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UNITED STATES NUCLEAR REGULATORY COMMISSION

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BRIEFING ON STATUS OF EMERGENCY PLANNING

ACTIVITIES (MORNING SESSION)

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TUESDAY,

MAY 2, 2006

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The Commission convened at 9:30 a.m., the Honorable Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman

EDWARD McGAFFIGAN, JR. Commissioner

JEFFREY S. MERRIFIELD, Commissioner

GREGORY B. JACZKO, Commissioner

PETER B. LYONS, Commissioner

1 REPRESENTATIVES PRESENT:

2 ROY ZIMMERMAN, NSIR

3 LUIS REYES, EDO

4 ERIC LEEDS, NSIR

5 NADER MAMISH, NSIR

6 MELVYN LEACH, NSIR

7 DAN WILCOX, Department of Homeland Security (DHS)

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PROCEEDINGS

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CHAIRMAN DIAZ: Good morning. The Commission is pleased to meet with the NRC Staff and the representative from Homeland Security regarding one of the issues that we always believe is very important and that I'm sure everybody realizes that we, after 9/11, decided to enhance emergency preparedness. It was doing well, but we thought it needed some fine tuning. And as part of the fine tuning, the NRC reorganized its Division of Emergency Preparedness in a more cohesive manner, integrated with Incident Response, put them under the Office of Nuclear Security. We have been, since then, engaged with both our licensees and stakeholders to try to get a better implemented and understood emergency preparedness and incident response.

We believe this is an important meeting that would actually bring out forth into the public arena some of the advances, enhancements and maybe some of the problems that we still have.

I think that one of the things that shows up all the time is the issue that we have seen whether we are in a control room or any other place is the issue of command and control and communications and those continually show up in everything we do and I'm sure, or at least I hope the Staff will agree that those continue to be issues that we need to work on, that we need to make sure are implementable and that we continue to enhance. Command, control, communications are the three Cs of emergency preparedness and incident response.

And I look forward to a fruitful meeting. This is an area in which Commissioner Jaczko has put significant amount of time, so he'll be

1 leading the questions this morning and this afternoon and I want to ask my
2 fellow Commissioners if there are any additional comments.

3 COMMISSIONER JACZKO: Just briefly to say I think
4 certainly since I've come to the Commission I've come to appreciate a lot
5 of the work that's gone on in recent years by the previous Commissioners
6 to put a real focus on emergency preparedness and I think that's certainly
7 been reflected in the work the Staff has done and I think, in particular, the
8 meeting that was held recently to really engage with the public and with
9 stakeholders in this issue, I think, has really been a tremendous initiative
10 and I think one that will really give an opportunity to really focus on these
11 issues and really take a fresh look at some of the emergency
12 preparedness issues and how we should deal with them in the coming
13 years and if changes are needed, what kind of changes might be needed.

14 I certainly appreciate the work that's gone on and the
15 leadership that's brought us to this point today.

16 CHAIRMAN DIAZ: Thank you. Mr. Reyes.

17 MR. REYES: Good morning, Commissioners. The Staff
18 is here this morning to update the Commission on all the activities that
19 we've been undertaking in the area of emergency preparedness. This
20 morning, the Staff will make a presentation that will be open for questions.
21 Subsequent to that, Mr. Dan Wilcox, our Deputy Branch Chief for
22 Radiological Emergency Preparedness with the Department of Homeland
23 Security will make his presentation and then there will be a set of
24 questions for him.

25 We have a lot of material and we've been real busy doing

1 a lot of outreach activities, specifically concentrating on communications,
2 command and control and without further delay, let me introduce Eric
3 Leeds who will start the presentation.

4 Eric.

5 MR. LEEDS: Thank you. Good morning. As a backdrop
6 to today's presentation and to help us keep our focus, I want to take a
7 moment to review our vision, mission and program goals related to
8 emergency preparedness and incident response. These were developed
9 during our incident response improvement initiative that we had previously
10 reported to the Commission. Our vision: to be a recognized leader in
11 federal agency emergency preparedness and response. Our mission:
12 ensure the agency and its licensees, in partnership with other Federal,
13 State and local response organizations are prepared to effectively respond
14 to incidents. And our goals: our first goal, of course, is to enhance and
15 improve our agency's response capability.

16 Our second goal is to work with our licensees to enhance
17 their preparedness and response capabilities. Our third goal is to achieve
18 excellence in stakeholder outreach, work with our local, State and Federal
19 response partners to reinforce our roles and responsibilities and enhance
20 our working relationships.

21 And finally, our goal to continually develop our
22 organization. This entails development of our staff, including embracing
23 continual improvement, knowledge transfer and growing our next
24 generation of agency leaders.

25 As we know, radiological emergency preparedness has

1 many facets. Certainly, it's the result of work by local, State and Federal
2 officials. It's also the work done by thousands of first responders and State
3 volunteers. In many ways, it's a very public face of nuclear power. And
4 certainly, it requires the engagement of our stakeholders to ensure the
5 continued high standards of emergency preparedness that the public
6 expects.

7 Now we've had a number of accomplishments since the
8 December 2004 Commission meeting on emergency preparedness. These
9 include leading our agency's response to Hurricanes Katrina, Rita and
10 Wilma; improvements in our response capabilities through technological
11 improvements in our Operations Center, as well as increased focus on
12 training our agency responders; our work with the industry to enhance
13 emergency preparedness for security-based events.

14 Certainly, our increased focus on outreach to our local,
15 State and Federal response partners, as well as the public, and many
16 others, but we have no intent to rest on our past accomplishments. We
17 recognize we have a lot of work ahead of us.

18 As we look forward in emergency preparedness and
19 incident response, we see challenges on the horizon. These include
20 maintaining appropriate oversight of existing licensees while addressing
21 new reactor licensing; the DHS/FEMA reorganization within the Federal
22 family; preparing for the possible threats from terrorism; certainly the
23 greater awareness of what a shortcoming in emergency preparedness
24 really means which was something we saw during Hurricane Katrina.
25 These challenges, the needs of our stakeholders, are on-going studies on

1 protective action recommendations for nuclear power plants, all contribute
2 to our vision of emergency preparedness as dynamic and adaptable to
3 meet the needs of the current environment.

4 I'll now turn the presentation over to Mr. Nader Mamish,
5 to discuss some of our key activities.

6 MR. MAMISH: Thank you. Our review of emergency
7 preparedness regulations and guidance is continuing on schedule. We're
8 comprehensively evaluating existing regulations, guidance and other
9 regulatory vehicles with focus on enhancing emergency preparedness and
10 response activities.

11 As part of our review, we conducted a public meeting last
12 year, August 31st, September 1st and had important dialogue with our
13 partners, the Department of Homeland Security, State and local officials,
14 some industry representatives and public interest groups. We responded
15 to over 700 comments from the public meeting and subsequent written
16 comments to our Federal Register notice. And we posted our responses
17 to both generic as well as site-specific issues on our website.

18 Predominant messages that we received from
19 stakeholders include requests for more outreach and more focused issue
20 meetings and a repeated message that one size does not necessarily fit
21 all in terms of emergency preparedness and response policies and
22 regulations.

23 Other messages included a wide range of opinions among
24 stakeholders as to the path forward on some issues. For example, some
25 stakeholders think that worse case scenarios should be demonstrated

1 every exercise, while others express that more realistic coordination,
2 communication focused exercises offer a better test of program
3 capabilities.

4 The staff is proceeding with the emergency preparedness
5 review by systematically developing and prioritizing issues and we are
6 continuing to engage the range of stakeholders through smaller focused
7 public meetings. For example, we held a workshop at this year's National
8 Radiological Emergency Preparedness Conference to engage State and
9 local partners and we have a public meeting coming up on May 19th with
10 public interest groups to discuss the status of our review.

11 The purpose of these smaller meetings is to continue a
12 more focused dialogue on the issues that are facing us.

13 The Staff plans to complete the emergency preparedness
14 review and provide a paper to the Commission with the results of our
15 review at the end of September of this year.

16 The paper will describe how the staff conducted its review,
17 outline what we heard from our stakeholders, summarize the results, and
18 provide recommendations and options for the Commission's consideration
19 regarding changes to the emergency preparedness rules and regulations.

20 We have significantly increased our outreach with all
21 stakeholders. We have provided presentations at large conferences, and
22 met on specific issues such as emergency preparedness/security interface
23 issues, alert notification systems, and emergency planning zone
24 expansion. Concerning a day-care related petition for rulemaking following
25 the Commission's denial of a petition in a Federal Register Notice, the

1 staff, pursuant to Commission direction, conducted outreach activities with
2 the Department of Homeland Security and the State Emergency
3 Management Agency and continues to work on this issue.

4 As I said earlier, we met with stakeholders in all regions
5 and covered a variety of topics with a wide range of audience. Comments
6 that were received included, as I said earlier, one size does not necessarily
7 fit all for emergency preparedness and response programs. Stakeholders
8 encouraged us to establish review panels consisting of all stakeholders,
9 State and local government officials, NRC, Department of Homeland
10 Security officials, licensee representatives, and advocacy groups, to revise
11 the rules and regulations.

12 Another comment that we received involved considering
13 offsite implications prior to issuing future regulatory guidance or
14 requirements. A fourth comment that we received involved evaluating
15 sheltering, instead of evacuation, as an effective action option. And lastly,
16 we've also received comments about providing guidance to State and
17 locals so that they can change their programs as licensees do.

18 We continue to look for opportunities to engage
19 stakeholders on relevant emergency preparedness related topics. We
20 have meetings scheduled across the country in the next several months
21 to discuss both site-specific issues and general topics. Emergency
22 preparedness, as you are aware, is a dynamic process. It's a shared
23 responsibility between the NRC, our Federal partners, public and
24 licensees, and as such the staff believes that stakeholder feedback is
25 crucial for enhancing communication and understanding our regulations.

1 Comments from our stakeholders do play a role in our
2 regulatory process. The staff continues to enhance emergency
3 preparedness/security interface issues. Bulletin 2005-02 describes four
4 phases for inclusion of security based scenarios into the existing exercise
5 program. Phase one involved table top drills. Phase two involved a pilot
6 integrated drill with off-site response organizations. Phase three will
7 involve NRC observed integrated drills at every licensee within the next
8 three years. Phase four will involve security based evaluated exercises
9 once every six years.

10 Our ultimate vision is that at the end of this initiative,
11 licensees and off-site response organizations will be incorporating security
12 based scenarios as part of the rotating six year evaluated exercise cycle.
13 The industry has been very supportive of and aggressive in
14 implementation of this initiative. Although separately conducted, these
15 exercises will complement the existing force-on-force exercises and couple
16 the elements of the ongoing Department of Homeland Security-led
17 comprehensive reviews.

18 Last November, the Nuclear Energy Institute submitted a
19 white paper entitled Enhancements to Emergency Preparedness Programs
20 for Hostile Actions, submitted that to the NRC for endorsement. The white
21 paper is very similar to Bulletin 2005-02. We have solicited public
22 comment on a regulatory information summary recommending
23 endorsement of this NEI white paper. The Nuclear Energy Institute is also
24 developing an industry guide to provide consistent information for the
25 conduct of security-based exercises for the six-year cycle following 2009.

1 That's where our next phase will be -- phase three -- will be beginning. We
2 have a Commission paper in progress providing detailed information on
3 this program.

4 The NRC and Department of Homeland Security are
5 engaging on a revision of the exercise evaluation methodology necessary
6 to evaluate security-based exercises. The staff believes that the exercise
7 evaluation methodology should consider off-site resources available for
8 this kind of exercise, and focus in detail on the coordination and
9 communication aspects that would be employed during such exercises,
10 such as incident command, local law enforcement agency interaction with
11 site security, and response -- the coordination of communication.

12 With respect to new reactor licensing, the staff in
13 consultation with the Department of Homeland Security has completed the
14 emergency preparedness portion of the final evaluation, the final safety
15 evaluation report for North Anna, Clinton, and Grand Gulf. In anticipation
16 of potential applications, the staff has been working with the Department
17 of Homeland Security on infrastructure issues, such as staffing, developing
18 a combined license application guide, revising the Standard Review Plan,
19 and drafting a standard review template so that our reviews are efficient
20 and effective.

21 The staff has also been working with Sandia National
22 Laboratory to complete a study on protective action recommendations for
23 potential events at nuclear power plants. The study is evaluating the
24 potential to reduce public dose, through the years of alternative protective
25 actions. Preliminary results from the studies indicate that sheltering in

1 place may be more protective for certain scenarios and that the most
2 effective protective action is dependent on the evacuation time estimate for
3 the 10- mile emergency planning zone.

4 We're considering the use of focus groups to develop a
5 public survey to determine the likely actions of the public following the
6 issuance of protective actions. The results of this study will inform our
7 review of emergency preparedness rules and regulations. Regarding
8 coordination with our Federal partners, the NRC and the Department of
9 Homeland Security coordinated well in evaluating post-hurricane effects
10 on off-site emergency preparedness capabilities and nuclear power plant
11 restart decision-making issues.

12 The NRC and the Department of Homeland Security have
13 continued to coordinate evaluations of licensee and off-site emergency
14 preparedness programs and the Department has supported and
15 participated in security-based drills and exercises that we have initiated
16 with licensees. Likewise, the staff has supported the Department in its
17 comprehensive reviews of critical infrastructure for nuclear power plants,
18 has conducted joint planning meetings, and has provided correspondence
19 regarding new reactor licensing deliverable schedules.

20 We've initiated work with the Department of Homeland
21 Security to revise the existing Federal Emergency Management Agency
22 NRC Memorandum of Understanding, specifically, to address changes in
23 the Department's organization, changes regarding the National Response
24 Plan, and issues regarding the NRC's combined license process.
25 Additionally, we've discussed changes to the exercise evaluation manual

1 with the Department and we are preparing a Commission paper regarding
2 this issue. To discuss severe weather related activities, I'd like to turn it
3 over to Mel Leach.

4 MR. LEACH: Good morning, Commissioners and Mr.
5 Chairman. Forgive my voice, I'm recovering from a cold at the moment.
6 The 2005 hurricane season, as you are all well aware, was a very severe
7 season and Hurricane Katrina was a particularly severe storm with
8 widespread devastation. That created some new challenges for us, and
9 gave us the opportunity to learn some lessons in the incident response
10 area and the EDO directed the Agency staff to conduct a lessons learned,
11 and I had the pleasure of leading that inter-office task force.

12 Even though it was a severe season and Katrina was a
13 severe storm, if we think of Katrina, the three nuclear power plants in the
14 path of the storm, Waterford 3, Grand Gulf and River Bend were
15 essentially undamaged by the storm, which goes back to the robust design
16 of the plants. And our process with DHS allowed us to efficiently restore
17 Waterford 3 to operation, following the storm to support the restart of the
18 infrastructure around New Orleans.

19 We did, however, identify some short-term actions. By
20 short-term, I mean by June the first of this year, ready for this year's
21 hurricane season. To improve our communications practices, we
22 developed some processes during 2005. We need to capture those in our
23 procedures. Those include tracking of sources that we got from the interim
24 database and having that information available. We found that we were
25 providing duplicative information at different times of the day to DHS. We

1 worked out a process to streamline that and make our process more
2 efficient and effective, we believe.

3 With respect to tracking and accountability of staff, we
4 found that we had some differing processes in different regions, and we
5 need to take the best of those practices and apply them universally across
6 both the regions and headquarters staff that we send down following a
7 storm. We also need to capture all of the above and incorporate that into
8 a single agency procedure. We had started this activity before Hurricane
9 Katrina to start work on developing a single agency hurricane response
10 procedure. But we obviously had to put that on hold as we dealt with the
11 hurricanes during 2005.

12 That procedure's draft is out for comments and should be
13 issued next week, and we intend to train staff and managers on that before
14 June the first. So we will have a single agency procedure for hurricane
15 response.

16 We also, forgive me, going back up to communications
17 practices, we also found we had difficulty communicating plant design
18 information to various stakeholders, whether it be public or staff people on
19 the Hill. When we take information that you find in the final safety analysis
20 report, it is not easily understood by the non-design engineer. Even I had
21 difficulty understanding what the wind design basis was for Waterford 3.

22 So trying to explain that to other people was difficult. We
23 need to take that information and provide it in a single perhaps one pager
24 that we can put on the website or certainly share it with the media and the
25 public. Both for wind information, flooding information was a question for

1 Waterford 3 as to what the flooding design basis was relative to the height
2 of the levy around Waterford 3.

3 We've also had similar requests for earthquake
4 information. When we work in ground acceleration, the rest of the world
5 tends to work in Richter scale and they're not necessarily easily
6 transferable. So that's something we need to work on for this season. The
7 mid-term and the long-term actions, as the Chairman mentioned,
8 communications is an essential part of incident response. And following
9 Hurricane Katrina, in fact the day after, we lost our normal telephone
10 communications with the Waterford 3 site.

11 All of our ENS communications, Emergency Notification
12 System, and the Emergency Response Data System, all of our normal
13 phone lines were down. Because of agency actions to provide hand-held
14 satellite communications following the year 2000 transition, we did have
15 communication with our resident inspector with a hand-held satellite
16 phone. Licensee communicators also had hand-held satellite phones. But
17 these by necessity are outside of the power plants, and so you cannot
18 speak directly to the people in the control room. You have a runner going
19 back and forth.

20 Also, those hand-held systems do not penetrate cloud
21 cover very well. So there are periods when even those do not work if
22 there's very heavy cloud cover. So we're recommending the Agency look
23 at having a more diverse, more reliable communication system with the
24 nuclear power plants. Part of our tasking from the EDO was to look back
25 at Hurricane Andrew in 1992 and this area was the one where we said it

1 was repeat finding. Lots of communication with the power plants.
2 Following Hurricane Andrew, we lost communications with the site in
3 Florida. But for a different reason. It was because wind damage to the
4 infrastructure, as opposed to flooding of the telephone's switch network.
5 But the outcome was the same. We lost communications with the site.

6 COMMISSIONER MERRIFIELD: Mr. Chairman, so we
7 don't lose that point. Can you provide a little greater clarity -- more
8 diverse, more reliable communication system. What do you mean by that?

9 MR. LEACH: Well, as we look at our new emergency
10 response data system, there may be internet based communication
11 system that would provide a different path than the regular telephone
12 switch network. And so I don't want to predict the answer, Commissioner,
13 but I think we need to look at today's telecommunications capabilities and
14 see which ones make sense for us. Which ones worked and which ones
15 didn't. I've heard anecdotal information that data information was making
16 it through on cellular phones even though voice was not. So the data
17 packets were able to sneak through, if you will, even with an intermittent
18 service. So those are the kinds of things we think we should look at and
19 determine what the cost benefits are, sir.

20 COMMISSIONER MERRIFIELD: I just wanted to get that
21 clarification, because you don't have a specific system or piece of
22 equipment that you're recommending right now.

23 MR. LEACH: No, sir.

24 COMMISSIONER MERRIFIELD: You need more
25 research and study.

1 MR. LEACH: Yes. We have a Commission paper coming
2 up at the end of May that talks about basically what was the red phone and
3 where we think we need to go. We need to put all of that in one cohesive
4 picture, sir.

5 We do need to update the storm evacuation information
6 based on the evacuations, particularly of Houston. I think in our ongoing
7 studies, we used the interim database as I've mentioned to share
8 information on the location of sources and we intend to use the new
9 national source tracking system that will be very helpful when that is in
10 place to support that. We also in talking to the States, we sent a
11 questionnaire out to 18 of the Agreement States. We learned a lot of
12 information from them, some best practices. We think that we should get
13 those Agreement States together and the Conference of Radiation Control
14 Program Directors together to share information and get widespread use
15 of those best practices. With that, I'd like to turn it back to Eric for closing
16 remarks.

17 MR. LEEDS: Thank you, Mel. In closing, the staff's work
18 is reflective of the enhanced emergency preparedness and security
19 environment which our stakeholders and ourselves now find ourselves in.
20 We remain focused on the Commission's strategic goals for safety,
21 security, and emergency preparedness. And this concludes our portion of
22 our presentation today.

23 MR. REYES: Chairman, Commissioners, the staff is ready
24 to answer questions now.

25 CHAIRMAN DIAZ: Okay, we decided to make a little shift

1 in here of things. The connectivity between DHS and the staff is very, very
2 good. We decided to go ahead and ask you questions at the same time.
3 So we're going to proceed to Mr. Wilcox and then at the end we'll proceed
4 with questions. Thank you.

5 MR. WILCOX: All right. Good morning, Chairman and
6 Commissioners. Thank you for this opportunity to be here this morning.
7 I'd like to extend Mr. Conklin's regrets that he was unable to be here today.
8 Unfortunately, he had a death in the family and so we'll do what we can to
9 ably sit in for him this morning.

10 This morning, I'd like to just give you a very brief overview
11 of where we are with the organization as far as our reorganization into the
12 DHS Preparedness Directorate and then spend the bulk of my time
13 discussing our priorities for the upcoming year. In terms of the
14 reorganization, as I'm sure probably most of you are already aware that as
15 a result of the Secretary's second stage review last year, the decision was
16 made to combine some elements of the infrastructure -- Information
17 Analysis and Infrastructure Protection Office, along with elements of the
18 Radiological Emergency Preparedness Program and Chemical Stockpile
19 Emergency Preparedness Programs at FEMA and this created basically
20 the Office of Infrastructure Protection, which sits within the new
21 Preparedness Directorate at Homeland Security. The Undersecretary is
22 Mr. George Foresman, as you probably are aware, and the Assistant
23 Secretary for Infrastructure Protection is Mr. Bob Stephan.

24 Part of our mission -- I mean, basically the mission that the
25 REP program has had in the past has not changed. Maybe you could say

1 that it has expanded in a way. We are still looking at the response and
2 preparedness and response and recovery aspects of radiological incidents.
3 More specifically, a large chunk of what we do is specifically targeted
4 towards the protection and preparedness for the commercial nuclear
5 power plants.

6 One of the objectives within the directorate is to establish
7 a nationally coordinated, locally executed infrastructure protection related
8 emergency preparedness incident management and response programs,
9 and be able to develop and implement those and as it relates specifically
10 to the one small slice within the REP program that is the radiological
11 emergency preparedness.

12 Just a quick overview -- I don't want to get into a lot of
13 details, but just a quick overview of the organization chart within the Office
14 of Infrastructure Preparedness, that the second block over is the Chemical
15 and Nuclear Preparedness and Preparedness Division. Within that
16 division sits the Radiological Emergency Preparedness Branch as well as
17 the division also has the responsibility for 3 of the 17 critical infrastructure
18 sectors that DHS has laid out. That being the nuclear sector, the chemical
19 sector, and the emergency preparedness sector.

20 However, even though there is a separate nuclear sector,
21 the REP program is maintaining its own separate branch so that we will still
22 be able to focus on the missions that we previously performed when we
23 were part of the Federal Emergency Management Agency. ~~Id like~~
24 to move on now to the preparedness priorities for the radiological, or the
25 REP program. As a lot of these things have already been mentioned by

1 Nader and Eric, specifically the revision of the REP program regulations
2 and guidance. We're aware that a lot of these Regs have been on the
3 books for many years and with new technology and new threats, we feel
4 that it is an appropriate time to look at those regulations, make the
5 necessary changes that need to be made to bring them up to speed.

6 We are going to work very closely with your folks here at
7 the NRC to make sure that those documents, as they are being revised,
8 are in concert and accordance with the revisions that the NRC is making
9 as well. We certainly don't want to get into a situation where we have
10 conflicting regulations or guidance on the books. So we will be working
11 with your staff quite closely on that.

12 I think Nader also mentioned the DHS-NRC MOUs. We
13 currently have a working group that I believe is meeting later this month.
14 I think that's about their second meeting, where we're going to look at -- we
15 are currently looking at the existing MOU, looking at things that need to be
16 changed based on our new organization structure. And I know one of the
17 things that we have to look at is that now that the REP program is separate
18 from the FEMA response division, are there some changes that need to be
19 made or even possibly a separate MOU with the FEMA response division.
20 But we're going to work with your staff on that.

21 We continue to conduct our bi-annual exercises, both the
22 plume phase exercises and the ingestion pathway exercises. We have
23 been participating in the ramp up for the security drills, the industry-led
24 initiative. We have observed all four of the table tops that have occurred
25 today as well as the Calloway exercise, and we'll continue to as the

1 proposal comes in from NEI, we'll work with your staff to ensure that we
2 can both cover the exercise evaluation criteria that we need to look at in
3 terms of our reasonable insurance determinations, but we also recognize
4 and agree that the security aspect of these drills are an important piece
5 that does need to be conducted in this considering the current threat
6 environment. So we will continue to work with you on that as well.

7 There's a lot of work going on as far as alert notification
8 system reviews. A lot of the siren systems out there are getting a little
9 aged, if you will. And there's new technology that is now out that was not
10 available when the original sirens were put in place. So we have a couple
11 of technical folks on our staff, as well as a contractor, that will assist us in
12 doing design reviews and providing guidance as requested in order to
13 ensure that the new systems that are being designed and procured will
14 meet the necessary alert notification standards.

15 Understanding the challenges that are facing us in the
16 next several years, particularly in the new reactor licensing arena, we have
17 decided to -- we solicited last fall through the licensees the opportunity to
18 fund 40 additional positions within the REP program. Those positions will
19 be available at the beginning of FY 07. The current arrangement, and this
20 is subject to change based on our continuing requirements, but our current
21 thinking is to retain 10 of those positions at the headquarters and farm out
22 the other 30 positions within our 9 field offices. A large portion of the job
23 of those new positions will be related to the new reactor license reviews as
24 well as some other areas within the exercise program and the day-to-day
25 care and feeding of the State and local emergency preparedness.

1 We're in the process of working with our human resources
2 office now to prepare some of the necessary paperwork that can be put in
3 place ahead of time, developing the position descriptions, the vacancy
4 announcements, the KSAs, that sort of thing. Our goal is to get as much
5 of that in place this summer so that we will be in position to start the hiring
6 when the funding actually kicks in on the first of October.

7 I mentioned earlier that this division has the responsibility
8 in addition to the REP program, a nuclear sector, we are looking -- we
9 have some resources that have been brought in from the infrastructure
10 protection side of the house to work in the nuclear sector. They are
11 basically taking a look at the sector as a critical infrastructure, looking at
12 the types of things that need to be put together so that we can come up
13 with an effective way of assessing the risk and then creating the necessary
14 preparedness plans and procedures that is applicable to that risk. And
15 while the REP program is obviously not the entire nuclear sector, the REP
16 program will be included in that process.

17 Finally, as far as the priorities go, Nader mentioned the
18 comprehensive reviews. This is an initiative that was begun at the
19 preparedness directorate level. The goal is eventually to look at all of the
20 17 critical infrastructures, do a Nation-wide review to kind of determine
21 where we are, what some of the trends and gaps and weaknesses are, so
22 over time through the use of program money and grants that we can start
23 to address some of the gaps that may exist.

24 The good news is that the nuclear sector, and more
25 specifically the commercial and nuclear power plants, were selected to be

1 the pilot for this effort because of the organization and the planning and the
2 preparedness structure that's already in place. So the idea being that the
3 process that was developed to conduct the comprehensive reviews for the
4 nuclear powerplants would serve as the template for the other
5 infrastructures, and the other sectors as well.

6 That's basically all I had in terms of the prepared remarks.
7 Again, I just want to emphasize that we're moving forward with both our
8 off-site security and emergency preparedness activities. We're expanding
9 our partnerships with federal departments and agencies as well as State
10 and local governments. We're trying to enhance our own staff capabilities
11 and expertise, and we want to build upon the existing relationships we
12 already have with our State and local officials and then complete the
13 integration of the REP program into this new preparedness directorate.

14 So at this time, I'll be open to any questions you may
15 have. Thank you.

16 CHAIRMAN DIAZ: Thank you, Mr. Wilcox. The
17 Commission appreciates not only your presence here but appreciates the
18 close relationship we have had with DHS in its infancy and that wasn't too
19 long ago. I'm sure that many people here realize that we have been
20 undergoing growing pains inside and we have been feeling your growing
21 pains at the same time.

22 But we are very pleased with the close relationship we
23 have been able to establish with the close communication and look forward
24 to continue those.

25 And with that, Commissioner Jaczko.

1 COMMISSIONER JACZKO: Thank you, Mr. Chairman.
2 I guess I'll start off with the NRC staff. You talked a little bit in your
3 presentation, Nader, about the outreach meetings that you had. You gave
4 five bullets of some of the comments that you're getting back from
5 stakeholders as part of that meeting. I wonder if you could talk a little bit
6 more about some of those comments and what you're doing right now if
7 you're doing things to follow up on those comments, you know, to get
8 some more in-depth information as you prepare to respond and develop
9 policy from those.

10 MR. MAMISH: I'll talk first about the National Radiological
11 Emergency Preparedness conferences that were attended. During last
12 year's conference, we had a four-hour work shop with State and local
13 governments during which we introduced some of the concepts that we
14 were considering in the Bulletin 2005-02. We received some comments.
15 We adjusted some of the language and some of the questions we had in
16 the bulletin, we issued the bulletin. We followed it up with a meeting in
17 March of this year, where we talked a little bit about, some more about
18 the pilot drills and some of the feedback. We went back to some of the
19 issues that we discussed last year, some of the feedback that we received,
20 that we posted on our website. So it's been a two-way dialogue, a
21 continuing dialogue.

22 We're planning to do the same with non-government
23 organizations. We met with them last September, August, September of
24 last year. We plan to meet with them on May 19. We're going to be going
25 through the same issues with them, provide them potential resolutions to

1 some of the concerns that we heard last year. Discuss some of the issues
2 again, get some feedback from them as to -- or more input regarding the
3 potential changes to rules and regulations. Look at all of the input that
4 we're receiving from the various groups. We've met with licensees in
5 public meetings and then compile all of that into a paper. So it's been a
6 two-way dialogue. Outreach -- we're building bridges.

7 We started building bridges last year with the
8 Commission's creation of the new organization, emergency preparedness
9 organization. The feedback that we've been getting has been positive.
10 We want more dialogue. We want to see you more often, NRC and DHS.

11 COMMISSIONER JACZKO: I think this has been very
12 good work that you've done. I know it takes a lot to do all these meetings
13 and all this outreach. One of the areas I think you talk about in your
14 presentation, one of the new ideas that you're talking about that's coming
15 out of the protection action recommendation study is the concept of
16 sheltering in place. That certainly I think is fair to say would be a very
17 controversial topic and I would expect that many people would perhaps in
18 your meetings raise that as something that creates a lot of concern. I think
19 having these meetings as a dialogue is very crucial. If the Commission is
20 going to start considering something like that, that would be a dramatic
21 change from the way a lot of what we've done for emergency
22 preparedness for a long time. It's good to know that feedback is
23 happening or that interaction is happening now because I think that will
24 only likely increase.

25 One of the things related to that that I think is an important

1 issue, in some of the back-up slides you indicate that really one of the
2 crucial aspects for emergency preparedness ultimately comes down to
3 evacuation time estimates. One of the things that it seems that I've seen
4 is that we don't really have a good clear measurable criteria or good
5 criteria for how we develop the evacuation time estimates. And this is a
6 really crucial part, of course, of a decision to consider sheltering in place.
7 Often that is something that would be used in this situation in which
8 evacuation time estimates weren't short enough in order to provide the
9 necessary dose reduction that they might be able to with a shorter time.

10 Maybe if you could talk a little bit about some of the things
11 that you were looking at in terms of evacuation time estimates, if there are
12 improvements, if there are ways that you're looking at trying to decrease
13 evacuation time estimates or actual evacuation times.

14 MR. MAMISH: One of the papers that will be coming to
15 the Commission is going to recommend some potential changes to rules
16 and regulations and keeping evacuation time estimates up to date is
17 certainly an area that we're looking at closely.

18 COMMISSIONER JACZKO: Are there some that have not
19 been updated? I thought generally at the Census we would update them.
20 Are there some that haven't been updated in a long time or is that
21 something you've found as part of this review?

22 MR. MAMISH: We're finding that our regulations, there is
23 value to updating the ETE, the evacuation time estimates, and I don't -- I
24 believe that our regulations can certainly be improved in that area.

25 MR. LEEDS: I'd like to jump in. Commissioner, Nader

1 mentioned getting these comments from our stakeholders when taking a
2 look at revising rules and regulations. It's been very interesting how we've
3 found each stakeholder group has had different interests. The public has
4 a very strong interest in alert notification systems. The States have a very
5 strong interest in notification during security events. The industry has
6 another interest. When you touched on evacuation time estimates, that's
7 one of the staff's interests. How often are they updated? How are they
8 used? How can they be used to help better inform our protective action
9 recommendation? And that's certainly part of our overall review and one
10 of the issues that we will be bringing to your attention and requesting
11 Commission policy guidance on in September. So it is an issue that's near
12 and dear to the staff's heart.

13 COMMISSIONER JACZKO: I appreciate that and I think
14 as I've said evacuation time estimates is really in some ways the
15 cornerstone of how we do emergency preparedness. You know, any time
16 you can decrease evacuation times you obviously will save dose, and
17 that's really the key here. So I think it's good to see that's a focus for the
18 staff.

19 Another issue, and this is perhaps a question for Mr.
20 Wilcox. You mentioned the alert notification systems. I'm wondering if you
21 perhaps could just provide a brief update of where the Department is on
22 the updated guidance on alert notification systems and when you see that
23 document being completed.

24 MR. WILCOX: Yes, the outdoor alert notification guide
25 that's been in draft form now was coordinated with the NRC. We're

1 currently in the process of incorporating those comments into our draft and
2 I would hope that within the next month we should be able to get that draft
3 out for the next level of review.

4 COMMISSIONER JACZKO: Okay, the final question I
5 would ask is perhaps both could answer, has to do with where we are with
6 getting ready for new reactors. I know you touched on it a little bit. DHS
7 is hiring 40 new staff and all these things and I'm wondering if first from our
8 staff's perspective, are there other things that you need at this point to help
9 you prepare for that and certainly are there areas that you see where the
10 Commission can be better helpful to you as you prepare to deal with what
11 you may not be aware of the most recent updates we have, but
12 somewhere in the mid-teens in terms of new reactors. I haven't checked
13 the wires this week.

14 (Laughter.)

15 There may be new ones as we speak. But, you know,
16 perhaps you could just talk a little about some of the areas where we need
17 to improve a little bit and what we can do to help there.

18 MR. MAMISH: We've had a number of discussions,
19 dialogues, meetings, at all levels. Staff levels, management levels, senior
20 management levels. We appreciate the Commission's support in terms of
21 resources. Throughout these meetings that we've had, as I've said, we've
22 got a number of issues that we need to ensure alignment on. One of them
23 is a template for the review of combined license applications. EP is sort
24 of different than the rest of the reviews in other technical areas. NRR as
25 you're aware is using a design centered approach.

1 EP by its nature is different for each site or can be
2 different. So what we're trying to do, working with DHS, is to ensure
3 alignment up front on what is the deliverable and what the outcome will
4 look like so we ensure that there is no unnecessary delays in new reactor
5 licensing. DHS has been supportive. We've got a meeting coming up.
6 We had a meeting scheduled but due to the unfortunate death in Mr.
7 Conklin's family, we've had to postpone the meeting. But that's going to
8 be an important meeting. We're going to look at alignment in terms of
9 deliverables.

10 COMMISSIONER JACZKO: Is there anything you've
11 wanted to add, Mr. Wilcox? Briefly.

12 MR. WILCOX: Just briefly that we are also looking at
13 ways we can improve on providing information that you need to prepare a
14 proper template and we're hoping that this next meeting will provide that
15 opportunity.

16 CHAIRMAN DIAZ: Thank you. Commissioner. Lyons?

17 COMMISSIONER LYONS: I'd like to start by echoing
18 Commissioner Jaczko's compliments to the staff. Certainly I too very much
19 appreciate your leadership as you've helped the NRC to do a far more
20 effective job in the area of emergency planning. Again, my compliments
21 and thanks. Thanks also to Mr. Wilcox for joining us here today.

22 By way of leading up to a question, I'd like to talk just a
23 little bit first about what I see as sort as a good news, bad news message
24 in terms of emergency planning. From a good news perspective,
25 emergency planning, certainly not only prepares a local population for the

1 unlikely event that they're going to have to react in some way to a problem
2 in a nuclear plant. But it also greatly assists a local population in preparing
3 for any type of emergency. To me, that should be a very strong, good
4 news message.

5 At the same time, by the way of bad news, emergency
6 planning from a nuclear perspective raises the concern with some people
7 the fear of radiation and the fear of the unknown. So on the one hand, I
8 see emergency planning as being incredibly important for all populations
9 quite independent of whether there's a nuclear power plant. But I also see
10 a bit of a concern that we face with the local populations when that
11 planning is driven from the perspective of a nuclear plant in the vicinity.

12 And I guess by way of a question then, for both Mr. Wilcox
13 and the NRC staff, I'm just curious if you see actions that we can be taking
14 as an agency that would try to better involve the local populations in
15 appreciating the benefits of emergency planning and taking a more active
16 role. And I'm happy to start with either Mr. Wilcox or staff. Whoever wants
17 to jump in?

18 MR. MAMISH: I think, Commissioner, the review of EP
19 rules and regulations and potential changes in protective action
20 recommendations will certainly provide tremendous opportunity for the
21 staff and DHS to outreach, to not just licensees, State and locals, and
22 other stakeholders, but more importantly the public. I think that licensees
23 currently have -- do put together brochures and public information
24 regarding emergency preparedness and response and we need to look in
25 this 21st century, we need to look at other means to better inform the

1 public of our rules and regulations and better ways to ensure that our
2 message is out there.

3 COMMISSIONER LYONS: Well, better ways too. My
4 point was to make them perhaps help them appreciate the tremendous
5 benefits to that local public far beyond the question of any possible nuclear
6 problem.

7 MR. LEEDS: Commissioner, if I could jump in also and I'll
8 give you an anecdotal story. I was up for a tri-state meeting up in New
9 England, and I was talking with the director of the emergency management
10 agency in Massachusetts. We were talking about how to enlighten the
11 local public around the facilities and how do we get folks on board. She
12 relayed to me that one of her challenges is they change out the local
13 politicians on a regular basis, how do you get them up to speed with their
14 responsibilities with regard to emergency preparedness. How do you
15 inform the public in such a way that doesn't alert them to the negative side.
16 You talked about the pros and the cons. And I volunteered to her that we
17 would be happy to come up and talk with your local leaders, the local
18 community leaders, to try to get them to understand what their roles and
19 responsibilities are. The all hazards benefits from having these emergency
20 plans. How they are positive for the community. But as I said, it's
21 anecdotal. It's based on our outreach to our State and local response
22 organizations, our partners. We don't necessarily have a program to
23 address that issue.

24 MR. REYES: If I could just add and this afternoon you
25 have a panel that includes local responders, but it is a fact when you talk

1 to local responders that counties that have nuclear power plants in the
2 vicinity, which means they have a formalized exercise, well-staffed, well-
3 equipped plan, are more successful doing that many times a year for
4 weather related and other kind of events that happen simply because the
5 infrastructure is there for the nuclear power plant and you see the distinct
6 difference between other parts of the country where they don't have that.
7 I think that education needs to occur to show just a fact of life that those
8 communities that have that infrastructure, that equipment, that plan, that
9 exercise, use that asset during all kinds of emergencies.

10 COMMISSIONER LYONS: And it truly is an asset.

11 Mr. Wilcox?

12 MR. WILCOX: I guess I kind of need to echo the
13 comments that have just been spoken here and also a little anecdotal
14 piece. I was recently out at the California Office of Emergency Services
15 annual nuclear power plant meeting and the mayor of Dana Point which is
16 in the 10-mile EPZ for SONGS, gave a short presentation and in that, she
17 thanked all of the -- not just the city folks, but all of the State and the local
18 entities that were represented in the audience and the industry as well, and
19 the licensee to indicate that she felt that her city was much better prepared
20 to handle earthquakes, mud slides, whatever, because of the presence of
21 the nuclear power plant within a short distance of her city.

22 COMMISSIONER LYONS: I appreciate that perspective
23 from Dana Point and certainly on a visit to Dana Point I was most
24 impressed with what they have accomplished in that region. I won't
25 belabor the point here -- my time is up, but I do wish through some

1 combination of DHS, NRC, perhaps other agencies, we could somehow do
2 a more effective job of convincing populations of the tremendous benefit
3 of having well thought out emergency plans in place for any reason.

4

5 CHAIRMAN DIAZ: Thank you, Commissioner Lyons. I of
6 course think that's a very worthwhile endeavor. Let me go back -- I think
7 I gave you fair warning when I made my initial comments regarding the
8 three Cs for this meeting of control, command, and communication. So I'm
9 going to ask the same question from our staff and Mr. Wilcox.

10 In specific areas and interfaces between the NRC, other
11 Federal agencies, State, do we believe that we now have in place good
12 command and control and communications sufficient to say that we can
13 discharge our responsibilities?

14 MR. MAMISH: Mr. Chairman, we do and we have
15 enhanced it since the beginning of these drills and exercise programs.
16 We've learned invaluable lessons during these table tops. For example,
17 one of the issues that we've learned involved control of airspace to ensure
18 that response organizations can properly provide the assistance that's
19 needed at the site.

20 We've learned other lessons involving interoperability
21 issues and communication issues that are not just at the Federal level, but
22 at the State and local level and at the licensee level. All these lessons
23 learned are being fed into the program that the staff and the industry are
24 building.

25 CHAIRMAN DIAZ: I'm going to let Mr. Wilcox answer that

1 as well. Make sure we take this to the level of implementation. In other
2 words, our implementers, responders, are they aware of these lessons
3 learned and of the plans in a manner that they can be properly
4 discharged? I'll let you think about it, Mr. Wilcox.

5 MR. WILCOX: Yes. I would agree with Nader's
6 statement. Both through the security drills and also as part of the
7 comprehensive reviews, one of the things that we've looked at is what are
8 the capabilities of the local first responders, not only to respond to a
9 security event at a plant, but also conduct the emergency responsibilities
10 that they have in terms of things like manning traffic control points,
11 performing security for reception centers, that sort of thing.

12 And it's been, I think, very enlightening to the local
13 communities to find out that in many cases, they may need to go outside
14 of their own local community to get those resources, that maybe they don't
15 have a robust enough fire or police department to be able to handle both
16 the potential for sheltering in place and evacuation and a security event at
17 the same time.

18 Another lesson learned that's coming out of the
19 comprehensive reviews and the security drills as well is just sometimes
20 getting all of the State and local players in the same room and talking over
21 things like communications, how do we communicate between
22 organization A and organization B in a security event and there have been
23 some fixes that have come out of these meetings.

24 I know in one state, in particular, the county sheriff was
25 saying well I have difficulty talking to the State and difficulty talking to so

1 and so. And the State Police kind of raise their hand and say well, we've
2 got all these little black boxes that helps you integrate all the different
3 frequencies and we can put them out in the community. It was just that
4 dialogue that needed to develop to find out that type of information.

5 CHAIRMAN DIAZ: Okay, well, just like in many other
6 things, eventually we need to get to state of implementation that is not only
7 adequate, but is very good. Because in this case, you have to be very
8 good.

9 Let me go to a related issue, I think we have really learned
10 the last few years that everything we do can be integrated in one manner
11 and of course, we started with the issue of safety, security, and
12 preparedness because of the strong relationship between them. And we
13 were just -- I was just listening intently to the discussion between
14 Commissioner Jaczko and Mr. Mamish and all of you. The reality is that
15 when we actually put our plans together, there are several issues that play
16 into the incident response aspect. You can prepare for it, but it's a fact that
17 mitigation strategies that either slow down or reduce radiological releases
18 will play a significant part in incident response because if we apply what we
19 now know, we can see some significant potential benefits to both
20 considering an emergency preparedness stage as well as during
21 implementation of incident response.

22 They will actually tend to relax the urgency of some
23 measures which would actually result in a better organized organization of
24 evacuation times or sheltering in place or all of those things. So I wonder
25 if the staff can tell me where are we in making sure that when the time

1 comes we have all of these factors in, all the mitigation strategies, potential
2 delays, releases, with everything else. Simple question.

3 (Laughter.)

4 MR. LEACH: Well, I'm on the end of the line, so I guess
5 I'll take it, Mr. Chairman. I know in one of the studies and I think it's
6 protective action recommendation study, staff is looking at what's referred
7 to as the fast breaker scenario to look at when one might get an earlier
8 release than perhaps the conventional slow over a number of hours, core
9 melt. I don't know if --

10 CHAIRMAN DIAZ: I'm looking at the full spectrum. I think
11 the issue is when do we actually implement and that needs to be actually
12 tailored to what is happening and to the capability, so mitigation, if we can
13 get a more organized evacuation or sheltering because we know what it
14 is, that's what we want to bring into place.

15 MR. ZIMMERMAN: There's a lot here with regard to
16 integration that's necessary based on what we've identified with regard to
17 mitigative strategies. I think that the staff and the agency at large has
18 done a good job working with sensitive information with those that have a
19 need to know to be able to get those implemented and I think our
20 confidence level is quite high and we have proven that through table tops
21 and so forth. So I think that connection is tight.

22 I know that we have started an outreach of how we can
23 communicate this information, not in that degree of sensitivity, but to State
24 and local responders so they understand the additional time that is
25 available, even for security-initiated events, that does not threaten the

1 design basis time for an accident, for a release beginning.

2 That's something that we need to continue and needs to
3 be part of our communication plan in our outreach, that we have done that
4 to a degree in public meetings, but it is an area that we constantly need to
5 continue to bring forth, not to all level of detail, but to be able to explain it
6 at a high level, what we did over several years, what those analyses were
7 aimed at and make sure that from State response, State officials down to
8 the public, there's awareness given to that significant effort.

9 MR. REYES: The mitigative measures procedures are in
10 place and they actually are used in the exercises in the emergency
11 operating facilities. The reality is that the scenarios, does not allow those
12 actions to be taking place because when they, in fact, take place, there's
13 no scenario. There's no release or it's so small that you don't call for
14 protective action, so what you find out is as you go to a power plant today,
15 they'll have the mitigative measures. They will exercise them with the
16 engineers in the emergency preparedness facilities.

17 CHAIRMAN DIAZ: That is precisely the heart of the
18 question. Eventually, we need to be ready to couple these things. I'm
19 sorry, but I'm running out of time.

20 Mr. Wilcox, do you have something to add? Mitigating
21 strategies plays a tremendously important role across the critical
22 infrastructure in providing sometimes the amount of time that is needed to
23 implement appropriate actions and I think that's an issue in which we can
24 actually not only incorporate, but maybe get better at.

25 MR. WILCOX: Just as a general statement, I'd have to

1 say that I think that one of the keys to communicating the fact to the local
2 communities, that they may have that extra time that they don't think they
3 do is coming up with appropriate emergency action messages and making
4 sure that those are coordinated between the various elements, whether it
5 be county to county or city to county or whatever, that we don't just say
6 okay, it's time to evacuate. We give them enough information for them to
7 make -- the public to make informed decisions as well.

8 CHAIRMAN DIAZ: Thank you very much. Commissioner
9 McGaffigan.

10 COMMISSIONER McGAFFIGAN: Thank you, Mr.
11 Chairman.

12 Mr. Wilcox, I do want to express condolences to the
13 Conklin family. I know it's been a tough winter and spring and I hope a lot
14 of the bad stuff is behind them at this point.

15 The issue of what is critical infrastructure, I think you're the
16 first DHS official that I've had in my target site publicly, so I can't avoid
17 publicly telling you that at times it's frustrating, the degree to which some
18 fairly unimportant nuclear facilities end up on lists. And speaking as one
19 Commissioner, as far as I'm concerned, there are about 69 places, 64
20 nuclear power sites and 5 chemical sites, the 2 CAT-1 facilities, the 2
21 gaseous diffusion plants and the Honeywell facility just across the river
22 from one of the gas diffusion plants. That's our critical infrastructure and
23 when research reactors and irradiators and God knows what that happens
24 to have a radioactive particle sitting there gets added to a list, it really
25 diverts you, I think, and doesn't help your department from what your real

1 goals are, where your real focus should be.

2 So I hope that as time goes on, we can pare down the
3 number of things you guys have to think about in the nuclear sector to the
4 ones that are important in terms of potential off-site consequences and not
5 the ones that are trivial compared to off-site consequences for much of the
6 rest of the critical infrastructure. So that's more of a statement and you've
7 probably heard it from our staff.

8 The issue of involvement, I was recently involved in an
9 exercise, all Commissioners are, at least once a year, at Seabrook. And
10 one of the lessons I learned from the Seabrook exercise is there must be
11 some perverse incentives in DHS/FEMA space for scoring these exercises
12 that leads to perverse behavior on the part of the States. We sat there for
13 several hours and we never talked to a State official. And the answer we
14 got afterwards was sort of they were focused -- this is a scored exercise
15 and they've got to focus on meeting the FEMA criteria and all of this, and
16 yet, fairly profound decisions were being made by the Governors of the two
17 States, Massachusetts jumping ahead of New Hampshire in some
18 respects, which I don't think actual Governors would do. I don't think a
19 Governor of Massachusetts would jump ahead of the Governor of New
20 Hampshire. I think they'd probably coordinate.

21 COMMISSIONER MERRIFIELD: Well, in reality, coming
22 from New Hampshire -- you coming from Massachusetts probably wouldn't
23 have that sensitivity.

24 (Laughter.)

25 COMMISSIONER McGAFFIGAN: We'll let that pass, but

1 I do think that we need to look at the incentives in these exercises,
2 because in one case, Governor Thornburgh was very interested in
3 Chairman Hendrie's view as to whether or not he should be ordering
4 evacuations. And I think that's the real world.

5 So I would encourage you to think about whether there are
6 perverse incentives and how we score people in these exercises. I think
7 you want to encourage command, control and communication. The
8 Governor is responsible for the protective actions. There's no doubt about
9 that. But I think that a Governor would want to be able to say that he has
10 consulted with the Acting Chairman or the Chairman of the NRC, whoever,
11 and they concur in what he's about to do. They believe their
12 assessment of the situation is similar.

13 So I urge you to take a look at that. I don't know whether
14 you want to respond.

15 MR. WILCOX: Well, I guess basically, I'd just like to say
16 that as a part of the regulatory and guidance review that we're going to be
17 conducting in conjunction with the NRC, I think it is important for us to look
18 at the evaluation criteria and some of this criteria was developed 20 years
19 or so ago and may no longer be applicable in today's environment.

20 I think we need to take into consideration the scenarios
21 that we're going to be working under and try to find a balance between
22 checking all the boxes on the evaluation checklist and still putting together
23 a meaningful exercise that's going to realistically test the capabilities of the
24 State and local government. So I would certainly like to work towards that.

25 COMMISSIONER McGAFFIGAN: That gets to an issue

1 that was brought up by the staff and that's the issue of worse case versus
2 more realistic. One of the concerns that people have and when we do
3 these scenarios for exercises is to fully exercise everybody in one day,
4 given the number of hours in a day. We write some pretty horrendous
5 scenarios where 45 things Epsilon probability all happen. And that can
6 lead to mis-training.

7 People think that a real event is going to be like the one
8 they trained on. They have to make all these decisions really, really
9 rapidly. They might, they might in an extreme case. But in other cases,
10 they might not have to. And so I'd urge you all on both sides, both NRC
11 and DHS/FEMA, to take a look at what we are trying to convey in our
12 exercises. Should the focus always be on worse case? Or should the
13 focus -- that gets to the scoring issue. It has to be worse case if it's going
14 to be scored because we're not going to get all the counties to do
15 something and the way that that may create mis-impressions or mis-
16 training at the same time. So any reaction you might have, I'd appreciate
17 it.

18 MR. LEEDS: Sorry to interrupt, I would like to jump in on
19 that one. We agree very strongly with the Commissioner. We think that
20 the exercises should have a full spectrum for a number of reasons. If
21 you're always practicing a worse case or you want to practice a security
22 event where the perpetrators win, and you have some very, very fast
23 release, you just stop the responders from practicing some of their very,
24 very important interactions on how do police interact with fire and you get
25 the State and the FBI and the Feds involved. If the plume is already out,

1 you've stopped yourselves from exercising what is actually a more credible
2 scenario.

3 So having a spectrum of responses helps all the entities
4 practice what they need to practice and I think it also gives the public a
5 more realistic idea of what could happen and the spectrum of things that
6 are possible as opposed to always focusing on the worst case scenario
7 which is actually, as we know, a very low probability event.

8 COMMISSIONER McGAFFIGAN: The Chairman is going
9 to start doing this. I want to give Mr. Wilcox a chance, but I also do want
10 to agree with you that I think you learn an awful lot in some of these table
11 top exercises where you simply do the first few stages of the process and
12 you force people to talk. I mean you've mentioned to me a Vermont
13 Yankee case where again you had New Hampshire, Massachusetts and
14 Vermont taking different actions, one of them guarding borders, the other
15 not and they said well, geez, maybe we need to do this in some sort of
16 coordinated fashion. They learned that without releases, just on the basis
17 that there was a security event at Vermont Yankee and how do we now
18 respond?

19 But Mr. Wilcox, I'm sorry ---

20 MR. WILCOX: Oh no.

21 COMMISSIONER McGAFFIGAN: I'm sorry to my
22 colleagues.

23 (Laughter.)

24 MR. WILCOX: No, I just -- and I'm not sure I have the
25 answer to that, but I agree that there needs to be a balance between the

1 evaluation portion of an exercise and the training aspect of the exercise.
2 I mean up until now I think we recognize that they're both very important,
3 but I think realistically you'd probably have to say that our focus has been
4 more on the evaluation side than it has been on the training and maybe
5 there needs to be some new ideas and inventive ways of how we do our
6 reasonable assurance determinations as well as how we conduct the
7 necessary training.

8 CHAIRMAN DIAZ: All right, thank you. Commissioner
9 Merrifield?

10 COMMISSIONER MERRIFIELD: Well, despite the good-
11 natured ribbing about the New Hampshire-Massachusetts border, I agree
12 with the sentiment expressed by Commissioner McGaffigan on these
13 issues. I think part of this is I was listening to the discussion. One of the
14 things I think we run up against, there are some folks out there who are
15 deathly opposed to nuclear power and as part of that effort they go around
16 in public and whip up concern about the notion that if you can't get in the
17 car and drive 95 miles an hour away from a plant that's got a problem,
18 you're going to in a very bad situation, when in fact, we know from having
19 practiced these that they are events that can take a very long time,
20 sometimes days to develop, and the issues that confront those who are
21 emergency responders are quite different than the Hollywood-esque
22 scenarios that some like to dream up in a public arena. So that's the
23 tension I think we deal with.

24 And unfortunately, as I think Commissioner McGaffigan
25 has alluded to it, as a New Englander, we have the tendency of having

1 more of that take hold up there and so the tensions in the Northeast on
2 these issues perhaps are greater than they are in other parts of our great
3 country.

4 Now that all having been said, to direct it to a question,
5 one of the issues that we have been focused on is the Sandia protective
6 action study looking at the fact that sheltering in place may, in fact, be a
7 more effective strategy for some scenarios. And so I'd like to focus with
8 a little greater degree of attention on that concept and see if you can help
9 explain Nader, some of the scenarios where that makes a whole lot more
10 sense in things we may need to do to articulate that better collectively as
11 Government entities.

12 MR. MAMISH: Sure, Commissioner. I'll give you a couple
13 of examples of how scenarios of sheltering in place may be more effective.

14 If you have a small puff release, what you have to weigh
15 is whether you want to get people on the road, potential traffic jams or
16 accidents versus little or no dose from the actual release. So that's one
17 idea.

18 The other idea is for sites that have certain ETEs --
19 evacuation time estimates -- those sites, it may be more protective. You
20 have to weigh the dose that -- of people potentially going into the plume
21 versus staying at home and effectively reducing dose to these individuals.

22 So there are cases, there are scenarios under which it
23 may be more protective to stay indoors for certain periods of time.

24 MR. REYES: There is a protection factor by you staying
25 inside a building with the windows closed and so there's not like a zero

1 protection factor staying in your house. There's significant protection factor
2 staying there and the weather, if it's raining, if there's other weather
3 conditions, you're better off staying in your house now. We need to
4 educate the public to explain that to them.

5 COMMISSIONER MERRIFIELD: That was going to a
6 point I was going to make. I intuitively understand and I think the
7 Commission did when we asked the staff to take a greater look into this.
8 In some scenarios this makes a whole lot more sense, but as you said
9 Luis, education and the communication effort that we would have with our
10 counterparts in DHS and our counterparts in the State and local
11 government to get people on board with this is going to be a bit more work,
12 I think, to make that happen.

13 Let me switch gears a little bit. Mr. Wilcox, you mentioned
14 a little bit that you were working right now on the guidance on alert
15 notification and look to have a draft potentially for review within the next
16 month.

17 We're going to have some testimony this afternoon from
18 Paul Gunter who represents the Nuclear Information and Resource
19 Service where he focuses a little bit on some concerns he has about
20 updating the capability of these sirens and particularly with backup power
21 sources in light of other challenges that may be in place, potentially in a
22 security-related event.

23 Can you give us a little bit of a preview, perhaps, in terms
24 of where you may be going or -- this is an issue I think the Commission
25 itself has wrestled with in terms of what we feel is appropriate for us to do

1 versus the role which FEMA/DHS has in this regard.

2 MR. WILCOX: I think one of the distinctions that needs to
3 be made is the difference between outdoor warning and other types of
4 warning such as reverse 911 tone alert radios, that sort of thing and not to
5 put so much emphasis on the outdoor warning that everybody thinks that
6 that's the total solution. It has to be, it's a package deal.

7 And I think not only as we're putting out the guidance, but
8 also as we do our exercise evaluations, we need to look closer at the
9 technology and we need to look closer at the package deal, if you will.
10 And again, this idea of one size doesn't necessarily fit all -- a siren system
11 that works in the middle of the Midwest may not work, be the appropriate
12 siren system for Indian Point, for example. So we're hoping to put some
13 of that flexibility into the outdoor warning guidance.

14 COMMISSIONER MERRIFIELD: Well, I appreciate and
15 recognize that that's the case and I think that's a very good point. Going
16 forward, one of the things that we've confronted -- I think we've had a good
17 history within the agency with our licensees of dealing with the myriad of
18 hurricanes that we've dealt with over the years, either out of our Region 2
19 office or our Region 4 office principally, in the South. One of the issues of
20 interface is the point at which the folks at DHS can come in and declare
21 that they believe the routes are open and the notification systems are in
22 place to allow the plant to go back on line. The plant rides through the
23 storm fine, but the folks who need to get the power for emergency services
24 have to wait for that interface to occur before the all clear can be made.

25 And I would presume that the intention of this package is

1 also potentially that they will deal with some of these issues as well.

2 MR. WILCOX: Yes, and I don't know whether it's
3 specifically addressed in that guidance or not, but I know one of the things
4 that we're looking at now that we've kind of transitioned out of FEMA is
5 traditionally we've used a lot of our staff in a disaster support role and we
6 know that there are going to be cases like the Katrinas, where we're going
7 to continue to need to do that, but what we would like to do is focus our
8 staff more into their appropriate functional area.

9 So one of the things that we're looking at in terms of
10 emergency assignments is putting together disaster-initiated review teams
11 that we could pre-position or have on call to be ready to go into an area
12 surrounding a power plant that's been affected by a hurricane so we could
13 do that type of review in a more timely manner.

14 COMMISSIONER MERRIFIELD: Thank you.

15 CHAIRMAN DIAZ: Thank you, Commissioner Merrifield.
16 I believe we have essentially used our allotted time effectively, but if my
17 fellow Commissioners have a short question or comment --

18 COMMISSIONER JACZKO: I have a brief question. One
19 of the changes, it seems, we have at DHS is that the preparedness
20 function and the incident response function almost follows the Chairman's
21 question about coordination. It seems like at DHS sometimes as an
22 agency, you're going the other way, where you have one part of the
23 organization that's doing all the preparedness, doing all the evaluations
24 and the exercises. And you have a completely separate organization,
25 perhaps yet to be determined or changed that will deal with incident

1 response with what would effectively be FEMA.

2 To what extent do you communicate with the incident
3 response side to assure that what you're doing on the evaluations is
4 consistent with what they would be doing in incident response?

5 MR. WILCOX: We are seeing that we're probably going
6 to need to strengthen a little bit the coordination that we have between the
7 preparedness and the FEMA response and I think I kind of alluded to that
8 when we talked about the MOUs where we may even need to have a
9 separate MOU between NRC and the FEMA response folks.

10 Currently, within our field offices, and the FEMA regional
11 offices, they are still co-located. The only real change we've made to that
12 is that the REP program managers in the regional offices now report to
13 headquarters as opposed to the regional directors. But they are still
14 working closely with the regional directors to figure out just what are their
15 appropriate responsibilities in a disaster event. And there's actually going
16 to be a DHS/FEMA MOU that's going to cover that sort of thing.

17 We recognize there's a challenge there.

18 CHAIRMAN DIAZ: Mr. Lyons?

19 COMMISSIONER LYONS: I'll try to cram a comment and
20 two questions in the two minutes we have. The comment is to strongly
21 agree with the views expressed by Commissioner Merrifield and
22 Commissioner Jaczko on the importance of better understanding, better
23 education of the public on the issue of sheltering and how sheltering can
24 be, should be viewed as very, very important in many cases, again, not
25 just in nuclear incidents.

1 What I hope is a quick question, you talked about the
2 importance of evacuation times. I'm wondering from either the NRC or the
3 DHS perspective, are we aware of any time that a local official has blocked
4 development in an area because of concern that it would impact
5 evacuation times?

6 In other words, we hear many local leaders express
7 concerns about evacuation times in their areas. I'm not aware of any case
8 where anyone has stood up, a Mayor has stood up and say well, we just
9 can't handle that development here.

10 MR. MAMISH: We're not aware of any.

11 MR. WILCOX: I'm not either.

12 COMMISSIONER LYONS: Okay, and in my remaining 55
13 seconds, Mr. Wilcox, I have been very, very interested in comprehensive
14 reviews. I think it was very appropriate to start with the nuclear sector, but
15 it seemed to me that the benefits to the nation from the comprehensive
16 reviews is in the cross-sector comparisons. I'm just wondering if you can
17 give us any indications of when DHS anticipates completion of any one of
18 the sectors that you can mention. We're essentially done in nuclear, but
19 like chemical, any comments on when we'll be done?

20 MR. WILCOX: I do know that chemical is the second
21 sector that's getting up to speed on these now. We've had folks from our
22 chemical side participate in the nuclear comprehensive reviews and are
23 using, as I said, a lot of the templates that we've developed.

24 I don't have a specific end date for you. Of course, the
25 chemical sector itself is much more difficult to assess because the

1 regulatory requirements on the chemical sector aren't nearly what they are
2 on the nuclear sector. But I would say that it's probably going to take at
3 least another year to get a good handle on the chemical sector results.
4 And I think it's going to be an incremental approach where, like off the top
5 of my head, for example, maybe every six months or so they get started
6 on a new sector as their resources permit.

7 CHAIRMAN DIAZ: Thank you, Commissioner Lyons. I
8 don't have any additional questions, but I do not yield my time.

9 (Laughter.)

10 COMMISSIONER MERRIFIELD: It wasn't yielded last
11 time either.

12 COMMISSIONER MERRIFIELD: You can yield it, but just
13 not to someone else.

14 COMMISSIONER McGAFFIGAN: Mr. Wilcox, just on that
15 point that Commissioner Lyons just made. A way to normalize the
16 chemical sector with the nuclear sector is to perhaps take one of our
17 chemical plants, Paducah-Honeywell complex might be a place -- we're not
18 dangerous compared to hundreds of others, but it might be a place where
19 you have a regulated entity that follows rules and you could take them as
20 a data point for the chemical review, just a thought.

21 On the issue of exercises, I would encourage you to try --
22 I'm talking to the wrong person, I know, because you don't order your
23 bosses around, but Commissioners take part in our exercises and I think
24 it would be very useful to have high level HSOC or whatever involvement
25 in our exercises. Every one of them is at least as currently conducted, is

1 an incident of national significance gets there and we then sort of make up,
2 we have NRC people pretending to be the Department of Homeland
3 Security and that's not a very -- we'd rather have you guys learning than
4 us guessing as to what you're doing at that point, but both Secretary
5 Chertoff and Secretary Ridge had this goal of an incident of national
6 significance talking to the American people, talking to the affected
7 Governors very, very quickly and we'd love to work on that.

8 The last issue I'll just mention in passing is the
9 preparations for licensing. It is very important to us that you get that right,
10 that you get the resources needed, that we've mentioned a lot today. The
11 EP, Section 657 of the Energy Policy Act which has you involved in
12 security reviews and at the sites where you've had a comprehensive
13 review done, that may be straightforward. For new sites, the one that
14 Paducah is going to use in South Carolina or Belafonte or wherever you
15 haven't done a comprehensive review that may be more resource-
16 intensive on your part and we just need to talk to you and get you involved.

17 CHAIRMAN DIAZ: Thank you. Commissioner Merrifield.

18 COMMISSIONER MERRIFIELD: Once again I'm going
19 to be agreeing with Commissioner McGaffigan and layering on top of that.
20 There will be expectations of how quickly our agency will be able to review
21 these applications and even built into that legislation is the notion that
22 utilities might be reimbursed if there were regulatory -- if the regulatory
23 process got dragged out. I don't know if any of that envisioned in a
24 relationship between DHS and the NRC, but I do agree with all the effort
25 we have under way here to make sure we're ramping up to conduct our

1 reviews in a timely way, we need to make sure that there's an appropriate
2 nexus between the two entities to make sure that you've got the resources
3 so that we can make sure we do that in that same way.

4 With that, Mr. Chairman, I'll yield my time.

5 CHAIRMAN DIAZ: Thank you very much. I want to thank
6 the staff and Mr. Wilcox and DHS for not only their efforts in briefing the
7 Commission, but the work they do every day trying to protect the American
8 people. I want to thank Commissioner Jaczko for his special effort he's put
9 into this arena which, of course, has been close to my heart for some time
10 now. Maybe the staff thinks it's been too close to my heart. But I think we
11 are getting places. I think we have significantly improved where we are
12 and the Commission looks forward to continue working with the staff in
13 making sure that the appropriate improvements are in place.

14 And with that, we're adjourned.

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