

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
OFFICE OF NEW REACTORS
OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS
WASHINGTON, DC 20555-0001

October 1, 2013

**NRC REGULATORY ISSUE SUMMARY 2013-16
INTERACTIONS BETWEEN THE NRC AND NRC STAKEHOLDERS
DURING A LAPSE OF AGENCY APPROPRIATIONS**

ADDRESSEES

All U.S. Nuclear Regulatory Commission (NRC) licensees, certificate holders, permit holders, and applicants; all Agreement and Non-Agreement States, and State Liaison Officers; and other interested stakeholders.

INTENT

The NRC is issuing this regulatory issue summary (RIS) to inform addressees about how to communicate and interact with the NRC during the Federal Government shutdown. The NRC will notify addressees once the NRC resumes normal operations. This RIS requires no action or written response on the part of an addressee; however, the NRC expects addressees to share this information with its employees and contractors so they understand that the NRC is still able to receive safety and security concerns or incidents involving fraud, waste, or abuse by an NRC employee or contractor by calling the hotlines identified on NRC Form 3.¹

BACKGROUND INFORMATION

The NRC's overarching mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. NRC regulation affects a variety of facilities including nuclear power plants, fuel manufacturers, industrial facilities, and academic and medical facilities, among others. It is important to note that the primary responsibility for safety and security rests with the licensees. Through its oversight processes, the NRC ensures that licensees discharge this responsibility correctly. During any Federal Government shutdown, the NRC will continue to do so.

On October 1, 2013, the Federal Government (except for excepted functions) shut down and many civilian Federal employees were furloughed.²

¹ http://www.nrc.gov/reading-rm/doc-collections/forms/form3_us.pdf

² A furlough is the placement of an employee in a temporary nonduty, nonpay status because of lack of work or funds, or other nondisciplinary reasons.

SUMMARY OF ISSUES

The NRC plans to continue normal operations for approximately 1 week and has initiated the efforts for reduced levels of operations. When NRC appropriations no longer support normal operations, the NRC plans to operate at a reduced level for some period of time and begin a minimal maintenance and monitoring mode in which the NRC will continue to carry out its responsibility to protect the health and safety of the public. A small core of employees (including the resident inspectors and Headquarters Operations Officers), identified beforehand, will remain on duty to monitor licensee activities and carry on the minimum activities necessary to protect the health and safety of the public and provide essential services.

NRC functions that will be performed during the entire length of the Federal Government shutdown include (1) receipt and processing of pre-shipment notifications and receipt and assessment of licensee event notifications through the Headquarters Operations Center; (2) review and analysis of potential security threats; (3) response to emergencies and assembling of teams for incident response; (4) oversight at nuclear power plants and fuel cycle facilities by resident inspectors; (5) processing and approval of enforcement orders; (6) receipt, assessment, and response to safety or security allegations, and initiation of investigations;³ (7) processing of emergency licensing actions; and (8) international liaison including with other U.S. Government agencies and/or foreign nations to address export and import, international safeguards, and other matters. Additional staff will be summoned as needed in the event of an incident, emergency, or urgent safety issue (e.g., actual emergencies at NRC-licensed facilities, emergency technical specifications change requests, or notice of enforcement discretion). These employees would return as excepted employees during a Federal Government shutdown.

Irrespective of the NRC's operating status, licensees must comply with all applicable requirements and license conditions. Impacts of the Federal Government shutdown on the licensees' ability to comply (e.g., Federal licensees whose operations are affected, Agreement State licensees seeking reciprocity approval to work in NRC-regulated jurisdictions) should be promptly communicated by addressees to the NRC through the contact listed below.

During a minimal maintenance and monitoring mode, addressees with urgent business with the NRC can contact the NRC at 301-415-1700 where an NRC staff member will direct your call to the appropriate NRC employee who is on duty and can assist you. Licensees should continue to make all required notifications to the NRC through the Headquarters Operations Center at 301-816-5100. Addressees can find additional information concerning the possible Federal Government furlough at <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance>.

BACKFIT AND ISSUE FINALITY DISCUSSION

The staff is not imposing on licensees any new or changed positions or regulatory requirements that constitute backfitting, as defined in Title 10 of the *Code of Federal Regulations* (10 CFR) 50.109(a)(1), or a violation of any of the issue finality provisions in 10 CFR Part 52, nor is it proposing new or changed guidance that should be regarded as backfitting under Commission and Executive Director for Operations guidance. No action is required on the part of any

³ The NRC will respond to and/or investigate issues of immediate safety or security significance, reports of wrongdoing by NRC licensees, applicants for licenses, or licensees' contractors and vendors.

licensee. Consequently, the staff did not perform a backfit analysis or otherwise prepare any documentation addressing issue finality criteria.

FEDERAL REGISTER NOTIFICATION

The NRC did not publish a notice of opportunity for public comment on this RIS in the *Federal Register* because it pertains to an administrative aspect of the regulatory process.

CONGRESSIONAL REVIEW ACT

This RIS is not a rule as defined in the Congressional Review Act (5 U.S.C. §§ 801–808).

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain any information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

CONTACTS

Please direct any questions about this matter to one of the technical contacts listed below.

/RA/

Mark D. Lombard, Director
Division of Spent Fuel
Storage and Transportation
Office of Nuclear Material Safety
and Safeguards

/RA/

Lawrence E. Kokajko, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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Michael C. Cheok, Acting Director
Division of Construction Inspection
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Marissa G. Bailey, Director
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Pamela J. Henderson, Acting Director
Division of Materials Safety and State
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Technical Contacts—Office of Nuclear Reactor Regulation:

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DATE	09/24/13	09/25/13	09/26/13	09/25/13	09/ 30 /13	09/ 30 /13	

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