

October 5, 2005

MEMORANDUM TO: Nader L. Mamish, Director
Emergency Preparedness Directorate
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

FROM: Joseph D. Anderson, Emergency Preparedness Specialist */RA/*
Emergency Preparedness Directorate
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

SUBJECT: SUMMARY OF SEPTEMBER 30, 2005, CATEGORY 2 MEETING WITH
NUCLEAR ENERGY INSTITUTE (NEI) AND LICENSEES TO DISCUSS
GUIDANCE ON EMERGENCY PREPAREDNESS (EP) FREQUENTLY
ASKED QUESTION (FAQ) PROCESS

On the afternoon of September 30, 2005, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives from the Nuclear Energy Institute (NEI) and interested licensees at NRC Headquarters, One White Flint North, 11555 Rockville Pike, Rockville, MD. A listing of meeting attendees is attached. No members of the public or representatives from State or local stakeholders were present during the meeting.

The purpose of this meeting was to discuss NEI and industry efforts to support implementation of a pilot EP FAQ process outlined in the staff's letter dated August 31, 2005, from Roy Zimmerman (Director, Nuclear Security and Incident Response) to Stephen D. Floyd (NEI Vice President, Regulatory Affairs). A copy of the EP FAQ guidance, developed by NRC staff and provided to NEI as an Enclosure (ML051950213) to the August 31, 2005, letter, was distributed to meeting attendees.

As an introduction to the meeting, NRC staff highlighted that the EP FAQ pilot phase was limited to questions related to inconsistencies in or applicability of existing guidance, and the lack of adequate guidance. Questions that would require a revision to existing guidance (e.g., elimination or revision to initiating conditions or specific EAL thresholds, etc.), or deal with a station-specific interpretation or potential enforcement action would not be considered as part of the EP FAQ process.

Alan Nelson (NEI) discussed that the industry's focus in support of the EP FAQ process was to reduce unnecessary regulatory burden. The EP FAQ will provide a mechanism for the industry to identify and propose resolutions to various EAL guidance issues that exist with the current Revision 4 to NEI 99-01, "Methodology for Development of Emergency Action Levels, January 2003." Once resolution of a FAQ is approved by the NRC staff, it will facilitate the consistent application by licensees in their NEI 99-01 submittals, as well as provide the basis for a future revision to NEI guidance.

Mr. Nelson indicated that NEI would not be initiating work on Revision 5 to the NEI 99-01 EAL guidance until October 2006 to allow sufficient time for the changes in EAL guidance, outlined in Bulletin 2005-02, to be implemented and adequately vetted. However, NEI indicated their intent to submit by October 18, 2005, a revision to its May 2005 Industry White Paper, entitled "Enhancements to Emergency Preparedness Programs for Hostile Action Related Events," to address issues related to Attachment 2 of Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events."

NEI is currently finalizing the industry process to support implementation of the EP FAQ process. A standard EP FAQ form, modeled after the current Security FAQ process, will be accessible to licensees via the NEI website, and would be submitted for review by a designated industry task force before being forwarded to the NRC with a proposed resolution. This industry task force will be chaired by Walt Lee (Southern Nuclear Company), who will serve as the NEI Coordinator, and will consist of two members from each NRC region with diverse boiling water reactor (BWR) and pressurized water reactor (PWR) experience.

During the initial task force meeting, the industry identified the need for NRC staff to clarify whether an FAQ needs to be posted again if changes to the proposed resolution are made based on comments received during the initial 30-day review period.

Various potential FAQ issues were generically discussed between the industry task force members and NRC staff at the meeting. The NRC staff also shared their insights on various generic issues identified during the review of NEI 99-01 submittals received over the past year. No EP FAQs were submitted by industry during this meeting. Rather, the industry task force identified that their initial series of FAQs on EAL guidance should be submitted to the NRC staff by mid-November 2005, with plans on conducting a public meeting during the first two weeks of December 2005 or early January 2006 to review and provide needed clarification.

The EP FAQ process and the specific resolution of EAL guidance issues was also identified as a potential agenda topic for the June 2006 NEI Emergency Preparedness Forum or for a separate NEI-sponsored workshop.

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

Attachment: List of Attendees

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SISP Review Completed: _____ Joseph D. Anderson _____

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