

Emergency Preparedness Frequently Asked Question (EPFAQ)

EPFAQ Number: 2021-002 **Date Accepted for Review:** 8-30-2021

Originator: David Young / Kevin Weinisch

Organization: NEI / KLD Engineering

Relevant Guidance: N/A

Applicable Section(s): N/A

Status: Complete

QUESTION OR COMMENT:

Background

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix E, Section IV.4 states:

“Within 365 days of the later of the date of the availability of the most recent decennial census data from the U.S. Census Bureau or December 23, 2011, nuclear power reactor licensees shall develop an evacuation time estimate (ETE) analysis using this decennial data and submit it under § 50.4 to the NRC. These licensees shall submit this ETE analysis to the U.S. Nuclear Regulatory Commission (NRC) at least 180 days before using it to form protective action recommendations and providing it to State and local governmental authorities for use in developing offsite protective action strategies.”

The 2020 Census began on April 1, 2020, shortly after many states in the U.S. had shut down due to the COVID-19 pandemic. On February 12, 2021, the U.S. Census Bureau announced that the release of the 2020 Census data (originally scheduled for March 31, 2021) would be delayed by 6 months (to September 30, 2021) due to difficulties in gathering data caused by the COVID-19 pandemic.¹

The Census Bureau website² currently indicates that by August 16, 2021, “States will receive the data they need to begin redistricting in August. The Census Bureau will also share this information with the public. However, the data will be in a format that requires additional handling and software to extract familiar tables.” The website also indicates that by September 30, 2021, “The Census Bureau will deliver the final redistricting data toolkit to all states and the public. This will include digital tools which provides access to an integrated software browsing tool for official recipients, as well access to the online Data Explorer tool for both official recipients and the public.”

¹ <https://www.census.gov/newsroom/press-releases/2021/statement-redistricting-data-timeline.html>

² <https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-main.html>

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Question

Which date – August 16, 2021, or September 30, 2021 – does the NRC consider the “date of the availability of the most recent decennial census data from the U.S. Census Bureau,” which in turn starts the 365-day clock for licensees to submit their revised ETE study incorporating 2020 Census data?

PROPOSED SOLUTION:

The latter date – September 30, 2021 – should be used as the “date of the availability of the most recent decennial census data from the U.S. Census Bureau” since it is when the final redistricting data toolkit is delivered to the public.

NRC RESPONSE:

The U.S. Census Bureau released redistricting data to the states on August 12, 2021. The expressed purpose of that release was to satisfy Public Law 94-171, enacted by Congress in December 1975, which requires the Census Bureau to provide states the opportunity to identify areas for legislative redistricting. The legacy format data and tools provided on August 12, 2021, although available to the public, are not in a format readily available for use for the purpose of developing an evacuation time estimate. The NRC staff does not consider August 12, 2021, as “the date of availability of the most recent decennial census data from the U.S. Census Bureau.”, because the census data released by the U.S. Census Bureau on August 12, 2021, is not in a format that supports developing an evacuation time estimate,

The U.S. Census Bureau has established data.census.gov as the primary tool for the public to access census data. A press release from the U.S. Census Bureau, which can be found [here](#), provides that 2020 census data was first made available on data.census.gov on September 16, 2021. For the 2020 census, the NRC considers the “date of the availability of the most recent decennial census data” to be September 16, 2021, because that was the date that census data from the U.S. Census Bureau was first made publicly available.

RECOMMENDED FUTURE ACTION(S):

- INFORMATION ONLY, MAINTAIN EPFAQ
- INFORMATION ONLY, Remove EPFAQ as an active EPFAQ on or after December 31, 2022
- UPDATE GUIDANCE DURING NEXT REVISION