

Emergency Preparedness Frequently Asked Questions Process

1 PURPOSE

The emergency preparedness (EP) frequently asked question (FAQ) process will enable licensees, U.S. Nuclear Regulatory Commission (NRC) staff, and interested stakeholders to clarify generic questions about NRC-issued EP-related guidance and Nuclear Energy Institute (NEI) and Industry documents endorsed by NRC. This process will facilitate the NRC staff's effective and publicly transparent response to questions in a manner that best facilitates consistent industry implementation of guidance.

The EPFAQ will not be used to resolve interpretation issues with any other NRC regulatory guidance. An EPFAQ will not change regulatory requirements promulgated through Commission rules or orders, revise NRC-issued guidance, or create new regulatory positions or guidance. The EPFAQ process will also not be used to determine whether a proposed change to a licensee's emergency plan would constitute a reduction in effectiveness as defined in Section 50.54(q) of Title 10 to the *Code of Federal Regulations* (CFR), or to bypass enforcement action. Proposed changes to NRC EP-related regulations or guidance should not be submitted as an EPFAQ.

2 EPFAQ CRITERIA

For a question to be considered as an EPFAQ, the following screening criteria shall apply:

- The question must be sufficiently generic (i.e., the question must affect more than one licensee or plant without consideration or evaluation of site-specific information).
- The question relates to guidance applicable to licensees. Questions related to the development, implementation or evaluation of offsite emergency plans and preparedness are the responsibility of the Federal Emergency Management Agency (FEMA), per the FEMA/NRC Memorandum of Understanding contained in Appendix A to 44 CFR Part 353, and will not be accepted under this EPFAQ process.
- The question does not involve unresolved inspection issues, enforcement actions, allegations, or other situations covered by existing regulatory processes.
- The question does not involve classified, safeguards, or official use only information.
- The question does not directly request interpretation of NRC regulations, clarification of guidance not yet published as final, or NEI/Industry documents submitted but not endorsed by the NRC.
- The question does not request clarification of on-going licensing activities submitted for NRC approval in accordance with 10 CFR 50.54(q) or Appendix E to 10 CFR Part 50.
- The question does not pertain to the EP Performance Indicators, Baseline EP Inspection Procedures, or Appendix Manual Chapter 0609 (EP Significance Determination Process).

If all the criteria are met, then an EPFAQ may be considered acceptable for submitting to the NRC for review.

3 PROCESS

3.1 EPFAQ Submittal

Interested stakeholders, including the public, may submit questions to the NRC EPFAQ coordinator via an automated submission feature that will be added to the existing EPFAQ page on the NRC public website.

The EPFAQ page can be reached from either the NRC homepage or the NRC EP homepage. The current version of this webpage will be modified to include a link titled “EPFAQ Submission Form.” A template page will provide the information fields necessary to properly submit an EPFAQ. In addition, the user will be able to attach any relevant documents or files necessary for clarification or in support of the issue.

The NRC expects the NEI EPFAQ Coordinator to facilitate the identification, development, and initial screening of EPFAQs from its Industry members to ensure that any EPFAQ submitted by NEI to the NRC meets the criteria specified in Section 2 of this document, and provides sufficient detail such that NRC staff can clearly understand the EPFAQ and any proposed resolution.

3.2 EPFAQ Screening

Using the Section 2 criteria, the NRC EPFAQ Coordinator will perform an initial screening of a proposed EPFAQ and, if the EPFAQ meets the criteria, assign it a unique tracking number. If the EPFAQ involves an NEI document endorsed by the NRC, and the EPFAQ is not originated by NEI, then the NRC will forward the EPFAQ by public letter to the NEI FAQ Coordinator for input by NEI and Industry representatives and for development of proposed resolutions for NRC staff consideration.

If an EPFAQ does not meet the Section 2 criteria or contain sufficient information to clearly understand the issue or proposed resolution (if provided), then the EPFAQ should either:

- Be rejected and documented as such on the NRC EP website;
- Be clarified via discussion with the EPFAQ originator with the discussion being publicly documented; or
- Be discussed at a public meeting, held at the NRC staff’s discretion, to gain further clarification.

The NRC EPFAQ Coordinator shall enter all submitted EPFAQs (both accepted and rejected) and all revisions to the EPFAQ log into the publicly available Agencywide Document Access and Management System (ADAMS).

3.3 Public Meeting Discussion of FAQs

NRC staff may request a Category 2 Public Meeting to clarify a specific EPFAQ or to obtain further insights into a proposed resolution. Public meetings will not be used to negotiate differences between NRC staff and interested party positions on any respective EPFAQ. The NRC staff will make the final determination on the resolution of an EPFAQ.

The NRC EPFAQ Coordinator, appointed by the Deputy Director of Emergency Preparedness (DDEP), will serve as the meeting chairperson, and will be responsible for scheduling and coordinating public meetings in accordance with NRC requirements.

Attendance at the public meeting will, at a minimum, include: (1) the NRC EPFAQ Coordinator, (2) the Chief, Operating Reactor Licensing and Outreach Branch (NSIR/DPR) or designated alternate, and (3) an NEI representative. The NRC Office of General Counsel (OGC), other NRC staff involved in review of the EPFAQ, experts in applicable guidance document(s), and licensees or parties involved in the submittal of an EPFAQ should also be invited to these meetings. Representatives of State(s)/local governments, Federally-recognized Indian nations, and interested members of the public in attendance will be provided an opportunity to comment.

3.4 FAQ Resolution Process

The NRC EPFAQ Coordinator will discuss the FAQ and proposed resolution (if provided) with appropriate NRC staff members. If further clarification is needed for the staff to fully understand the question and/or proposed resolution, then a public meeting may be held (per Section 3.3). For all EPFAQs, the staff shall develop a tentative resolution and provide it to OGC for legal review and the DDEP for concurrence. Once concurrence is obtained, the EPFAQ will then be considered "Draft," entered into ADAMS (as publicly available), and posted on the EP website for a 30-day comment period.

Following the 30-day comment period, the NRC staff will review and disposition comments. The NRC EPFAQ Coordinator will consult with the FEMA and the Office of Federal and State Materials and Environmental Management Programs (FSME) on comments received from State and local governments or Federally-recognized Indian tribes.

Based on the comment dispositions, the NRC staff will revise the tentative resolution as appropriate. Comment dispositions and revisions to EPFAQ tentative resolutions will be submitted to OGC for its legal review and the DDEP for final approval. Once final approval is obtained, the EPFAQ will then be considered as "Final" and entered into ADAMS (as publicly available) and posted on the EP website.

3.5 Publication of FAQs

The EPFAQ webpage will serve as a database for the FAQs and resolutions. All resolutions will be found in table format, including: a brief summary of question/issue submitted, the date submitted, current status of resolution process or date resolved, and a link to the detailed question and resolution, if available. This page will be maintained by the NRC EPFAQ Coordinator (or a designee) and updated with each new question or resolution.

3.6 Reconsideration Process

Once the staff's "Final" resolution is posted on the NRC EP website, the EPFAQ originator may request that the Director, Division of Preparedness and Response (NSIR/DPR), reconsider the staff's "Final" resolution. This request must be submitted in writing to the NSIR/DPR Director, who will make the final determination. Any additional reconsideration to higher NRC management is outside of the EPFAQ process.

4 ATTACHMENTS

Enclosure 1, Example Web Pages