- d. Fire control teams (fire brigades);
- e. Repair and damage control teams;
- f. First aid and rescue teams;
- g. Medical support personnel;
- h. Licensee's headquarters support personnel;
- i. Security personnel.

In addition, a radiological orientation training program shall be made available to local services personnel, e.g., local Civil Defense, local law enforcement personnel, local news media persons.

The plan shall describe provisions for the conduct of periodic [annual] emergency preparedness exercises. Exercises shall test the adequacy of timing and content of implementing procedures and methods, test emergency equipment and communication networks, test the public notification system, and ensure that emergency organization personnel are familiar with their duties.

~~[Each licensee shall exercise at least annually the emergency plan for each site at which it has one or more power reactors licensed for~~

operation:--Both full-scale and small-scale exercises shall be conducted and shall include participation by appropriate State and local government agencies as follows:

1.---A full-scale exercise which tests as much of the licensee, State, and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted;

a:---For each site at which one or more power reactors are located and licensed for operation; at least once every five years and at a frequency which will enable each State and local government within the plume exposure pathway EPZ to participate in at least one full-scale exercise per year and which will enable each State within the ingestion pathway to participate in at least one full-scale exercise every three years:]

(b) A full-participation-scale exercise which tests as much of the licensees, State and local emergency plans as is reasonably achievable without mandatory public participation should be conducted for each site at which a power reactor is located for which the first operating license for that site is issued after the effective date of this amendment, within one year before the issuance of the operating license for full power, which will enable each State and local government within the plume exposure EPZ and each State within the ingestion pathway EPZ to participate.

(c)(1) Each licensee at each site shall exercise annually its onsite emergency plan to test as much of the licensee emergency plan as is reasonably achievable.⁵

⁵Site specific simulators may be used in lieu of the control room for exercises which do not require offsite agency participation. Use of site specific simulators during joint, full-scale exercises for the purpose of generating displays in the TSC (Technical Support Center) and EOF (Emergency Operations Facility) is acceptable provided appropriate measures are taken to assure the reliability and availability of the TSC and EOF equipment should an actual event occur during such use.

(2) Except as provided in paragraph (3) below, the licensee exercises shall include participation by offsite governmental agencies at the following frequencies:

(A) at least once every two (2) years with full participation⁶ by local governmental agencies and with at least partial participation⁷ by States within the plume exposure EPZ's.

(B) at least once every seven (7) years with full participation by local governmental agencies within the plume exposure EPZ and full participation by States within the plume exposure and ingestion EPZs.

(3) The exercises provided for in paragraphs (2)(A) and (B) above shall be held more frequently than once every seven (7) years if necessary

(i) to enable full participation in an exercise by each State within a plume exposure pathway EPZ at least once every two years or

(ii) to allow annual exercises if requested by the State in which the site is located.

(d) An initial exercise with full participation of State and local governmental agencies shall be held by each licensee at each site prior to April 1, 1982, except where two licensees interact with the same local governmental agencies. In that instance, one of the initial exercises shall be held before April 1, 1982 and one before September 1, 1982.

⁶"Full participation" when used in conjunction with emergency preparedness exercises means all involved offsite agencies shall physically and actively take part in the exercise to test all major elements of the onsite and off-site plans without mandatory public participation.

⁷"Partial participation" when used in conjunction with emergency preparedness exercises means involved offsite agencies shall actively take part in the exercise at least enough to test direction and control functions.

"Direction and control functions" means that the participant shall demonstrate (a) at least protective action decisionmaking, and (b) communications capabilities among affected State agencies, local agencies and the affected licensee.

(e) [(2)] The plan shall also describe provisions for involving Federal emergency response agencies in a full [scale] participation emergency preparedness exercise by each licensee at each site, at which one or more power reactors are located and licensed for operation, at least once every ~~5~~ seven (7) years;

~~[(3)--A small-scale exercise which tests the adequacy of communication links; establishes that response agencies understand the emergency action levels; and tests at least one other component (e.g.; medical or offsite monitoring) of the offsite emergency response plan for licensee; State; and local emergency plans for jurisdictions within the plume exposure pathway-EPZ shall be conducted at each site at which one or more power reactors are located and licensed for operation each year at full-scale exercise is not conducted which involves the State(s) within the plume exposure pathway-EPZ.]~~

(f) All training, including exercises, shall provide for formal critiques in order to identify weak or deficient areas that need corrections. Any weaknesses or deficiencies that are identified shall be corrected. Significant deficiencies shall be subject to the provisions of § 50.54(s)(2).

* * * * *

Dated at _____ this _____ day of 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk
Secretary of the Commission

ENCLOSURE 2

DRAFT CONGRESSIONAL LETTER

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee on _____ is a copy of a notice of proposed rulemaking to be published in the Federal Register.

The Commission believes that the frequency of emergency preparedness exercises, as currently required in 10 CFR Part 50, Appendix E, should be changed. Since the current regulation was published in the Federal Register on August 19, 1980, the NRC and FEMA staffs have observed and evaluated more than 25 exercises around nuclear power reactors. These exercises have included the participation of not only the licensee, State and local governmental officials, but, in some instances, have also included the participation of Federal officials. It has become apparent that an unnecessarily disproportionate amount of Federal, State, local government and licensee resources are being expended in order to conduct and evaluate the emergency preparedness exercises at the presently required frequency. As a result of this substantial expenditure of resources for these emergency preparedness exercises, less resources are available to establish and maintain the very important day-to-day upgraded state of emergency preparedness. In addition, necessary resources for correcting any deficiencies that surface during the exercises are being reduced.

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If the proposed amendment becomes a final rule, the Commission is convinced that the available resources (on the Federal, State, local and licensee level) will be more effectively used to focus on the more pertinent issues and

problems in establishing and maintaining an upgraded and effective day-to-day state of emergency preparedness. This will serve to aid in ensuring appropriate protection of the health and safety of the public.

Because FEMA is directly involved in the evaluation of offsite emergency preparedness exercises and, therefore, would be affected by the promulgation of this proposed rule change, the NRC staff consulted with the FEMA staff during the development of this paper. FEMA concurs in this approach and in the proposed rule change.

Robert B. Minogue, Director
Office of Nuclear Regulatory Research

Enclosure: Federal Register Notice of
Proposed Rulemaking

ENCLOSURE 3

VALUE/IMPACT ANALYSIS

1. PROPOSED ACTION

1.1 Description

The Nuclear Regulatory Commission is proposing to amend its regulations in order to modify the frequency and extent of emergency preparedness exercises now required to nuclear power reactor licensees.

1.2 Need for Proposed Action

On August 19, 1980, the NRC published revised emergency planning regulations, which became effective on November 3, 1980 (45 FR 55402). The regulations required nuclear power reactor licensees to submit upgraded emergency plans by January 2, 1981, to submit implementing procedures by March 1, 1981, and to implement the plans by April 1, 1981.

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within one year before the issuance of the operating license for full power, which will enable each State and local government within the plume exposure EPZ and each State within the ingestion pathway EPZ to participate."

The Commission believes that the frequency of emergency preparedness exercises, as currently required in 10 CFR Part 50, Appendix E, should be changed. Since the current regulation was published in the Federal Register on August 19, 1980, the NRC and FEMA staffs have observed and evaluated more than 25 exercises around nuclear power reactors. These exercises have included the participation of not only the licensee, State and local governmental officials, but, in some instances, have also included the participation of Federal officials. It has become apparent that an unnecessarily disproportionate amount of Federal, State, local government and licensee resources are being expended in order to conduct and evaluate the emergency preparedness exercises at the presently required frequency. As a result of this substantial expenditure of resources for these emergency preparedness exercises, less resources are available to establish and maintain the very important day-to-day upgraded state of emergency preparedness. In addition, necessary resources for correcting any deficiencies that surface during the exercises are being reduced.

After consultation with FEMA and State and local representatives, the Commission has concluded that the frequency of full-scale emergency preparedness exercises is not cost effective and should be relaxed somewhat. Under the Commission's proposal, power reactor licensees would continue to be required to conduct an onsite exercise annually, but the present annual exercise frequency with offsite agencies would be relaxed to a biennial requirement. The minimum frequency of an exercise which would enable a State to participate with a particular site would be relaxed from the present once every five (5) years to once every seven (7) years. This change will assure that States with the greatest number of nuclear power plant sites will not be required to exercise in a full participation mode greater than once a year. However, licensees will still be required to conduct exercises with full State participation more frequently than once every seven years if it is necessary to allow the State to fully participate in an exercise on a biennial basis.

The frequency of Federal participation at each site would also be extended to once every seven years to be consistent with the proposed change in the State exercise frequency.

A footnote to Section IV.F of Appendix E is also proposed which would specifically provide for the use of site-specific simulators to aid in realism of reactor parameters and their interplay in the scenario.

If the proposed amendment becomes a final rule, the Commission is convinced that the available resources (on the Federal, State, local and licensee level) can be more effectively used to focus on the more pertinent issues and problems in establishing and maintaining an upgraded and effective day-to-day state of emergency preparedness. This will serve to aid in ensuring appropriate protection of the health and safety of the public.

1.3 Value/Impact of the Action

1.3.1 NRC

The frequency of NRC participation in an emergency preparedness exercise at each site would be extended from once every 5 years to once every 7 years.

1.3.2 Other Government Agencies

The proposed regulation would significantly relax the frequency that State and local governments would be required to participate in an emergency preparedness exercise. This is especially true for States which have more than 1 reactor within its boundary.

1.3.3 Industry

This proposed regulation will not significantly effect the industry since licensees will still be required to conduct an biennial emergency preparedness exercise.

1.3.4 Public

The proposed regulation will have negligible effect on the public.

1.4 Decision on the Action

The proposed rule change should be published in the Federal Register.

2. TECHNICAL APPROACH

Because the proposed changes are of a minor nature, no technical alternative has been considered.

3. PROCEDURAL ALTERNATIVES

Potential NRC procedures that could be used to promulgate the action of a rule change include the following:

- a. Proposed rule change
- b. Final rule change

4. STATUTORY CONSIDERATIONS

4.1 NRC Authority

The rule change is intended to implement the Atomic Energy Act of 1957 as amended.

4.2 Need for NEPA Assessment

Since the proposed rule change does not represent a major action, as defined by 10 CFR § 51.5(a)(10), implementation of the proposed rule changes do not require a NEPA assessment.

5. RELATIONSHIP TO OTHER EXISTING OR PROPOSED REGULATIONS OR POLICY

These proposed rule changes relate to the NRC emergency preparedness regulations, Regulatory Guide 1.101 and NUREG-0654/FEMA-REP-1.

G. SUMMARY AND CONCLUSIONS

To proceed expeditiously with rulemaking.

ENCLOSURE 4

TMI ACTION PLAN REVIEW

The NRC has conducted a review of this proposed regulation to determine that they satisfy the applicable criteria contained in Task IV.G.2 of the NRC Action Plan Developed As A Result Of The TMI-2 Accident (NUREG-0660, May 1980). Briefly, those criteria and the NRC's conclusions are as follows:

1. The regulations are needed: The Nuclear Regulatory Commission is proposing to amend its regulations in order to modify the frequency and extent of emergency preparedness exercises now required of nuclear power reactor licensees.

2. The direct and indirect effects of the regulation have been considered: On August 19, 1980, the NRC published revised emergency planning regulations, which became effective on November 3, 1980 (45 FR 55402). The regulations required nuclear power reactor licensees to submit upgraded emergency plans by January 2, 1981, to submit implementing procedures by March 1, 1981, and to implement the plans by April 1, 1981.

With regard to conducting exercises of emergency plans, Appendix E, Section IV.F., of 10 CFR Part 50 now requires:

"...Each licensee shall exercise at least annually the emergency plan for each site at which it has one or more power reactors licensed for operation. Both full-scale and small-scale exercises shall be conducted and shall include participation by appropriate State and local government agencies as follows:

1. A full-scale exercise which tests as much of the licensee, State, and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted:

- a. For each site at which one or more power reactors are located and licensed for operation, at least once every five years and at a frequency which will enable each State and local government within the plume exposure pathway EPZ to participate in at least one full-scale exercise per year and which will enable each State within the ingestion pathway to participate in at least one full-scale exercise every three years.
- b. For each site at which a power reactor is located for which the first operating license for that site is issued after the effective date of this amendment, within one year before the issuance of the operating license for full power, which will enable each State and local government within the plume exposure EPZ and each State within the ingestion pathway EPZ to participate."

The Commission believes that the frequency of emergency preparedness exercises, as currently required in 10 CFR Part 50, Appendix E, should be changed. Since the current regulation was published in the Federal Register on August 19, 1980, the NRC and FEMA staffs have observed and evaluated more than 25 exercises around nuclear power reactors. These exercises have included the participation of not only the licensee, State and local governmental officials, but, in some instances, have also included the participation of Federal officials. It has become apparent that an unnecessarily disproportionate amount of Federal, State, local government and licensee resources are being expended in order to conduct and evaluate the emergency preparedness exercises at the presently required frequency. As a result of this substantial expenditure of resources for these emergency preparedness exercises, less resources are available to establish and maintain the very important day-to-day upgraded state of emergency preparedness. In addition, necessary resources for correcting any deficiencies that surface during the exercises are being reduced.

After consultation with FEMA and State and local representatives, the staff has concluded that the frequency of full-scale emergency preparedness exercises is not cost effective and should be relaxed somewhat. Under the staff's proposal, power reactor licensees would continue to be required to conduct an onsite exercise annually but the present annual exercise frequency with offsite agencies would be relaxed to a biennial requirement. The minimum frequency of an exercise which would enable a State to participate with a particular site would be relaxed from the present once every five (5) years to once every seven (7) years. This change will assure that States with the greatest number of nuclear power plant sites will not be required to exercise in a full participation mode greater than once a year. However, licensees will still be required to conduct exercises with full State participation more frequently than once every seven years if it is necessary to allow the State to fully participate in an exercise on a biennial basis.

The frequency of Federal participation at each site would also be extended to once every seven years to be consistent with the proposed change in the State exercise frequency.

A footnote to Section IV.F of Appendix E is also proposed which would specifically provide for the use of site-specific simulators to aid in realism of reactor parameters and their interplay in the scenario.

If the proposed amendment becomes a final rule, the Commission is convinced that the available resources (on the Federal, State, local and licensee level) will be more effectively used to focus on the more pertinent issues and

problems in establishing and maintaining an upgraded and effective day-to-day state of emergency preparedness. This will serve to aid in ensuring appropriate protection of the health and safety of the public.

3. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen: The alternative approach to proposed rulemaking would be for the Commission to proceed with final rulemaking - the least burdensome has been chosen.

4. Public comments have been considered and an adequate response has been prepared: The proposed rule changes are requesting public comments.

5. The regulation is written so that it is understandable to those who must comply with it: These proposed rule changes satisfy this criterion, particularly in light of its simplicity.

6. An estimate has been made of the reporting burdens or recordkeeping requirements necessary for compliance with the regulation: The proposed rule change does not increase any such burdens or requirements which may otherwise exist, nor does it establish any new reporting burdens or recordkeeping requirements.

7. The name, address, and telephone number of a knowledgeable agency official has been identified: See contacts listed in proposed Federal Register notice.

8. A plan evaluating the regulation after its issuance has been developed: Public comments if received, licensee and NRC staff experience, and other inputs will be examined prior to developing a final regulation.

Based upon the foregoing review of the proposed regulation, the NRC has preliminarily concluded, as its regulatory analysis, that this regulation satisfies the applicable criteria.