

Emergency Preparedness Program Frequently Asked Question (EPFAQ) Process

REVISION: 1

EFFECTIVE DATE: June 1, 2016



Office Instruction No.:	EP-100
Office Instruction Title:	Emergency Preparedness Program Frequently Asked Question (EPFAQ) Process
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Responsible Organization:	NSIR/DPR
Training:	Information, NSIR/DPR Distribution
ADAMS Accession No.:	ML15301A796

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1.0 PURPOSE

To provide an effective and transparent process by which the Office of Nuclear Security and Incident Response (NSIR) staff will review and resolve proposed “Frequently Asked Questions” related to Emergency Preparedness Program guidance documents.

2.0 APPLICABILITY

The provisions of this procedure apply to all NSIR staff that will support the assessment and resolution of emergency preparedness frequently asked questions (EPFAQs). This procedure is not to be used to clarify or interpret regulations (refer to Section 50.3 to Title 10 of the *Code of Federal Regulations* (10 CFR)).

3.0 OBJECTIVE

The objective of this procedure is to ensure the consistent implementation of the EPFAQ process.

4.0 BACKGROUND

NSIR has developed this procedure to ensure a consistent regulatory process for the staff to use when processing EPFAQ’s. The EPFAQ process has been established to enable licensees, U.S. Nuclear Regulatory Commission (NRC) staff, and interested stakeholders to obtain answers to generic questions about guidance documents related to the development and maintenance of emergency preparedness program elements.

5.0 BASIC REQUIREMENTS

5.1 EPFAQ Submittal

Interested stakeholders, including the public, may submit questions to the NRC EPFAQ Coordinator through directions given on the NRC Emergency Preparedness homepage.

The NRC expects the Nuclear Energy Institute (NEI) EPFAQ Coordinator to coordinate the identification, development, and initial screening of EPFAQs from NEI’s Industry members to ensure that any EPFAQ submitted by NEI to the NRC: (1) meets the criteria specified in Section 5.3 of this document, and (2) provides sufficient detail for the NRC staff review and resolution.

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NRC staff may submit EPFAQs directly to the NRC EPFAQ Coordinator via Attachment 2 to this procedure, "EPFAQ Form."

5.2 EPFAQ Public Meeting

All proposed EPFAQs will be discussed in regularly scheduled Category 2 public meetings in order to allow interested stakeholders an opportunity to participate in the process.

The NRC EPFAQ Coordinator will serve as the meeting chairperson, and will be responsible for scheduling and coordinating public meetings in accordance with Management Directive 3.5, "Attendance at NRC Staff-Sponsored Meetings."

Attendance at the public meeting will, at a minimum, include: (1) the NRC EPFAQ Coordinator, (2) the applicable NSIR/Division of Preparedness and Response (DPR) Branch Chief, or designated alternate, and (3) an NEI representative. The following should be informed of the public meeting:

- NRC's Office of the General Counsel (OGC),
- Experts in applicable guidance document(s), and
- The initiator of the proposed EPFAQ.

5.3 EPFAQ Screening

Using the criteria in this procedure, the NRC EPFAQ Coordinator will perform an initial screening of the proposed EPFAQ.

An EPFAQ should be a question addressing issues where the regulatory guidance may not be sufficiently clear, or where consistency in application would benefit both the NRC and licensees. To be considered as an EPFAQ, the following criteria apply:

- The question must be sufficiently generic (e.g., does it affect more than one licensee or plant without consideration or evaluation of site-specific information).
- The question does not involve unresolved inspection issues, enforcement actions, allegations or other situations covered by existing regulatory processes.

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- The question does not involve classified, safeguards or sensitive unclassified non-safeguards information (SUNSI).
- The question does not 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 or issues processed by the licensee 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 A of Manual Chapter 0609 (EP Significance Determination Process).
- The question does not pertain to issues related to on-going rulemaking activities.

If an EPFAQ does not meet the criteria or contain sufficient information, then the EPFAQ should be rejected.

If the EPFAQ involves an NEI document endorsed by the NRC and the EPFAQ is not originated by NEI, then the NRC may forward the EPFAQ to the NEI FAQ Coordinator. Forwarding the EPFAQ to the NEI EPFAQ Coordinator is not required for final NRC disposition of the EPFAQ, but it does allow NEI an opportunity to provide its interpretation of their guidance document as it relates to the EPFAQ. This information may help the NRC staff develop its draft resolution of the EPFAQ. A 30-day period should normally be provided for NEI to respond.

The NRC EPFAQ Coordinator should document acceptance of the EPFAQs after the public meeting, initial screening, and if applicable, after NEI has had an opportunity to provide input into the proposed resolution. The date the EPFAQ was accepted for review should be documented on the EPFAQ form and posted on the EPFAQ website as being under review.

5.4 EPFAQ Resolution Process

Refer to Attachment 1, "EPFAQ Process Flowchart," for an overview of this process.

The NRC EPFAQ Coordinator will coordinate the review of the EPFAQ and proposed resolution (if provided) with appropriate NRC staff members. For all

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EPFAQs, the staff will develop a tentative (draft) resolution and provide it to OGC for a no legal objection (NLO) review, and then appropriate NSIR management for concurrence. The minimum concurrence for a draft EPFAQ response shall be the Chief, Operating Reactor Licensing and Outreach Branch (ORLOB).

Periodically the staff shall inform the NRC Regions of the status of the EPFAQs.

5.5 Public Comment Period

- 5.5.1 Once concurrence is obtained, the EPFAQs shall be made available on the EPFAQ website for a 30-day comment period. The initiator of the EPFAQ, as well as NEI and the NRC Regional State Liaison Officers (RSLOs), shall be informed that the EPFAQs are available for review and comment. The RSLOs should inform their Offsite Response Organization (ORO) counterparts that the EPFAQs are available for review and comment.

Following the 30-day comment period, the NRC staff will review and disposition comments, if any. The NRC EPFAQ Coordinator will consult with the Federal Emergency Management Agency (FEMA) and the Office of Nuclear Materials Safety and Safeguards (NMSS) on comments received from State and local governments or Native American Tribal Governments.

- 5.5.2 If there are no comments, the NRC EPFAQ Coordinator is responsible for preparing a "Final Resolution" memorandum addressed to the Chief, DPR/ORLOB. The final EPFAQs should be attached to the memo as an enclosure. All final EPFAQs shall be documented on the EPFAQ website.

- 5.5.2.1 If there are comments on the draft resolution, the NRC staff will review the comments and develop a response as appropriate. The Chief, ORLOB, shall make the determination as to the disposition of the comments received.

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5.6 Publication of EPFAQs

The EPFAQ website, <http://www.nrc.gov/about-nrc/emerg-preparedness/faq/faq-contactus.html>, will display all EPFAQs, including the final disposition of the EPFAQs. This page will be maintained by the NRC EPFAQ Coordinator (or a designee) and updated as necessary.

6.0 RESPONSIBILITIES AND AUTHORITIES

- 6.1 Deputy Director, NSIR/DPR: Responsible for concurring on the EPFAQs posted for public review and comment as well as the final versions.
- 6.2 Chief, DPR/ORLOB: Responsible for the implementation of the EPFAQ process. Responsible for concurring on the EPFAQs posted for public review and comment, disposition of the public comments received, and the final EPFAQs. Responsible for maintaining this procedure and all revisions to it. These responsibilities may be delegated.
- 6.3 NRC EPFAQ Coordinator: Responsible for coordinating the review of the EPFAQ and proposed resolution in accordance with this procedure and as directed. Responsible for maintaining the EPFAQ website.
- 6.4 NEI EPFAQ Coordinator: Responsible for coordinating the identification, development, and initial screening of EPFAQs with NEI's Industry members.
- 6.5 FEMA / NMSS / NRC-RSLOs: Responsible for providing input on EPFAQs submitted, or commented on, by State and local governments or Native American Tribal Governments, as deemed appropriate.

7.0 PERFORMANCE MEASURES

Measurement of performance adequacy shall be performed in accordance with the requirements of the NSIR Operating Plan and should entail, at a minimum, the timeliness of the resolution of the EPFAQ. Note that the acceptance of the EPFAQ (i.e., after the screening, public meeting, and NEI review, if any) shall start the 'clock' for measuring the timeliness of the review and disposition of the EPFAQ.

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8.0 PRIMARY POINT OF CONTACT

Don A. Johnson
NSIR/DPR/ORLOB
301-287-9230

9.0 RESPONSIBLE ORGANIZATION

DPR is the organization responsible for the implementation of this procedure within NSIR, with assistance as necessary from within the NRC.

10.0 EFFECTIVE DATE

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11.0 REFERENCES

Enclosures: Attachment 1 - EPFAQ Process (Typical)

Attachment 2 - EPFAQ Form (Typical)

DISTRIBUTION:

DJohnson, NSIR MNorris, NSIR JAnderson, NSIR

ACCESSION NO.: ML15301A796

OFFICE	NSIR/DPR	TL: NSIR/DPR	OGC (NLO)	BC:NSIR/DPR
NAME	D Johnson	M Norris	H Benowitz (email)	J Anderson (MN)
DATE	4/5/16	4/7/16	5/20/16	5/24/16

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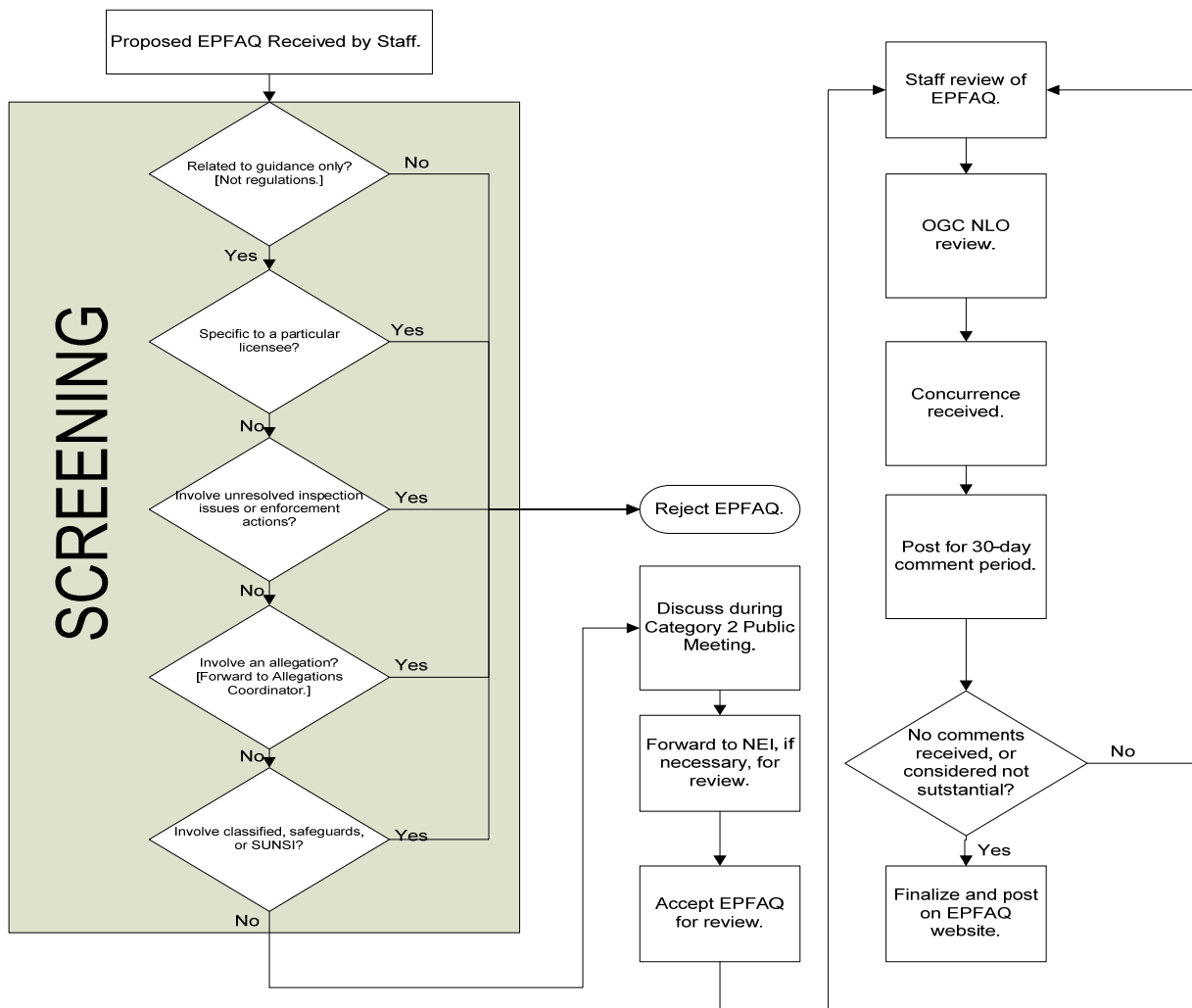
OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

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Attachment 1: EPFAQ Process (Typical)



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Attachment 2: EPFAQ Form (Typical)

EPFAQ Number:	Date Accepted for Review:
Originator:	
Organization:	
Relevant Guidance:	
Applicable Section(s):	
Status:	

QUESTION OR COMMENT:

[enter text]

PROPOSED SOLUTION:

[enter text]

NRC RESPONSE:

[enter text]

RECOMMENDED FUTURE ACTION(S):

- ☐ INFORMATION ONLY, MAINTAIN EPFAQ
- ☐ UPDATE GUIDANCE DURING NEXT REVISION