

**NEI 11-03, Revision 0 (Draft)**

**Emergency Preparedness  
Frequently Asked Questions  
Process**

**March 2011**

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**Nuclear Energy Institute**

**Emergency  
Preparedness Frequently  
Asked Questions Process**

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## **EMERGENCY PREPAREDNESS FREQUENTLY ASKED QUESTIONS PROCESS**

### **1 INTRODUCTION**

The purpose of the Emergency Preparedness Frequently Asked Question (EPFAQ) process is to provide an organized forum for licensees and the NRC to resolve generic questions concerning the implementation of emergency preparedness requirements in a collaborative and coordinated context. This process is intended to support the resolution of licensees' questions in a timely and effective manner and support the NRC's exercising of its regulatory responsibility in the most efficient and direct manner possible.

It is clear that this process cannot be used to change any regulatory requirements promulgated through rules or orders. Its intent is to resolve interpretation issues with NRC issued guidance and NEI/Industry documents endorsed by the NRC.

### **2 EPFAQ CRITERIA**

To be considered as an EPFAQ, a question must be generic (i.e., have the potential to affect more than one plant without consideration or evaluation of site specific information). Potential EPFAQs could include questions where the regulatory guidance may not be sufficiently clear, absent, or where consistency in application would benefit both the NRC and licensees.

In order to determine whether a question should be considered as an EPFAQ, the initiating panel (industry or NRC) shall apply the following criteria:

1. The question must be sufficiently generic. (Does it affect more than one plant without consideration or evaluation of site specific information?)
2. The question does not involve unresolved inspection issues, enforcement actions, allegations, or other situations covered by existing regulatory processes. The EPFAQ process may be used to disseminate information regarding resolved inspection issues, enforcement actions, allegations, or other situations covered by existing regulatory processes.
3. The question does not request interpretation of NRC regulations, clarification of guidance that has not yet been published as final or NEI/industry documents submitted for but not yet endorsed by the NRC. The EPFAQ does not request clarification of on-going licensing activities or issues processed by the licensee in accordance with 10 CFR 50.54(q) and Appendix E to 10 CFR Part 50 and does not pertain to the EP Performance Indicators, Baseline EP Inspection Procedures or MC 0609 Appendix B (EP SDP).
4. The resolution of the question should facilitate consistent implementation of industry or NRC EP guidance.

If all the criteria are met, then an EPFAQ is appropriate.

A bias toward initially screening in and discussing a question is appropriate for cases where conformance with the above criteria is unclear.

### **3 MAKEUP OF EMERGENCY PREPAREDNESS QUESTION PANELS**

The Industry EP Question Panel (hereafter referred to as the Industry Panel) will consist of representatives from the commercial nuclear power industry and at least one NEI representative. The Industry Panel members shall consist of management personnel experienced in EP matters. They shall be selected by NEI, and represent the commercial nuclear industry on matters of EP.

NEI senior management shall designate an NEI representative who will function as the Industry Panel Chair. NEI will also arrange meetings and provide administrative support for the communication and transmittal of EPFAQ status and resolution.

The licensee originating an EPFAQ may be invited to provide a representative to present and describe the EPFAQ at the meetings where the EPFAQ is discussed.

NRC management will designate a corresponding review panel (hereafter referred to as the NRC Panel) and the NRC Panel Chairman.

Within this document, the collective group of the Industry Panel and NRC Panel shall be referred to as the Joint Panel.

### **4 REGULATORY PROCESS INTERFACE**

The EPFAQ process is intended to provide clear answers to generic questions that could affect industry implementation of emergency preparedness requirements. Frequently, generic questions are identified through the NRC Inspection and Enforcement process. It is important that the respective roles of each process be maintained. For the specific licensee(s) for which unresolved inspection issues or violations are involved, the inspection and enforcement process (including the licensee's option to appeal the NRC's decision) will take precedence and should proceed independently of the resolution of any related EPFAQ. The EPFAQ process must focus on the generic question and avoid site-specific factors that might distort the understanding of the resolution.

### **5 EPFAQ LOG AND STATUS TRACKING**

In order to facilitate efficient tracking, review, and closure of EPFAQs, the Industry Panel Chair will maintain a log of all EPFAQs. EPFAQs generated by the NRC Panel will be provided to the Industry Panel Chairman to be logged and tracked. This log will be available to each Panel Chairman and updated on a periodic basis.

Both Panel Chairs will maintain a file of in-process and completed EPFAQs.

## **6 CONSENSUS AND APPROVAL**

Members of the Industry Panel and the NRC Panel will form a Joint Panel and work together to attain timely, clear resolution of EPFAQs. Final approval of EPFAQ responses are the responsibility of the NRC Deputy Director of Emergency Preparedness. The Joint Panel will strive to provide a draft answer acceptable to both Panels. Where agreement cannot be attained, the Panels may submit alternative responses and comments regarding other options under consideration with written rationale. This information shall be provided to the NRC Deputy Director of Emergency Preparedness and both Panels. Upon reaching a decision between alternate proposed EPFAQ responses, the NRC Deputy Director of Emergency Preparedness will provide a response noting the rationale for rejecting the unaccepted option to both Panels.

When consensus cannot be reached between the industry and the NRC, the industry has the right to appeal the decision as outlined in section 8, step 5.

## **7 WITHDRAWAL, TRANSMITTAL, AND MODIFICATION**

An EPFAQ may be withdrawn by the initiating Panel at any time prior to final disposition.

Once an EPFAQ response/solution has been approved, it is distributed by NEI and the NRC using approved means. In addition, the NEI representative will update the EPFAQ Log.

In the event that any approved EPFAQ resolution is subsequently determined to require revision, the revised EPFAQ must be reprocessed.

## **8 PROCESS OUTLINE**

In addition to the following EPFAQ process description, a flow chart of this process is provided as Attachment 1.

### Identification and Question Development (Step 1)

Industry or NRC personnel will send potential EPFAQs arising from internal reviews, industry operating experience, NRC inspections, or other sources, to the Industry Panel Chair. Use of the EPFAQ form (Attachment 2) is encouraged. The proposed EPFAQ should provide appropriate references from regulatory or industry documents. The history, operating conditions and description of EP features may be relevant and should be included as supporting documentation. The submittal should include a proposed answer where possible. The NRC will establish a similar process governed by their internal procedures. Initiators should check the EPFAQ log to prevent redundancy with existing questions. It is imperative that facts and supporting documentation are complete and accurate in all material respects.

### Joint Panel Screening (Step 2)

The Joint Panel shall conduct an initial screening of proposed EPFAQs to determine whether they meet the criteria of Section 2. In the event that a question does not meet those criteria, or where it duplicates questions addressed in existing EPFAQs or other questions undergoing

screening, the appropriate Panel Chair shall notify the originator that the question will not be resolved through the EPFAQ process. For cases which are screened as meeting criteria for an EPFAQ, a brief description shall be provided to the Industry Panel Chairman who shall assign an EPFAQ number and enter it in the EPFAQ Log.

#### Internally Develop a Proposed Response (Step 3)

Once a question is accepted by the Joint Panel as an EPFAQ, the Joint Panel shall assign an individual from the initiating Panel to further develop the proposed final response if necessary. This shall include consideration of proposals by the initiator. The proposed final response should be internally discussed within the initiating Panel. After this internal consideration, the EPFAQ including the proposed final response shall be submitted via the appropriate Panel Chair to the counterpart Panel. This effort should be done two weeks prior to the meeting unless the frequency of meetings requires compression of that interval.

#### Joint Panel Interaction and Review (Step 4)

The Joint Panel will meet periodically in a public setting to discuss EPFAQs. Items for the agenda shall be agreed upon by the Panel Chairs and should include as many pending EPFAQs that can be accommodated.

New EPFAQs on the agenda should be presented by the initiating Panel. While the draft should already have been distributed, this presentation provides an opportunity to ask clarifying questions. Candid exchange is encouraged to facilitate consideration of all pertinent aspects by all parties.

In cases involving a question with general consensus on the answer and where prompt resolution is needed, the Joint Panel may reach immediate consensus and the EPFAQ could be directly recommended for approval, but this must be identified to both Chairs sufficiently in advance to permit appropriate internal review.

After internal review subsequent to this initial presentation, written revisions or alternative resolutions should be developed with rationale provided. These should be provided to both panels via their Chairs at least one week in advance of the subsequent Joint Panel meeting.

At the second meeting regarding a specific EPFAQ, the Joint Panel should discuss the proposed final resolution(s). If agreement cannot be achieved, both Panels should attain a clear understanding of the outstanding points of agreement and disagreement in order that modified resolutions can be developed. One or both panels should agree to take action to provide a revised resolution at the next meeting.

#### Appeal (if necessary) (Step 5)

If consensus cannot be reached after the second joint panel meeting, the EPFAQ shall be referred to the NRC Deputy Director of Emergency Preparedness for a decision. Resolution options from both Panels shall be provided in such instances. Communication prior to presentation to the Deputy Director shall include opportunity to document comments on proposals from the other Panel.

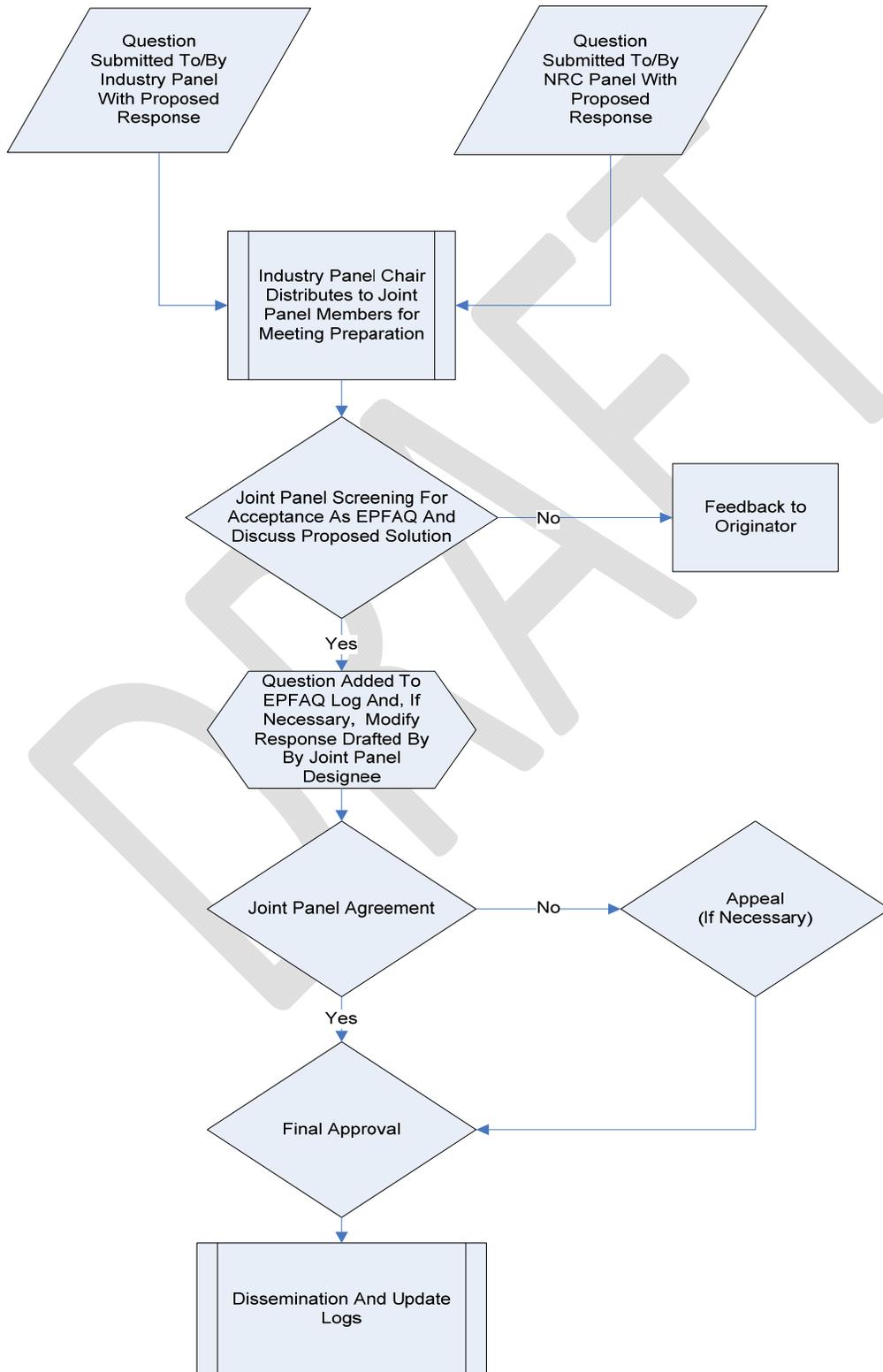
After approval by the NRC Deputy Director of Emergency Preparedness, a copy of the approved EPFAQ response/solution shall be returned to the Industry Panel Chair. The Industry Panel Chair shall review the document to check that its content is consistent with the Industry Panel's understanding of the resolution.

The industry, as represented by the NEI Chief Nuclear Officer, may appeal decisions of the Deputy Director of Emergency Preparedness to NRC management within one month. The NRC should attempt to resolve the industry's appeal within one month of its receipt. The EPFAQ will not be issued until the appeal has been resolved.

#### Dissemination (Step 6)

Once an EPFAQ response/solution has been approved it is distributed by NEI using any approved means. In addition, the NEI representative will update the EPFAQ Log. Since EPFAQ responses/solutions are clarifications of guidance, they can be effective immediately. If implementation timing guidance is appropriate, those should be arranged between the Panel Chairs and communicated concurrently with dissemination of the EPFAQ answer. Prior to issuance, the proposed solution text of the EPFAQ worksheet will be deleted to assure a clear understanding of the final response.

## 9 PROCESS FLOWCHART



## 10 EPFAQ FORM

EPFAQ YY-XX Title

### Emergency Preparedness Frequently Asked Questions (EPFAQ) Request Form

EPFAQ Number: \_\_\_\_\_

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(Requestor to Complete)

Licensee:		Date Submitted:	
Licensee Contact:		Phone:	E-mail:
NRC Contact:		Phone:	E-mail:

Potentially relevant existing EPFAQ numbers: \_\_\_\_\_

This question involves: \_\_\_\_\_

**Question, including background description and applicable reference(s):**

\_\_\_\_\_

**Proposed Solution:**

\_\_\_\_\_

Additional pages attached? Yes  No

(NEI to complete) Request #	Date entered	By:
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**EPFAQ Evaluation and Resolution Section**  
EPFAQ Form, 03/11

## Emergency Preparedness Frequently Asked Questions (EPFAQ) Request Form

EPFAQ Number: \_\_\_\_\_

Issue presented at Joint NRC/NEI EP Question Panel: Date

### Resolution of EPFAQ

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Resolution Requires a Document(s) Revision: Yes  No   
Document(s):

(NRC EP Question Panel Chairman) Approved by:	Date:
(Industry EP Question Panel Chairman) Approved by:	Date:

EPFAQ closed in tracking system and EPFAQ database updated: Date:  
EPFAQ Form 03/11