

**FAQ 21-02, R0: Counting DEP Opportunities from an Emergency  
Following Retraction of the NRC Emergency Notification**

**Plant:** Generic

**Date of Event:** N/A

**Submittal Date:** February 16, 2021

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**Performance Indicator:** EP01, Drill/Exercise Performance

**Site-Specific FAQ (see Appendix D)?** ( ) Yes or (X) No

**FAQ to Become Effective:** When Approved

**Question Section**

NOTE: Per the terms of NEI 99-02<sup>1</sup>, Appendix E, approved whitepapers are to be translated into an FAQ for incorporation into the next revision of NEI 99-02. This FAQ is one such translation of an approved whitepaper. In this instance, the whitepaper was presented to the NRC in August 2019 (see ADAMS ML19339H435) and the NRC response to the whitepaper was discussed in a public meeting in January 2020 (see ADAMS ML20044D298). During that meeting, NEI and industry agreed with the staff's response (shown as red text in the file at ML19339H435). That agreement constituted approval of the whitepaper. The whitepaper clarified the guidance for reporting of Drill/Exercise Performance (DEP) indicator data from an actual emergency declaration if the notification of the declaration is subsequently retracted.

During an ROP public meeting on January 27, 2021, the NRC staff expressed a desire to further clarify the wording of the approved whitepaper, which had not yet been translated into an FAQ nor incorporated into NEI 99-02. NEI has chosen to address the staff's 2021 request for clarification in this FAQ by building on the language in the previously-approved whitepaper response (from January 2020).

**Event or circumstances requiring guidance interpretation:**

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 notification of the emergency declaration by following the guidance in NUREG-1022."<sup>2</sup>

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 when the NRC notification of the

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<sup>1</sup> NEI 99-02, Regulatory Assessment Performance Indicator Guideline, Revision 7, August 2013 (ADAMS ML13261A116).

<sup>2</sup> NUREG-1022, Revision 3, "Event Reporting Guidelines: 10 CFR 50.72 and 50.73", (January 2013, ML13032A220) and NUREG-1022, Revision 3, Supplement 1, "Event Report Guidelines 10 CFR 50.72(b)(3)(xiii)", (September 2014, ML14267A447).

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emergency is subsequently retracted by the licensee.

**If licensee and NRC resident/region do not agree on the facts and circumstances, explain:**

Not applicable to this FAQ translation of an approved whitepaper.

**Potentially relevant FAQs:** None

**Response Section**

**NEI Proposed Resolution of FAQ:**

Actual emergency declarations are a true test and demonstration of a licensee's capability to make an accurate and timely event classification and notification. Should a licensee subsequently retract the NRC notification of an emergency declaration, the DEP opportunities associated with event must still be assessed and included in the site's DEP data.

Should the guidance change proposed below be adopted, there would be no effect on DEP indicator data already reported to the NRC prior to the effective date of the FAQ (i.e., there is no expectation to "backfit" this guidance to previously-reported data).

**If appropriate, provide proposed rewording of guidance for inclusion in next revision:**

The proposed rewording affects the "Clarifying Notes" section of the DEP indicator. The text is on Page 48, lines 11 through 14:<sup>3</sup>

"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)."

The above paragraph will be revised to incorporate the new text should below in italics (and highlighted):

*"At a minimum, performance opportunities from an actual declared emergency, including those for which the event notification made pursuant to 10 CFR 50.72 is later retracted per the guidance in NUREG-1022, and from an evaluated exercise, are to be included in this performance indicator. In cases in which the licensee retracts the event notification, the success or failure of the opportunities associated with the emergency (e.g., emergency classification and notifications) should be determined by evaluating the information available to the decision-maker at the time of the event. Even though it may provide a basis for retracting the event notification of the emergency declaration, information learned after the event has no relevance to the assessment of the opportunities." In addition, other simulated emergency events that the licensee formally assesses for performance of classification, notification or PAR [protective action recommendation] development may be included in this indicator (opportunities cannot be removed from the indicator due to poor performance)."*

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<sup>3</sup> Page and line numbers refer to the "line-in/line-out" version of NEI 99-02, Rev. 7, found on the NRC ROP web site and in ADAMS (ML13261A116).

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**PRA update required to implement this FAQ?** No.

**MSPI Basis Document update required to implement this FAQ?** No.

NRC Proposed Response

The NRC staff agrees with the proposed NEI 99-02 guidance modifications with the following additional changes.

*“At a minimum, performance opportunities from an actual declared emergency, including those for which the event notification made pursuant to 10 CFR 50.72 is later retracted per the guidance in NUREG-1022, and from an evaluated exercise, are to be included in this performance indicator. In cases in which the licensee retracts the event notification, the success or failure of the opportunities associated with the emergency (e.g., emergency classification and notifications) should be determined by evaluating the information available to the ~~decision-maker~~ plant operator at the time of the event. Even though it may provide a basis for retracting the event notification of the emergency declaration, information learned after the event has no relevance to the assessment of the opportunities. In addition, other simulated emergency events that the licensee formally assesses for performance of classification, notification or PAR [protective action recommendation] development may be included in this indicator (opportunities cannot be removed from the indicator due to poor performance). “Plant Operators” may be located in the control room or in another emergency facility in which emergency declarations are performed. The phrase “plant operators” does not encompass plant personnel such as chemists, radiation technicians, craft personnel, security personnel, and others whose positions require they report, rather than assess, abnormal conditions to the control room.”*