NEI Reactor Oversight Process Whitepaper -
Counting of DEP Opportunities from an Actual Emergency
Following a Retraction of the Emergency Declaration

Introduction

This Reactor Oversight Process (ROP) Whitepaper proposes the addition of new guidance to NEI 99-02, "Regulatory Assessment Performance Indicator Guideline," to clarify reporting of Drill/Exercise Performance (DEP) indicator data from an actual emergency declaration, if the declaration is subsequently retracted.

NEI 99-02 Section Affected

The change proposed by this whitepaper affects the "Clarifying Notes" section of the DEP indicator. The text is on Page 48, lines 11 through 14:

> "As a minimum, actual emergency declarations and evaluated exercises are to be included in this indicator. In addition, other simulated emergency events that the licensee formally assesses for performance of classification, notification or PAR development may be included in this indicator (opportunities cannot be removed from the indicator due to poor performance)."

Discussion

Each nuclear power plant licensee has provisions to collect and report data for the DEP indicator described in NEI 99-02. This indicator monitors timely and accurate licensee performance in drills and exercises when presented with opportunities for classification of emergencies, notification of offsite authorities, and development of protective action recommendations (PARs). It is the ratio, in percent, of timely and accurate performance of those actions to total opportunities.

With respect to the DEP indicator, NEI 99-02 states, "As a minimum, actual emergency declarations and evaluated exercises are to be included in this indicator." However, there may be cases where a licensee makes an after-the-fact determination that an actual emergency declaration was not warranted based on a subsequent review of the conditions present at the time of the event. In these cases, a licensee may retract the emergency declaration by following the guidance in NUREG-1022, "Event Reporting Guidelines: 10 CFR 50.72 and 50.73 (NUREG-1022)."

Based on a review of industry operating experience, there is a need to clarify how to count DEP indicator data associated with an actual emergency declaration that is subsequently retracted. The proposed guidance would have a licensee not count DEP indicator data for an actual emergency declaration that is subsequently retracted or, if reported to the U.S. Nuclear Regulatory Commission (NRC) before the retraction was finalized, remove the data via the fleet/site performance indicator data correction process. This position reflects the licensee's ultimate decision that the emergency declaration was not warranted - if there was no actual emergency condition (i.e., a valid DEP opportunity), then the performance opportunities associated with the event should not be counted, whether successful or not.

Should the guidance proposed in this white paper be incorporated into NEI 99-02, there would be no effect on DEP indicator data already reported to the NRC prior to the effective date of the Frequently Asked Question (i.e., there is no expectation to "backfit" this guidance to previously reported data).

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Proposed Changes to NEI 99-02

On page 48 at line 11, add the new sentence shown below in italics to the existing paragraph.

> As a minimum, actual emergency declarations and evaluated exercises are to be included in this indicator. In addition, other simulated emergency events that the licensee formally assesses for performance of classification, notification or PAR development may be included in this indicator (opportunities cannot be removed from the indicator due to poor performance). *DEP indicator opportunities associated with an actual emergency declaration that is subsequently retracted should not be counted or, if already reported to the NRC, removed from a prior quarterly count through the fleet/site performance indicator data correction process.*

NRC Staff Response

NRC staff have reviewed NEI's Reactor Oversight Process Whitepaper for the counting of DEP opportunities from a retracted actual emergency event declaration and does agree that how to appropriately count a retracted emergency event declaration DEP PI opportunity needs further clarification in NEI 99-02 however does not agree with the proposed changes to NEI 99-02.

The staff's basis for the need to count retracted emergency classification declarations as DEP opportunities is:

- *Actual emergency event declarations are a true test and demonstration of a licensee's capability to make accurate and timely event classifications and notifications*

- *Retraction of an emergency declaration does not dismiss the need to evaluate the timeliness and accuracy of both the classification and notification.*

- *Evaluation of a retracted event declaration could provide better insights into the information available to decision maker at the time of event in order to determine success or failure.*

Therefore, the staff offers the following edits to the whitepaper's proposed changes.

At a minimum, actual emergency declarations, retracted emergency declarations and evaluated exercise declarations are to be included in this indicator. In addition, other simulated emergency event declarations, pre-identified by the licensee, may be included in this indicator (opportunities cannot be removed from the indicator due to poor performance).

Whether an actual emergency event declaration is retracted or not, in accordance with NUREG-1022, it is still to be included as a DEP-PI opportunity. The opportunity success or failure should be determined by evaluating the information/conditions available to the decision-maker at the time the declaration was made. Subsequent event evaluation determinations that conclude the event may be retracted, have no relevance to the DEP-PI opportunity even though it may be acceptable to retract the event from reportability.