

July 24, 2012

MEMORANDUM TO: Mark Thaggard, Deputy Director for Emergency Preparedness  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

FROM: Joseph D. Anderson, Chief */RA/*  
Operating Reactor Licensing and Outreach Branch  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

SUBJECT: SUMMARY OF JULY 17, 2012, CATEGORY 2 PUBLIC MEETING  
WITH THE NUCLEAR ENERGY INSTITUTE, AND INDUSTRY TO  
DISCUSS PUBLIC COMMENTS RELATED TO EMERGENCY  
PREPAREDNESS FREQUENTLY ASKED QUESTION NO. 2012-002

On July 17, 2012, a public meeting was held by the U.S. Nuclear Regulatory Commission (NRC) with representatives from the Nuclear Energy Institute (NEI) and the nuclear industry at the Executive Boulevard Building, 6003 Executive Boulevard, Room 1B11, Rockville, MD. The purpose of the meeting was to discuss comments submitted by NEI in response to Emergency Preparedness Frequently Asked Question (EPFAQ) No. 2012-002.

EPFAQ 2012-002 (ADAMS Accession No. ML12201B448) was initiated to specifically provide clarification regarding the basis for modifying NRC inspection criteria for the staff evaluation of emergency classification and offsite notification timeliness. In response to the 30-day public comment period, NEI requested further clarification on five specific comments (ADAMS Accession No. ML12201B448). These comments specifically dealt with inspection guidance added to Inspection Procedure (IP) 71114.01, "Exercise Evaluation," (ADAMS Accession No. ML12100A221) to clarify how notification timeliness should be assessed by an NRC inspector.

In opening remarks, the NRC clarified the meeting boundaries and explained what the EPFAQ process was meant to accomplish. Specifically, the NRC stated that the purpose of the meeting was to explain changes to the inspection guidance, and not to discuss regulatory compliance. Bob Kahler stated that changes were not driven by new EP Rule language, but rather clarification of intent in regards to capability. For example, if notification has no information, then what "notification" is performed?

Marty Hug (NEI) then led industry discussion on individual comments submitted. A copy of NEI provided handouts is available under ADAMS Accession No. ML12201B438.

CONTACT: Joseph Anderson, NSIR/DPR  
301-415-4114

In response to NEI Comment 1, the NRC clarified the difference between inspection procedures and regulatory guidance regarding the applicability of RG 1.219, "Guidance for Making Changes to Emergency Plans for Nuclear Power Reactors," and suggested that Comment 1 was not relevant to this specific EPFAQ. Furthermore, NRC suggested that NEI may want to submit another EPFAQ that would answer some of their concerns. There was also discussion about the use of technology in the notification process. However, the NRC made clear that these discussions were outside the scope of EPFAQ 2012-002, but it may be worthwhile for industry to submit a separate EPFAQ.

NEI Comments 2, 3, and 4 were closely related and were discussed simultaneously. The NRC clarified that for the purposes of determining whether further assessment of a licensee's notification capability is necessary, at a minimum, the clock for evaluating timeliness begins at the time the declaration is made and ends when all responsible offsite authorities have been notified of the emergency declaration, including communication of the emergency classification level (ECL). Specifically, in regards to Comment 3, staff indicated that the purpose of the EPFAQ was not to provide a listing of what is acceptable versus not acceptable methods in evaluating notification capability. Staff emphasized that a licensee will be evaluated based on the totality of what is in their emergency plans.

In regards to NEI Comment 5 the NRC explained why the phrase "with no undue delay" was used as opposed to the term "promptly," which is used in 10 CFR Appendix E IV.C.2. The NRC pointed out that that using "with no undue delay" allows for a possible scenario where a delay in response is reasonable.

In response to these discussions the staff indicated that it would be revising the EPFAQ Proposed Resolution / NRC Response to address the following:

- More clearly distinguish between the classification and notification process; and
- Consider including specific parenthetical citations to "Interim Staff Guidance Emergency Planning for Nuclear Power Plants" (NSIR/DPR-ISG-01) that could help clarify certain sentences and phrases.

Due to the extent of the proposed revision to the Proposed Resolution / NRC Response, the staff planned to submit EPFAQ 2012-002 to the *Federal Register* for a second 30-day comment period.

Please direct any inquiries to Joseph Anderson at 301-415-4114, or [joseph.anderson@nrc.gov](mailto:joseph.anderson@nrc.gov).

Enclosures:

1. List of attendees

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NAME	A. de Jesus	J. Anderson
DATE	07/18/2012	07/24/2012

**OFFICIAL RECORD COPY**

Attachment 1

July 17, 2012 Public Meeting to Discuss NEI Comments in Regards to EPFAQ No. 2012-002

List of Attendees

Joseph Anderson (NRC HQ) – Facilitator	Fred Puleo (STPNOC/STARS)
Robert Kahler (NRC HQ)	Larry Baker (Exelon)
Martin Hug (NEI)	David Burgin (FEMA HQ)
Eric Schrader (NRC HQ)	Kimberly Gambone (NRC HQ)
Anthony de Jesús (NRC HQ)	Michael Slobodien (Entergy)
Scott Odom* (Southern Nuclear)	Bill Renz* (Entergy)
Nancy Chapman* (Bechtel Power Corp.)	Larry Parker*
John Stephenson* (Progress Energy)	Mike Alston*

\* Via conference bridge