

January 13, 2010

IN RESPONSE, PLEASE
REFER TO: M091208

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – BRIEFING ON THE PROPOSED
RULE: ENHANCEMENTS TO EMERGENCY PREPAREDNESS
REGULATIONS, 9:30 A.M., TUESDAY, DECEMBER 8, 2009,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT
NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC
ATTENDANCE)

The Commission was briefed by the NRC staff, who provided an overview and status of the proposed Emergency Preparedness (EP) rulemaking and James Kish, Director, Technical Hazards Division, Federal Emergency Management Agency (FEMA) who gave an update on FEMA's Radiological Emergency Preparedness (REP) Guidance.

The Commission was also briefed by a panel of stakeholders on comments they provided on the Emergency Preparedness Proposed Rule and Associated Guidance Documents:

Patrick Mulligan, Manager, New Jersey Department of Environmental Protection, Bureau of Nuclear Engineering , and Conference of Radiation Control Program Director's Committee on Emergency Response Planning

Stephen Payne, Radiological Emergency Preparedness (REP) Program Manager, North Carolina Division of Emergency Management

Anthony Marzano, Director of Operations-Will County (IL) Emergency Management

Mary Lampert, Director, Pilgrim Watch

Deborah Brancato, Staff Attorney, Riverkeeper, Inc.

Ralph Butler, Director, Research Reactor Center, University of Missouri-Columbia

Thomas Joyce, Chairman, NEI's Emergency Preparedness Working Group, and President and Chief Nuclear Officer, Public Service Enterprise Group Nuclear

The staff should continue to work with FEMA, in considering comments from State and local officials, and other interested stakeholders, to enhance the EP regulations and guidance.

The staff should also ensure that guidance documents that are developed align with the rulemaking language to provide clarity on issues where stakeholders expressed confusion. One example discussed in the meeting was the proposed requirement to ensure the availability and adequacy of off-site response organizations.

As staff addresses comments and works with the Advisory Committee on Reactor Safeguards on a draft final EP rule, it should address the impacts of the rule and consider providing a public draft of the rule language and guidance documents via the NRC public website.

For this and future rulemakings the staff should consider if the schedule for implementing those new regulations should be influenced by the aggregate impact of the new regulation(s) and others that may already be scheduled for implementation.

cc: Chairman Jaczko
Commissioner Klein
Commissioner Svinicki
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR