



Tribal Consultation on FEMA's Radiological Emergency Preparedness (REP) Program Framing Paper and Key Concepts

*July 30, 2024, 2-4:00 PM EST and
August 1, 2024, 2-4:00 PM EST*

Overarching Consultation Questions

How can FEMA improve the regulations, policies, and/or procedures of the Radiological Emergency Preparedness (REP) Program to better address Tribal Nation needs?

What do Tribal Nations need to further engage and participate in the REP Program?

What additional feedback would tribal leaders want to contribute to FEMA regarding the REP Program?

Background

Nearly three million people live within 10 miles of an operating nuclear power facility. In 2023, there were 54 commercial nuclear power facilities in 32 states producing approximately 20 percent of the nation's power. To help ensure that the health and safety of people living around commercial nuclear power facilities would be adequately protected in the unlikely event of a nuclear power facility incident, FEMA established the REP Program through which the agency:

- Educates the residents in the neighboring communities about what they need to do to prepare for the possibility of a nuclear power facility incident.
- Coordinates the national effort to provide state, local, and tribal governments with planning, training, and exercise guidance and policies to increase their capabilities to prevent, protect against, mitigate the effects of, respond to, and recover from incidents involving commercial nuclear power facilities.
- Evaluates the emergency plans and level of preparedness of state, local, and tribal governments, applicants, and licensees to respond to a nuclear incident within the emergency planning zones surrounding, and outside and beyond the boundaries of, a nuclear power facility.

Preparedness is a shared responsibility that includes the whole community, and the REP Program embraces partnerships at all levels. Through partnership with state, local, and tribal entities as well as the Federal interagency, private industry, and volunteer organizations, FEMA prepares resilient communities. These preparedness efforts strengthen communities' ability to respond to and recover from not only radiological incidents surrounding commercial nuclear power facilities, but other natural and human-made hazards in that community as well. Radiological emergency response plans are a key part of a community's comprehensive emergency management program. FEMA's success in the REP Program is heavily dependent upon the agency's ability to communicate, coordinate, and work closely together, building on the strengths of our state, local, and tribal partners and integrating the public as a critical

resource.

FEMA's REP Program current regulations are available at 44 CFR parts 350-354. These regulations:

- Address how FEMA reviews and approves emergency plans/procedures for responding to radiological incidents at commercial nuclear power facilities;
- Describe Federal agency roles and responsibilities regarding Federal assistance to state, local, or tribal governments in their radiological emergency planning and preparedness activities;
- Explain FEMA's interactions with licensees when a state, local, or tribal government declines or fails to prepare offsite radiological emergency preparedness plans adequately to satisfy the Nuclear Regulatory Commission's (NRC) licensing requirements or to participate adequately in the preparation, demonstration, testing, exercising, or use of such plans; and
- Describe the methodology for FEMA to assess and collect user fees from NRC licensees.

State, local, or tribal government participation in offsite radiological emergency planning and preparedness is voluntary; however, participation in the REP Program necessitates adherence to the program requirements found in 44 CFR part 350. If state, local, or tribal governments choose not to participate in the REP Program, 44 CFR part 352 outlines how licensees develop offsite plans/procedures to protect public health and safety acting in the place of a state, local, or tribal government.

FEMA seeks input from Tribal Nations on their participation in the REP Program and how the agency can improve the regulations, policies, and/or procedures governing the Program to better address Tribal Nation needs. FEMA remains committed to its responsibility under Executive Order 13175: Consultation and Coordination with Indian Tribal Governments, reaffirmed by President Biden's [January 26, 2021, Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#), and reflected in the 2022-2026 [FEMA's National Tribal Strategy](#), to engage in meaningful consultation and collaboration with tribal officials. In addition, [FEMA's Tribal Policy](#) outlines a framework for Nation-to-Nation relations between FEMA and Tribal Nations that recognizes tribal sovereignty, self-governance, and FEMA's responsibilities, consistent with applicable authorities.

The purpose of the tribal consultations is to discuss the REP Program. Please visit [FEMA's Tribal Consultations webpage](#) for more information and how you can register to participate.

Discussion Questions

FEMA seeks tribal input on the REP Program. Below are questions for your consideration. These questions are not in order of priority and are not meant to be an exhaustive list of discussion topics. FEMA welcomes broader input on our activities in support of Tribal Nations.

1. How can FEMA partner with Tribal Nations located within the plume exposure pathway (~0-10 miles) emergency planning zone (EPZ)?
2. How can FEMA partner with Tribal Nations located within the ingestion exposure pathway (~0-50 miles) EPZ?

3. Are there specific considerations that should be taken into account in tribal lands?
4. What are the significant barriers that potential tribal community REP Program participants face in accessing and leveraging Federal resources, and how can FEMA and other Federal agencies assist them in overcoming these barriers and make this process more equitable?

All consultation materials may be found at: [Tribal Consultations | FEMA.gov](#). The consultation record will remain open for 30 days after the virtual sessions for tribal leaders to submit feedback or comments to fema-tribal@fema.dhs.gov with the subject line “REP Program – Written Comments.” Final feedback and comments are due by Tuesday, **September 3, 2024**.