



NUCLEAR ENERGY INSTITUTE

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September 25, 1997

Dr. Charles L. Miller, Chief
Emergency Preparedness and
Radiation Protection Branch
Office of Nuclear Reactor Regulations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: Assessment of Acceptability Of Plan Change Per 10 CFR 50.54(q)

Dear Dr. Miller:

The purpose of this correspondence is to request that the NRC staff review and endorse the enclosed industry white paper provided to the Staff on April 23, 1996.

Background

On April 23, 1996, a public meeting was held at the U. S. Nuclear Regulatory Commission's (NRC) offices in Rockville, MD, between representatives of the NRC, NEI, and other interested parties. NEI requested the meeting to discuss an industry developed white paper regarding criteria for determining when emergency plan change may constitute a decrease in the effectiveness of the plan per 10 CFR 50.54(q).

After the industry presentation the following NRC staff points of view were offered:

- The staff is aware of the differing views within the regions on the role of an approved emergency plan
- Some recognize that plans do contain over-commitments and thus some degree of change can be allowed without decreasing the effectiveness, others take an opposite view.

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- A few of the regions believe that an emergency plan as approved is the "basic plan," any change to this approved plan would therefore constitute a decrease in effectiveness, despite the fact that the plan may contain over-commitments.

At the meeting the NRC noted that the staff is still at the decision stage regarding how to communicate what constitutes a "decrease in effectiveness" to the regions and the industry. NEI suggested that the staff consider endorsing the NEI white paper.

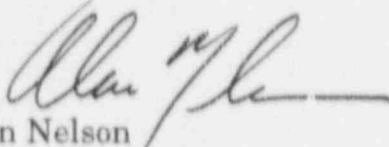
Current Status

Since the April 23, 1996, meeting, NEI distributed the white paper for industry use as appropriate. Regional acceptance of the white paper has been inconsistent. Some licensees have implemented the recommendations in the paper with success while other regional inspectors have challenged the methodology.

Sufficient time has passed for the staff to gain implementation experience. We believe some NRC action is needed at this time for consistent implementation of the white paper. NEI encourages NRC to endorse the white paper as an acceptable approach to 10 CFR 50.54(q).

If you have any questions regarding this request please contact me at (202) 739-8110 or by e-mail (apn@nei.org).

Sincerely,


Alan Nelson

APN/tob
Enclosures

Industry White Paper

ASSESSMENT OF ACCEPTABILITY Of PLAN CHANGE PER 10 CFR 50.54(q)

Purpose

The nuclear industry is providing this white paper to clarify the methods permitted to be used by licensees to process changes to emergency plans in accordance with 10 CFR 50.54(q).

Discussion

Some confusion and inconsistencies have occurred in the past regarding the process for implementation of 10 CFR 50.54(q) for emergency plan changes. The original criterion for judging the whether of changes made pursuant to 10 CFR 50.54(q) decreased the *effectiveness of the plan* was whether the *overall effectiveness of the plan* was decreased. This white paper clarifies the language in 10 CFR 50.54(q) that licensees "*may make changes to these plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of paragraph 50.47(b) and the requirements of Appendix E to this part.*"

The following is a clarification of this language. Changes that meet the following criterion should be permitted without prior NRC approval.

- * A change to an emergency plan will not decrease the *effectiveness of the plan* if the change will not decrease the abilities of the emergency response organization, and/or supporting emergency response facilities and equipment, as required by paragraphs CFR 50.47(b) and Appendix E, or equivalent measures approved under 10 CFR 50.47(c), to reasonably assure the adequate protection of public health and safety in the event of a radiological emergency as stated in 10 CFR 50.47(a)(1). The change cannot delete or replace any of the capabilities described in 10 CFR 50.47 (b) and (d), or in Appendix E to 10 CFR Part 50.

Use of this criterion allows, for example, elimination of commitments that have exceeded regulatory requirements. Plan commitments may not be reduced to levels less than the overall reasonable assurance objective stated in 10 CFR 50.47(a).

It is expected that licensees would judiciously make determinations regarding 10 CFR 50.54(q) changes and implement those changes permitted by the regulations. With the use of the above clarification, licensees should implement changes made pursuant to 10 CFR 50.54(q) without prior NRC approval.

Some of the emergency preparedness-related regulatory guidance is dated and has become superseded in recent years. Caution should be exercised by licensees when screening changes, particularly regarding specific guidance issues. The guidance given in NRC publications are not requirements and should not be interpreted as the only possible methods for satisfying regulatory requirements. NUREG-0654, "Criteria for the Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," is an example of a document that should not be used verbatim to make individual acceptability determinations.

The original intent of 10 CFR 50.54(q) was to screen changes in terms of their overall impact on the emergency preparedness program. The screening criteria contained herein are the fundamental criteria necessary for determining the acceptability of a change made pursuant to 10 CFR 50.54(q).

The criterion contained in the clarification presented herein is not applicable to plan changes that would eliminate or replace emergency plan commitments to specific response measures stated in 10 CFR 50.47 (b) and (d). Requests for NRC approval of such changes may need to be pursued under 10 CFR 50.90 as license amendment requests and would require NRC approval prior to implementation.

A suggested outline for applying the clarified criterion for the evaluation of a proposed emergency plan change is in Attachment 1. Evaluation of a proposed emergency plan change using the suggested outline should lead to a determination as to whether or not the change can be made without prior NRC approval. Changes made pursuant to 10 CFR 50.54(q) and consistent with the criterion in this white paper may be made to emergency plans. Licensees that successfully satisfy the screening questions in Attachment 1 may conclude that a particular change would be acceptable without prior NRC approval. Use of the screening questions format of Attachment 1, while strictly voluntary, could document the licensee's determination of *no decrease in effectiveness of the plan* in accordance with 10 CFR 50.54(q).

Changes must be appropriate for particular site programs; using the screening criteria does not guarantee acceptance by the NRC or applicability to all sites. The licensee bears the responsibility for changes made without prior NRC approval.

Attachment 1

SCREENING CRITERIA OUTLINE

**ASSESSMENT OF ACCEPTABILITY
OF PLAN CHANGE PER 10 CFR 50.54(q)**

SECTION/TITLE:

List the plan section and title where the change is proposed.

DESCRIPTION OF CHANGE:

Provide a detailed description of the change.

EFFECTIVENESS REVIEW:

Review the program change against the following questions. If the response to all these questions is "no" and the rationale supports a "no" responses, the change may be implemented without prior NRC approval under the provisions of 10 CFR 50.54(q).

1. Yes_ No_ DOES THE CHANGE DECREASE THE EFFECTIVENESS OF THE PLAN RESULTING IN THE LOSS OF REASONABLE ASSURANCE THAT ADEQUATE PROTECTION CAN AND WILL BE TAKEN IN THE EVENT OF A RADIOLOGICAL EMERGENCY AS REQUIRED BY 10 CFR 50.47 (a)?

Rationale: Explain how the change maintains reasonable assurance of adequate protective actions. An explanation may be based on an assessment of its effects on public health and safety, a review of applicable plans, procedures, and resources, or by demonstration of the affected capabilities in a drill or exercise. Consideration should be given to any applicable site-specific planning needs.

2. Yes_ No_ DOES THE CHANGE RESULT IN THE LOSS OF ABILITY TO MEET ANY OF THE STANDARDS OR APPLICABLE REQUIREMENTS DESCRIBED IN 10 CFR 50.47 (b) AND (d) OR ANY NRC-APPROVED ALTERNATIVES TO THOSE STANDARDS AND REQUIREMENTS?

Rationale: Explain any change that reasonably brings into question the ability to meet any of the sixteen standards described in 10 CFR 50.47 (b), and any applicable requirements of 10 CFR 50.47 (d) or any NRC-approved alternatives to those requirements.

3. Yes_ No_ DOES THIS CHANGE DELETE OR CONTRADICT ANY OTHER REGULATORY REQUIREMENT?