

January 8, 2007

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /RA/
SUBJECT: STAFF REQUIREMENTS - SECY-06-0200 - RESULTS OF THE
REVIEW OF EMERGENCY PREPAREDNESS REGULATIONS
AND GUIDANCE

The Commission has approved the staff's recommendation for the development of a rulemaking plan and guidance changes to enhance the Emergency Preparedness (EP) regulations and guidance, subject to the additional comments and clarifications noted below. The staff may consider using the approaches in Staff Requirements Memorandum COMNJD-06-0004/COMEXM-06-0006, "Streamlining the NRR Rulemaking Process" where appropriate.

The Commission has approved the proposal to clarify regulatory requirements regarding changes to emergency plans. However, the Commission has disapproved the staff's recommendation to delegate to the staff the ability to approve emergency plan changes that represent a reduction in effectiveness. The staff should resubmit a proposal to the Commission with a documented basis and with recommended language to be incorporated in an appropriate Management Directive that would authorize such delegation. The staff should provide the extent of efficiencies that could be gained and stakeholder perspectives.

The Commission also approves the proposal to require on-shift emergency response organization members to have no collateral duties if performing the collateral duties could interfere with or prevent an individual from performing their assigned EP functions within a required time period.

The Commission also has approved the staff's request to begin activities to explore a voluntary performance-based EP regulatory concept, starting with engaging the Department of Homeland Security to the extent DHS budget priorities permit and then subsequently holding one or more public stakeholder meetings followed by a recommendation to the Commission on any resulting plan going forward. These exploratory activities should be given a lower priority than the effort to enhance existing EP regulations and guidance.

The staff should continue the ERDS modernization effort with the existing high priority, including any necessary rulemaking activities and data collection approval requests to OMB.

Separate from the above activities, the staff should consider how best to inform the States of any disparity among the States' preplanned actions in response to events at a reactor facility, such as a site area emergency. For example, the staff could encourage the licensees to foster and mediate a dialogue among the States to communicate any disparity so that the States could make informed decisions about their preplanned actions in view of the implications of

modern instant communications on their plans.

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR