

## ***Emergency Preparedness (EP) Frequently Asked Questions (FAQs) Process***

Purpose: Describe the manner in which the U. S. Nuclear Regulatory Commission (NRC) may provide interested outside parties an opportunity to share their individual views with NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of emergency preparedness (EP) regulatory guidance issued by the NRC, before the NRC issues an official response to such questions.

Scope: During a pilot phase, the EP FAQ process will be limited to the emergency action level (EAL) guidance documents endorsed under Regulatory Guide 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors." NRC staff will consider at a later date whether to formally adopt the EP FAQ process and, if so, whether to expand the EP FAQ process to other EP guidance.

The EP FAQ process is intended to clarify the staff's interpretation of existing regulatory guidance issued or endorsed by NRC, and will *not* be used to create new regulatory positions or guidance. The EP FAQ process should also not be used by NEI or the industry to determine whether a proposed change would constitute a decrease in effectiveness as defined in 10 CFR 50.54(q) or to bypass enforcement action. Issues involving safeguards information will not be considered.

NRC will hold periodic public meetings with NEI, industry, and interested stakeholders to provide the opportunity to present questions and their views on potential answers to these questions. During the public meetings, NRC staff will not negotiate a resolution or provide a final decision on a proposed answer.

FAQ Development: An EP FAQ may be submitted by the industry to NEI. Questions may be plant specific, but have the potential to affect more than one plant, or questions may be generic and involve many facilities. NEI will be responsible for initially screening the EP FAQs received from the industry to ensure applicability, eliminate redundancy with existing or previously answered EP FAQs, and verify that sufficient information is provided to properly categorize and evaluate issues. NEI will also be responsible for maintaining an EP FAQ log and assigning a unique tracking number for FAQs received after completing the initial screening described above.

The Emergency Preparedness Directorate (EPD) EP FAQ Coordinator will perform an initial screening, as described above, of all proposed EP FAQs submitted by NRC staff and external stakeholders other than NEI and industry (i.e., Federal, State and local agencies, members of the public, etc.). The EP FAQ Coordinator will then forward these EP FAQs to the designated NEI Coordinator for assignment of a tracking number, consideration by NEI and industry representatives, and development of proposed answers.

Enclosure

FAQ Resolution: Before a decision is made by NRC staff on the answer to an EP FAQ, NRC will hold a public meeting to provide the opportunity to clearly describe the issue and to identify and describe any answer proposed by NEI. During the public meeting, NRC participants may ask questions of NEI and industry representatives to clarify the issue and may give their preliminary views on the proposed answer. However, NRC will not negotiate the differences between the NRC staff and NEI or industry representatives on the answer to an EP FAQ.

Public meetings to address outstanding EP FAQs should be held at least once per calendar quarter, if required, to address outstanding EP FAQs, but may be scheduled more frequently at the discretion of the EP FAQ Coordinator or as requested by the NEI Coordinator. The EP FAQ Coordinator will serve as the meeting chairperson and will be responsible for: (1) scheduling public meetings in coordination with the NEI Coordinator, and (2) providing appropriate public notice and coordinating activities in accordance with NRC Management Directive 3.5 Handbook, "Attendance at NRC Sponsored Meetings," and Nuclear Security and Incident Response instruction COM-214, "Meetings With Applicants, Licensees, Vendors, and Other Members of the Public." Attendance at the public meeting will include, at a minimum, (1) the EP FAQ Coordinator, (2) the Chief of the Licensing and Regulatory Improvements Section or a designated alternate, and an NEI representative. The Office of General Counsel and other NRC staff members involved in reviewing licensee submittals or determining NRC guidance should also be invited to these meetings. Representatives of States, local governmental bodies and Federally recognized Indian tribes, and interested members of the public in attendance at these meetings will be provided an opportunity to comment on proposed EP FAQ issues and answers.

The NEI Coordinator will be responsible for presenting proposed EP FAQ issues and answers submitted by NEI for discussion at the public meetings. If the EP FAQ Coordinator determines that an EP FAQ does not adequately describe the issue or provide sufficient supporting information, NRC staff will withdraw the EP FAQ from consideration until the NEI Coordinator clarifies the issue.

After the public meeting, the EP FAQ Coordinator will discuss the EP FAQs and proposed answers with appropriate NRC staff members. If NRC staff accepts the EP FAQ answer, the EP FAQ Coordinator will post the EP FAQ and proposed answer as "tentative" on the NRC Web Site for a 30-day comment period. The EP FAQ Coordinator may also submit the EP FAQ and proposed answer to OGC for concurrence. If prompt resolution is needed, NEI may ask the NRC staff to bypass the 30-day comment period.

If no objections are raised during the 30-day comment period, the EP FAQ and answer will be forwarded to the EPD Director for approval. After approval, documentation of the EP FAQ and answer will be entered into ADAMS and will be marked "approved" on the NRC Web Site. EP FAQs and answers posted on the NRC Web Site are NRC staff interpretations of EAL schemes and should be treated as clarifications of NRC-issued or -endorsed guidance. All approved EP FAQ resolutions based on the EAL scheme outlined in NEI 99-01 should be incorporated into the text of NEI 99-01 during the next revision.

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All comments received by NRC staff will be made available through ADAMS. The EP FAQ Coordinator will coordinate with the Department of Homeland Security/Federal Emergency Management Agency and the Office of State and Tribal Programs on comments received from State and local governmental bodies or Federally recognized Indian tribes.

Any comments received by NRC staff during the comment period on a tentative EP FAQ answer will be forwarded to the designated NEI Coordinator and entered into ADAMS by the EP FAQ Coordinator. Comments received will also be addressed at the next public meeting to determine whether the proposed answer should be changed or clarified.

If NRC staff fails to agree with an NEI- or industry-proposed answer after two consecutive public meetings, the EP FAQ Coordinator may forward the EP FAQ with NRC staff's and any proposed alternatives to the Director, Division of Preparedness and Response, for final resolution and approval or withdrawal.

Enclosure