

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

March 10, 2005

**NRC REGULATORY ISSUE SUMMARY 2004-13, SUPPLEMENT 1,
CONSIDERATION OF SHELTERING IN LICENSEE'S RANGE OF
PROTECTIVE ACTION RECOMMENDATIONS, DATED AUGUST 2004**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The Nuclear Regulatory Commission (NRC) is issuing this Regulatory Issue Summary (RIS) to supplement previously issued information in RIS 2004-13, "Consideration of Sheltering in Licensee's Range of Protective Action Recommendations," dated August 2, 2004. The NRC is confirming its position that licensees develop a range of protective actions that includes the consideration of sheltering, and will begin evaluating the use of enforcement action for licensees in noncompliance. This RIS requires no action or written response by an addressee.

BACKGROUND INFORMATION

The NRC issued RIS 2004-13 in August 2004 to clarify the regulatory requirement that licensees develop a range of protective actions that includes the consideration of sheltering for the public in the plume exposure pathway emergency planning zone (EPZ). The regulations governing protective action recommendations (PARs) are contained in 10 CFR 50.47(b)(10). RIS 2004-13 describes in detail the requirements regarding the consideration of sheltering as a PAR. The details of RIS 2004-13 remain applicable.

SUMMARY OF ISSUE

In RIS 2004-13, the NRC clarified its position that licensees shall develop a range of protective actions that includes the consideration of sheltering. In addition to the technical discussion in RIS 2004-13, the events of September 11, 2001 have caused the NRC to increase the focus on the range of protective actions appropriate in today's threat environment. The NRC has decided to use discretion and not take enforcement action for this issue for a period extending 90 days following the issuance of this supplement. This action is intended to give licensees sufficient time to evaluate this issue and update their emergency plans as necessary.

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BACKFIT DISCUSSION

This RIS supplement confirms the regulatory requirement in 10 CFR 50.47(b)(10) that licensees develop a range of protective actions that includes the consideration of sheltering for the public in the plume exposure pathway EPZ. This RIS supplement does not impose new or modified staff requirements or uniquely prescribe a way to comply with regulations or require any action or written response. Therefore, the RIS supplement does not constitute a backfit under 10 CFR 50.109, and the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because it is informational and pertains to a staff position that does not represent a departure from current regulatory practice.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT OF 1996

The NRC has determined that this action is not subject to the Small Business Regulatory Enforcement Fairness Act of 1996.

PAPERWORK REDUCTION ACT NOTIFICATION

This RIS does not contain any information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements are covered under 10 CFR Part 50 (3150-0011).

CONTACT

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Note: NRC generic communications may be found on the NRC public website, <http://www.nrc.gov>, under Electronic Reading Room/Document Collections.