

October 7, 2010

MEMORANDUM TO: Brian J. McDermott, Director  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

FROM: Holly A. Hall, Emergency Preparedness Specialist */RA/*  
Communications Team  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

SUBJECT: PUBLIC MEETING TO DISCUSS THE PROPOSED IMPLEMENTATION  
DATES OF THE DRAFT EMERGENCY PREPAREDNESS FINAL RULE

DATE & TIME: Monday, November 15, 2010  
12:30 p.m. – 4:30 p.m. EST

LOCATION: Hilton Washington DC/Rockville Hotel & Executive Meeting Center  
1750 Rockville Pike  
Rockville, MD 20852  
301-468-1100

PURPOSE: To discuss the proposed implementation dates of the draft emergency  
preparedness (EP) final rule.

CATEGORY 3:\* This is a Category 3 meeting. The public is invited to actively participate  
and discuss regulatory issues with the agency during the meeting.

CONTACT: Sara Mroz, NSIR/DPR/ORLOB  
301-415-1692  
Email to: [EmergencyPreparedness.Resource@nrc.gov](mailto:EmergencyPreparedness.Resource@nrc.gov)

The Nuclear Regulatory Commission (NRC) provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this meeting, or need this meeting notice or the transcript or other information from the meeting in another format (e.g. Braille, large print), please notify the NRC's meeting contact (S. Mroz) by November 8, 2010. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Teleconferencing: Interested members of the public unable to attend the meeting in-person may participate by telephone via a toll-free teleconference. For details, please call the NRC meeting contact listed (S. Mroz) or the toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact. Those interested in participating in this meeting by teleconference should call or email the meeting contact as soon as possible, but no later than November 10, 2010.

Webconferencing: Interested members of the public unable to attend the meeting in-person may participate remotely on the internet. For details, please call the NRC meeting contact listed (S. Mroz) or the toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact. Those interested in participating in this meeting by webconference should call or email the meeting contact as soon as possible, but no later than November 10, 2010.

**PARTICIPANTS:** Participants will include members of the NRC's Office of Nuclear Security and Incident Response and the Federal Emergency Management Agency (FEMA).

**Enclosures:** Agenda  
EP Rule Implementation Matrix

Background documents may be found online at [www.regulations.gov](http://www.regulations.gov) using the NRC Docket ID: NRC-2008-0122, FEMA Docket ID: FEMA-2008-0022, and FEMA Docket ID: FEMA-2010-0032.

\* Commissions Policy Statement on "Enhancing Public Participation in NRC Meetings," (67 FR 36920) May 28, 2002.

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DATE	10/04/10	10/7/10	10/7/10

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## AGENDA

### Public Meeting to Discuss the Proposed Implementation Dates of the Draft Emergency Preparedness Final Rule

November 15, 2010

10 minutes	Welcome/Introduction/Logistics	Meeting Facilitator
20 minutes	Presentation of Draft EP Final Rule Implementation Dates	NRC and FEMA
90 minutes	Discussion on Initiative	NRC, FEMA, and Public
15 minutes	BREAK	
90 minutes	Discussion on Initiative	NRC, FEMA, and Public
15 minutes	Closing Remarks	NRC and FEMA

This meeting provides an opportunity for NRC, FEMA, and the public to work directly together to ensure that issues and concerns about the proposed implementation dates that are currently in the draft emergency preparedness (EP) final rule are understood. NRC and FEMA will consider feedback regarding the implementation dates in light of additional factors that may impact the ability of the affected organizations to address the regulatory and guidance changes. It provides an opportunity for NRC and FEMA staff to answer questions and solicit feedback about the proposed implementation dates; however, it is not a forum to negotiate the content of the draft EP final rule or guidance documents. No formal comments on the draft EP final rule or guidance documents are being solicited and no requests for an additional comment period will be entertained.

Representatives of the NRC will discuss the proposed implementation dates included in the draft final rule and supporting onsite EP program guidance. Representatives from FEMA will also present information on the proposed timeline for implementation of changes included in the draft guidance for offsite organizations. Attendees are strongly encouraged to read the documents on [www.regulations.gov](http://www.regulations.gov) using Docket IDs NRC-2008-0122, FEMA-2008-0022, and FEMA-2010-0032 prior to the meeting.

Enclosure

## EP RULE IMPLEMENTATION MATRIX

#	EP RULE TOPIC	FINAL RULE CITATION	PROPOSED RULE IMPLEMENTATION PERIOD	REQUESTED IMPLEMENTATION PERIOD	DRAFT FINAL RULE IMPLEMENTATION PERIOD <sup>1</sup>	IMPLEMENTATION PERIOD CHANGE (Final vs. Proposed)
1	Amended Emergency Plan Change Process	10 CFR 50.54(q)	30 days after date of final rule publication in <i>Federal Register</i>	12 months	30 days after date of final rule publication in <i>Federal Register</i>	No change
2	Evacuation Time Estimate Updating	10 CFR Part 50, Appendix E, Section IV.3	6 months after date of final rule publication in <i>Federal Register</i>	12 months	Within 365 days of the later of the date of availability of decennial census data from the U.S. Census Bureau or effective date* of final rule	+6 months
3	Licensee Coordination with Offsite Response Organizations	10 CFR Part 50, Appendix E, Section IV.A.7	6 months after date of final rule publication in <i>Federal Register</i>	24 months	365 days after date of final rule publication in <i>Federal Register</i>	+6 months
4	On-Shift Multiple Responsibilities	10 CFR Part 50, Appendix E, Section IV.A.9	6 months after date of final rule publication in <i>Federal Register</i>	36 months	180 days <sup>2</sup> after date of final rule publication in <i>Federal Register</i>	No net change
5	Emergency Action Levels for Hostile Action	10 CFR Part 50, Appendix E, Section IV.B.1	6 months after date of final rule publication in <i>Federal Register</i>	36 months	180 days after date of final rule publication in <i>Federal Register</i>	No net change
6	Emergency Declaration Timeliness	10 CFR Part 50, Appendix E, Section IV.C.2	6 months after date of final rule publication in <i>Federal Register</i>	12 months	180 days after date of final rule publication in <i>Federal Register</i>	No net change
7	Alert and Notification System Backup Means	10 CFR Part 50, Appendix E, Section IV.D.3	1 <sup>st</sup> biennial exercise more than 1 year after effective date* of final rule	36 months	1 <sup>st</sup> biennial exercise more than 395 days after date of final rule publication in <i>Federal Register</i>	No net change

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8	Emergency Operations Facility – Performance-Based Approach	10 CFR Part 50, Appendix E, Section IV.E.8.a-c	6 months after date of final rule publication in <i>Federal Register</i>	No comment	180 days after date of final rule publication in <i>Federal Register</i>	No net change
9	Emergency Response Organization Augmentation at Alternative Facility	10 CFR Part 50, Appendix E, Section IV.E.8.d	6 months after date of final rule publication in <i>Federal Register</i>	36 months	180 days after date of final rule publication in <i>Federal Register</i>	No net change
10	Challenging Drills and Exercises	10 CFR Part 50, Appendix E, Section IV.F.2	1 <sup>st</sup> biennial exercise more than 1 year after effective date* of final rule	6 months	1 <sup>st</sup> biennial exercise more than 395 days after date of final rule publication in <i>Federal Register</i> for hostile action-based exercise	No net change
11	Protective Actions for Onsite Personnel	10 CFR Part 50, Appendix E, Section IV.I	6 months after date of final rule publication in <i>Federal Register</i>	90 days	180 days after date of final rule publication in <i>Federal Register</i>	No net change

\* The effective date is 30 days after the date that the EP final rule is published in the *Federal Register*.

**NOTE 1:** Each applicant for a combined license or early site permit under 10 CFR Part 52 whose application is docketed before the effective date\* of the EP final rule may defer compliance with any change to the EP regulations under the final rule until after receipt of the license or permit. If that applicant chooses to defer compliance, it shall subsequently amend the combined license or early site permit to comply with those changes no later than December 31, 2013. (Reference 10 CFR Part 50, Appendix E, Section I.5.)

**NOTE 2:** The draft EP final rule will be revised to allow 365 days for implementation of the new requirements per 10 CFR Part 50, Appendix E, Section IV.A.9. The NRC agrees that 180 days may not be sufficient time for licensees to perform a detailed staffing analysis, but disagrees that 36 months should be allowed to perform a staffing analysis and then address any on-shift staffing shortfalls. The staffing analyses can be completed within 365 days to allow time for reviewing implementing procedures, developing task lists, and performing a job/task or similar analysis. Any staffing shortfalls should be addressed as soon as the results of the staffing analysis are available to ensure that the emergency plan can be implemented as designed.