

EDO Principal Correspondence Control

FROM: DUE: 07/11/07

EDO CONTROL: G20070467

DOC DT: 06/25/07

FINAL REPLY:

J. Barnie Beasley, Jr.
Southern Nuclear Operating Company, Inc.

TO:

Chairman Klein

FOR SIGNATURE OF :

** PRI **

CRC NO: 07-0437

Chairman Klein

DESC:

Emergency Plan Classification
(EDATS: SECY-2007-0217)

ROUTING:

Reyes
Virgilio
Kane
Ash
Ordaz
Cyr/Burns
Dyer, NRR
Carpenter, OE
Collins, RI
Travers, RII
Caldwell, RIII
Mallett, RIV

DATE: 06/29/07

ASSIGNED TO:

CONTACT:

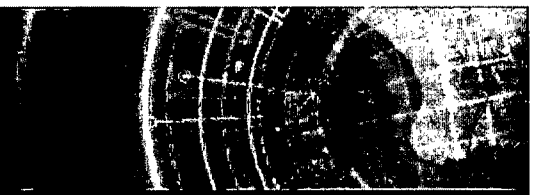
NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2007-0217

Initiating Office: SECY

General Information

Assigned To: NSIR

OEDO Due Date: 7/11/2007 5:00 PM

Other Assignees:

SECY Due Date: 7/13/2007 5:00 PM

Subject: Emergency Plan Classification

Description:

CC Routing: NRR; OE; Region I; Region II; Region III; Region IV

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20070467, LTR-07-0437

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Process Information

Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: Chairman Klein

Urgency: NO

OEDO Concurrence: YES

OCM Concurrence: YES

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: J. Barnie Beasley, Jr.

Date of Incoming: 6/25/2007

Originating Organization: Southern Nuclear Operating Company, Inc.

Document Received by SECY Date: 6/29/2007

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jun 29, 2007 08:57

PAPER NUMBER: LTR-07-0437 LOGGING DATE: 06/28/2007
ACTION OFFICE: EDO

AUTHOR: J. Barnie Beasley
AFFILIATION: AL
ADDRESSEE: Dale Klein
SUBJECT: Concerns timeliness and accuracy of emergency classifications

ACTION: Signature of Chairman
DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 06/25/2007

ACKNOWLEDGED No
SPECIAL HANDLING: Comr. Correspondence

NOTES: Made publicly available in ADAMS via EDO/DPC

FILE LOCATION: ADAMS

DATE DUE: 07/13/2007 DATE SIGNED:

EDO --G20070467

J. Bernie Beasley, Jr., P.E.
Chairman, President and
Chief Executive Officer

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June 25, 2007

Chairman Dale Klein
U. S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

CHAIRMAN REC'D
07 JUN 27 AM 11:49

Dear Chairman Klein:

When making Emergency Plan Classification determinations, the NRC and licensees have the same goal. That goal is to provide for the protection of public health and safety by making timely and accurate Emergency declarations. Licensee experience has revealed, and NRC has previously recognized, that during events, the goals of timely and accurate are competing goals. That is, classification determinations will always be more accurate if more time is taken to assess conditions. To resolve this dilemma, NRC has issued guidance providing a goal of 15 minutes from the initial indications of an emergency threshold being met until classification declaration. (*See NEI 99-02; see also NRR Position Paper EPPOS2.*) For years, NRC has endorsed the industry practice of achieving timely and accurate emergency classification declarations by utilizing symptom based procedures to assess plant conditions and declare an emergency within approximately 15 minutes based on information available at the time.

Recent NRC actions have introduced significant uncertainty relating to the expectations for timely and accurate emergency plan classifications. This uncertainty creates the potential for significant erosion of public confidence regarding licensees' ability to implement Emergency Plans.

On May 3, 2007, the NRC Executive Director of Operations (EDO) denied Southern Nuclear Operating Company's (SNC) appeal of a White Finding issued by the Region II Staff relating to an emergency planning (EP) exercise performed at Vogtle Electric Generating Plant (VEGP) on March 22, 2006. While the significance of this Finding is due to a failure to critique a PI deficiency, the critical issue, and point of disagreement between NRC and SNC, is whether the Emergency Director's (ED) emergency classification was accurate. NRC's position, based on knowledge of the exercise scenario guide, is that the ED inappropriately upgraded the emergency classification from an Alert to a Site Area Emergency (SAE) without meeting the SAE threshold. SNC's position has been that the ED, based on the actual symptoms and indications at the time, made an accurate and timely emergency classification. In their Finding, the NRC Staff stated the ED acted in 'haste' and should have waited for "conclusive evidence" before declaring the SAE. SNC believes that waiting for "conclusive evidence" before making an emergency classification will lead to unnecessary delays and untimely classifications when applied to the broad range of potential event scenarios.

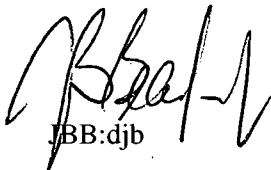
Chairman Klein
June 25, 2007
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In a recent action, EA 07-017, NRC cited a licensee for making an untimely emergency classification during an exercise. In this case, the ED had Control Room position indication that components had failed in a configuration that potentially allowed a radiological release path. The ED waited until 'conclusive evidence' of a release path was presented, in the form of increasing vent path radiation monitor readings, before declaring an emergency. The classification was made 22 minutes after the initial component failure.

As evidenced by these examples, the NRC has created uncertainty and a lack of clarity for licensees in determining the timeliness and accuracy of emergency classifications. In one case, NRC states the ED should have waited for "conclusive evidence." In the second case, NRC finds the ED should have declared the emergency *prior to* obtaining "conclusive evidence."

In summary, in determining the timeliness and accuracy of emergency classifications, SNC believes the ED should make a determination within *approximately* 15 minutes from the time symptoms and indications are present, such that the ED knows or should know it is likely a classification threshold has been met. SNC believes NRC actions have led to confusion and inconsistency among licensees in their approach to event classification. This creates the potential for the erosion of public confidence in licensees' ability to implement our Emergency Plans. On behalf of SNC, I respectfully request your full and serious consideration of these issues and urge you to direct NRC staff to work with the Nuclear Energy Institute and other stakeholders to take all necessary and appropriate actions to provide licensees with a reasonable basis upon which to determine the timeliness and accuracy of emergency classifications and to ensure that NRC's Significance Determination Process and enforcement policies conform to this standard.

Sincerely,



JBB:djb

cc: J. T. Gasser
T. E. Tynan
M. M. Caston