

POLICY ISSUE INFORMATION

July 12, 2002

SECY-02-0130

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: STATUS OF PROPOSED AMENDMENTS TO EMERGENCY PREPAREDNESS
REGULATIONS IN 10 CFR 50 APPENDIX E

PURPOSE:

To provide a status report to the Commission on proposed amendments to 10 CFR Part 50, Appendix E. The proposed amendments address (1) NRC approval of revisions to Emergency Action Levels, and (2) exercise requirements for co-located licensees. The staff intends to include the amendments in one rulemaking package.

BACKGROUND:

On July 17, 2001, the staff provided the Commission with a rulemaking plan, SECY-01-0131, relating to emergency preparedness exercise participation requirements for co-located licensees. The staff recommended that the NRC codify the current practice of co-located licensees alternating participation in the biennial exercises of the offsite plans. In a SRM, dated August 30, 2001, the Commission approved the staff's rulemaking plan and recommendation to proceed with rulemaking in order to address the ambiguity in the regulations associated with the emergency planning exercise requirement for licensees that are co-located at the same site. The Commission also directed, (1) that this rulemaking effort be combined with the anticipated Part 50, Appendix E rulemaking effort associated with the FEMA Strategic Review initiative, (2) that the staff provide the Commission with a rulemaking plan with a revised resource estimate for the combined rulemaking effort, (3) should the circumstances surrounding the rulemaking effort associated with the FEMA Strategic Review Steering Committee initiative significantly change, the staff should promptly notify the Commission, and (4) that in developing emergency

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preparedness interface guidance for co-located licensees, the staff should consider whether similar guidance for all power reactor licensees would be appropriate. To the extent practical, the new guidance should have broad applicability and help power reactor licensees ensure that adequate emergency response capabilities (such as the coordination of command and control among the control room, technical support center, and the emergency operations facility) are maintained during the interval between biennial exercises.

On October 18, 2001, the staff provided the Commission with a rulemaking plan, SECY-01-0192, relating to the NRC approval of revisions to licensee Emergency Action Levels (EALs). The staff recommended a revision to the regulations in Appendix E to provide that NRC approval would not be necessary for minor EAL changes that meet the criteria in §50.54(q). In a SRM, dated November 6, 2001, the Commission approved the rulemaking plan to reconcile the requirements in 10 CFR Part 50, Appendix E, and 10 CFR 50.54(q) by deleting the requirement that NRC approve changes to EALs that do not diminish the effectiveness of the emergency plans. The Commission also directed the staff "to reassess its resource estimates and time frame for completing this rule change. Appropriate measures should be taken to expedite the rulemaking and reduce the resources committed to it."

DISCUSSION:

At a FEMA/NRC Steering Committee Meeting held on May 9, 2002, FEMA informed the NRC that the FEMA Strategic Review initiative relating to emergency preparedness exercises is being reevaluated by FEMA, therefore, no rulemaking action on the FEMA initiative by NRC is requested at this time.

Recognizing the Commission's desire to minimize the expenditure of resources for these rulemakings, the staff intends to combine the rulemakings discussed in the SRMs relating to SECY-01-0131 and SECY-01-0192 into one rulemaking effort.

Likewise, it is the staff's intention to include in the Supplemental Information of the proposed rule emergency preparedness interface guidance for co-located licensees that can be used for all power reactor licensees. The new guidance will have broad applicability and will help power reactor licensees ensure that adequate emergency response capabilities (such as the coordination of command and control among the control room, technical support center, and the emergency operations facility) are maintained during the interval between biennial exercises.

The staff expects to provide the proposed rule package to the Commission by November 2002 and has estimated the resources to conduct the combined rulemakings to be reduced from 2 full-time equivalent (FTE) per individual rule change to 1.8 FTE total for the years FY2002-2004.

RESOURCES:

Resources to conduct the rulemaking (approximately 1.8 FTE over the period FY2002-2004) are currently budgeted.

COORDINATION:

OGC has no legal objection to this Commission Paper. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objection to its content.

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for Operations