APPENDIX B

TECHNICAL BASIS FOR EMERGENCY PREPAREDNESS SIGNIFICANCE DETERMINATION PROCESS

The EP SDP consists of flow chart logic to disposition inspection findings as either Green, White, Yellow, or Red. The EP SDP is structured such that any finding that enters the SDP will be at least Green. The significance of a finding reflects the significance of the loss of program function.

During the development of the EP Cornerstone, the most risk significant elements were identified as distinct from other important program elements. These development efforts were performed by a group of EP subject matter experts, including industry stakeholders, with input from members of the public. The EP SDP methodology recognizes failures in the identified risk significant elements as more significant than failures in other program elements. 10 CFR Part 50 codifies a set of EP planning standards in 10 CFR 50.47(b) and supporting requirements in Appendix E to Part 50. The more risk significant elements of EP align with a subset of the planning standards and requirements. The SDP logic identifies the loss of program function required by planning standards as more significant than noncompliance with other regulatory requirements. Functional failure of the more risk significant planning standards results in greater significance than the loss of function of the other planning standards (e.g., a Yellow finding as opposed to a White finding.) The stratification of EP requirements is as follows:

- the most risk significant planning standards (RSPS); 10 CFR 50.47(b)(4), (5), (9) and (10), and portions of Appendix E (as identified in Inspection Manual Chapter (IMC) 0609, Appendix B);
- the remaining planning standards (PS); 10 CFR 50.47(b)(1), (2), (3), (6), (7), (8), (11), (12), (13), (14), (15), and (16), and portions of Appendix E; and
- other EP related regulations, remaining portions of Appendix E, applicable orders, and the commitments of the Emergency Plan.

Findings that potentially impede the regulatory process (i.e., violations that impact the NRC's ability for oversight of licensee activities), are not to be evaluated through the SDP process. Noncompliances may be significant because they may challenge the regulatory envelope upon which certain activities were licensed. These types of violations include failures to receive prior NRC approval for changes which result in a decrease in effectiveness of the plan (50.54(q) issues). They are to be evaluated in accordance with the guidance in Section IV of the Enforcement Policy (traditional enforcement).

The NRC Policy Statement on Safety Goals for the Operations of Nuclear Power Plants, states that EP is a defense-in-depth measure. This indicates that the likelihood of a reactor accident should not be used to determine the safety significance of an EP element. Rather, the safety significance of a failure to comply with EP requirements should be viewed as assuming the EP program is being implemented in response to an emergency. This view may be used to answer the threshold questions for which issues should be evaluated by the EP SDP.

There are two branches of the EP SDP, "Actual Event Implementation Problem,"and "Failure to Comply." Findings should be assessed through both paths that are applicable and the most significant finding issued. Parallel findings shall be noted in the inspection report, but only the most significant finding should be issued. For example, an implementation problem during an actual event may also reveal a failure of a PS function. If the failure of the PS function is the more significant finding, it would dictate the color of the issued finding.