



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 16, 1997

MEMORANDUM TO: Thomas T. Martin, Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

FROM: Charles L. Miller, Chief *Charles L. Miller*
Emergency Preparedness and Radiation
Protection Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

SUBJECT: NRC/FEMA PROCEDURE FOR RESPONDING TO OFFSITE EP ISSUES

Attached for your information is a joint Nuclear Regulatory Commission (NRC) and Federal Emergency Management Agency (FEMA) staff procedure for responding to offsite emergency preparedness (EP) issues raised by members of the public in inquiries to the NRC. These public inquiries may be in the form of allegations, 10 CFR Part 2.206 petitions, or in general correspondence and communications to the NRC. We committed to develop a procedure for working more efficiently with FEMA on State and local EP issues raised by the public as part of the NRC's Public Responsiveness Initiative which was prompted by the National Performance Review.

The procedure was developed by the Emergency Preparedness & Environmental Health Physics Section/PERB/DRPM in conjunction with FEMA staff. The intent of the joint procedure is to document the interaction that occurs between our two agencies in responding to the various types of EP inquiries received by the NRC with a view toward ensuring that the process continues to function well and that any potential problems in meeting schedules or due dates are recognized early in the process and steps are taken to resolve the issues. FEMA's comments have been incorporated into the procedure and the attached letter has been received from FEMA indicating their belief that the procedure will result in a more timely and efficient response to the public.

In the staff's Final Report on Responsiveness to the Public (issued January 1996), we indicated that we would consider modifying, as necessary, the existing NRC/FEMA memorandum of understanding (MOU) to include the procedures for interacting more efficiently with FEMA on offsite EP issues. At this time, our intent is to gain experience in working with the joint procedure for responding to offsite issues and to consider including a summary or reference to it in the next MOU revision. We expect an update of the MOU to take place some time following the completion of the current FEMA strategic review of the offsite radiological emergency preparedness program.

Attachments: As stated

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EMERGENCY PREPAREDNESS AND ENVIRONMENTAL HEALTH PHYSICS SECTION
POLICY AND GUIDANCE PROCEDURES

POLICY AND GUIDANCE PROCEDURE 002

NRC/FEMA STAFF PROCEDURE FOR RESPONDING
TO OFFSITE EP ISSUES RAISED BY MEMBERS OF THE PUBLIC

002-01 PURPOSE

The purpose of this procedure is to provide guidance to NRC and FEMA staff for responding in an efficient and timely manner to offsite emergency preparedness (EP) issues raised by the public in inquiries to the NRC. These inquiries may be in the form of allegations, petitions under 10 CFR 2.206 of the NRC's regulations, or in general correspondence or communications to the NRC. Recommended procedures to facilitate NRC and FEMA staff coordination to address these issues and resolve them in a timely manner are provided in this document.

002-02 BACKGROUND

The respective roles of NRC and FEMA for assessing the adequacy of EP for nuclear power facilities are defined in NRC and FEMA regulations and in the NRC/FEMA Memorandum of Understanding (MOU). FEMA is responsible for assessing the adequacy of offsite EP and providing its findings and determinations to the NRC. The NRC is responsible, based upon FEMA's findings on offsite EP and NRC's findings on onsite EP, for determining the overall adequacy of EP at a nuclear power plant site. The NRC, therefore, relies upon the assistance of FEMA in evaluating offsite EP issues which are brought to the attention of the NRC by members of the public either directly or through their elected and appointed officials.

Offsite EP issues raised by the public in inquiries to the NRC fall into three general categories: (1) allegations, (2) 10 CFR 2.206 petitions, and (3) general correspondence or communications.

Offsite EP Issues in Allegations

An allegation is defined as a declaration, statement, or assertion of impropriety or inadequacy associated with NRC regulated activities, the validity of which has not been established (NRC Management Directive 8.8). This term includes all concerns raised by individuals or organizations

regarding activities at a licensee's site. Allegations pertaining to NRC licensed facilities and activities may come to the attention of the NRC staff by telephone, letter, or in person.

The allegation is entered into NRC's allegation management system upon receipt. If the allegation involves EP issues for nuclear power facilities, it is assigned to the Emergency Preparedness and Environmental Health Physics Section (EP&EHP), Emergency Preparedness and Radiation Protection Branch, Division of Reactor Program Management, Office of Nuclear Reactor Regulation (PERB/DRPM/NRR), for resolution. *

It is NRC policy to review allegations as expeditiously as possible. Normally, the goal is to complete the staff review within four months of receipt of the allegation. It is also NRC policy to consider all alleged as confidential sources and to protect their identity.

Offsite EP Issues in 10 CFR 2.206 Petitions

The primary mechanism available to the public under NRC regulations to bring potential health and safety issues to the attention of the NRC and to request specific agency action is the "2.206 petition process." The 2.206 process provides that any person may file a petition requesting the NRC to institute a proceeding to modify, suspend, or revoke a license or to take other appropriate enforcement action (NRC Management Directive 8.11).

After a petition has been accepted for review under 10 CFR 2.206, it is assigned to the appropriate program office for evaluation and response. If the petition involves EP licensing issues, it is assigned to the EP&EHP Section, PERB/DRPM/NRR, for resolution.

2.206 petitions have a completion target date of six months. Any extension of the schedule requires the approval of senior NRC management.

Offsite EP Issues in General Correspondence or Communications

General correspondence or communication issues includes those issues, other than allegations or 2.206 petition issues, that come to the attention of the NRC staff in correspondence, telephone calls, or other means from members of the public. The public in this case includes individual citizens, public interest groups, the Congress, and elected officials. These issues are typically assigned a priority (e.g., Green Ticket, Yellow Ticket) and a due date by the NRC administrative staff. These general correspondence inquiries are usually short term (days or weeks) and require a prompt response.

Issues that pertain to nuclear power facilities and involve EP licensing concerns are assigned to the EP&EHP Section, PERB/DRPM/NRR, for resolution. Issues related to emergency response are assigned to IRD/AEOD.

002-03 POLICY

The assistance of FEMA will be requested when offsite EP issues are raised by members of the public in inquiries to the NRC such as allegations, 2.206 petitions, and general correspondence or communications. The EP&EHP Section, PERB/DRPM/NRR, will take the lead in coordinating the request with FEMA's State and Local Regulatory, Evaluation and Assessment Branch (PT-EX-RG), Exercises Division, in the Preparedness, Training and Exercises Directorate (PT&E) at FEMA Headquarters. Offsite EP issues raised in inquiries to the NRC Regions will be referred to NRC Headquarters for resolution.

002-04 RESPONSIBILITIES

NRC Responsibilities - Response to Offsite EP Issues

1. The assigned EP&EHP staff person will review the incoming correspondence and in consultation with the EP&EHP Section Chief determine if offsite EP issues are involved and FEMA assistance is required.
2. If FEMA assistance is required, the EP&EHP Section Chief and staff person will contact FEMA's PT-EX-RG Branch Chief who will identify a lead staff person to coordinate FEMA's response (usually the FEMA Regional Project Officer).
3. The EP&EHP staff person will provide details of the offsite EP issues to the PT-EX-RG lead staff person by telephone, facsimile, and/or e-mail followed by a formal written request for assistance for allegations and 2.206 issues. A formal written request will usually not be sent for short turn-around general correspondence requests.
4. NRC and FEMA staff will discuss the issues and set a schedule for response in the initial and subsequent telephone calls. The schedule should be confirmed in the assistance request letter if one is sent.
5. The assigned EP&EHP staff person will periodically check with the PT-EX-RG lead staff person to determine the status of the assistance request and progress toward resolution.
6. FEMA will provide a response to the NRC in accordance with the agreed upon schedule. For allegations, 2.206 petitions, and some general correspondence requests, the response will be documented in a letter.
7. Any problems identified in resolving the issues and meeting the target date will be brought to the attention of the EP&EHP Chief who will consult with the PT-EX-RG Chief. The EP&EHP Chief will also keep other cognizant NRC management informed.

8. If additional time or information is necessary for FEMA's response, the NRC may revise the target date or discuss other means for resolving the issues with FEMA such as a staff meeting, working group, or a joint NRC/FEMA site visit to obtain the necessary information.
9. Upon receiving the response to the assistance request from FEMA, the EP&EHP staff person will draft a response to the alleged, petitioner, or general correspondent based upon the results of FEMA's review of the issues.
10. The EP&EHP staff person will obtain FEMA's concurrence in the NRC's final response and will provide FEMA a final signed copy of any NRC correspondence. The means for obtaining FEMA's concurrence (e.g., telephone, facsimile) will be discussed and agreed upon by the NRC and FEMA lead staff persons.
11. If at any time during the review FEMA determines that the issues involved could potentially affect its reasonable assurance finding for the site in question, FEMA will immediately bring this preliminary assessment to the attention of the NRC. At that time FEMA and NRC staff and management will determine what additional steps need to be taken to resolve the issue.

FEMA Responsibilities - Response to Offsite EP Issues

1. The PT-EX-RG Branch Chief will assign a lead staff person (usually the FEMA Regional Project Officer) to coordinate the FEMA response upon being notified of the issues raised in the correspondence to the NRC.
2. The PT-EX-RG lead will contact the involved FEMA Region to notify them of the issues and to forward any pertinent information received from the EP&EHP staff person.
3. The PT-EX-RG lead will establish a schedule and due date with the NRC EP&EHP staff person for response to the issues and will inform the FEMA Region of the schedule.
4. The PT-EX-RG lead will coordinate the response with the FEMA Region to determine the status of the request and to identify any potential problems in meeting the established schedule.
5. The PT-RG-EX lead will keep the EP&EHP assigned staff person informed of the status of the assistance request and progress toward resolution of the issues. Any potential problems in meeting the target date will be brought to the attention of the PT-EX-RG Chief and the EP&EHP staff person.
6. The PT-EX-RG Chief will consult with the EP&EHP Chief on the reasons for requesting an extension for FEMA's response and possible means for resolving the issues. The PT-EX-RG Chief will also keep FEMA management informed of the issues and potential problems in resolving them.

7. The PT-EX-RG lead will report FEMA's findings informally by telephone, facsimile, or e-mail to the EP&EHP staff person and prepare a formal transmittal to the NRC. A formal written response will be prepared for allegations and 2.206 petitions. The PT-EX-RG and EP&EHP lead staff persons will determine if a formal transmittal is required for response to a general correspondence request.
8. The PT-EX-RG lead will review and concur on NRC's response to the allegor, petitioner, or general correspondent. The means for providing concurrence (e.g., telephone call, facsimile) will be as agreed upon by the PT-EX-RG and EP&EHP lead staff persons.
9. If at any time during the review process FEMA determines that the issue could potentially affect its reasonable assurance finding for the site in question, the PT-EX-RG Branch Chief and lead staff person will immediately bring this preliminary assessment to the attention of the NRC EP&EHP Section Chief and lead staff person. At that time FEMA and NRC staff and management will determine what additional steps need to be taken to resolve the issues.

EFFECTIVE DATE

This procedure is effective immediately.



Federal Emergency Management Agency

Washington, D.C. 20472

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PT-EX-RG

Charles L. Miller, Chief
Emergency Preparedness and Radiation
Protection Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Miller:

This is in response to your letter regarding the draft joint Nuclear Regulatory Commission (NRC) and Federal Emergency Management Agency (FEMA) operating procedure for responding to offsite emergency preparedness issues raised by members of the public. I commend the NRC's commitment to working more efficiently with FEMA in responding to offsite emergency preparedness issues.

I appreciate the opportunity to review the draft procedure before its implementation. The joint operating procedure clearly documents the interaction between our staffs in responding to various inquiries, and I believe that it will result in a more timely and efficient response to the public. I have a few additional comments (see enclosed).

Thank you for your consideration in this matter.

Sincerely,

O. Megs Hepler, III
Director
Exercises Division
Preparedness, Training, and
Exercises Directorate

Enclosure