



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SECRETARY

December 21, 2007

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0182

TITLE: SEMI-ANNUAL UPDATE ON THE STATUS OF  
EMERGENCY PREPAREDNESS ACTIVITIES

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 21, 2007.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein  
Commissioner Jaczko  
Commissioner Lyons  
OGC  
EDO  
PDR

VOTING SUMMARY - SECY-07-0182

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	12/12/07
COMR. JACZKO	X				X	12/10/07
COMR. LYONS	X				X	11/20/07

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on December 21, 2007.

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** CHAIRMAN KLEIN  
**SUBJECT:** SECY-07-0182 – SEMI-ANNUAL UPDATE ON THE  
STATUS OF EMERGENCY PREPAREDNESS  
ACTIVITIES

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

**COMMENTS:** Below \_\_\_\_\_ Attached XX None \_\_\_\_\_



\_\_\_\_\_  
SIGNATURE

12/12/07

\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**Chairman Klein's Comments on SECY-07-0182**

I approve the staff's recommendation to provide future emergency preparedness (EP) status papers on an annual basis.

I commend the staff for its efforts to improve our EP programs and appreciate the staff's efforts to keep the Commission informed.

I, like Commissioner Lyons, believe that there is great benefit in Commission-level engagement with other agencies whose responsibilities intersect our own. Accordingly, I believe a periodic Commission meeting with an appropriate FEMA or DHS Administrator could help ensure continued mutual understanding and coordination between our agencies.



Dale E. Klein

Date

12/12/07

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** COMMISSIONER JACZKO  
**SUBJECT:** SECY-07-0182 – SEMI-ANNUAL UPDATE ON THE  
STATUS OF EMERGENCY PREPAREDNESS  
ACTIVITIES

Approved  X  Disapproved       Abstain      

Not Participating      

COMMENTS: Below       Attached  X  None      

  
\_\_\_\_\_  
SIGNATURE

12/30/07  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  X  No

## Commissioner Gregory B. Jaczko's Comments on SECY-07-0182 Semi-Annual Update On the Status of Emergency Preparedness Activities

I believe this paper provides a thorough and useful update on the agency's important emergency preparedness activities, and that providing this information on a regular basis to the Commission in a publicly available format is a transparent way to keep the public informed. I am also, however, interested in reducing the administrative burden on the EP staff which has not grown at the same pace as their expanding workload and which currently has a vacancy rate of over 20 percent. Because of this, and the fact that NSIR has long demonstrated a strong commitment to public outreach, I approve of the staff's request to change the frequency of this emergency preparedness paper from semi-annual to annual. I encourage the staff to continue to make use of other mechanisms, including public meetings, to provide updates on EP initiatives.

### Lean Six Sigma Review

My approval of this change is conditional on the agency promptly conducting comprehensive lean six sigma review of the process the staff follows to develop and achieve concurrence on information papers and voting papers for the Commission. I regularly hear how labor intensive this effort is, even for straightforward issues such as updates on ongoing activities, and I have serious concerns about processes which discourage and delay staff from providing information to the Commission.

I applaud the Chairman's commitment to improving the effectiveness and efficiency of internal agency processes using the lean six sigma approach. That effort focuses on understanding the needs of the customer, and in this case the customer is clearly the Commission. There is room for improvement in the manner that information is provided to the Commission. The staff has already budgeted for conducting three to five 'lean six sigma' reviews in the first half of 2008 and is currently deciding which topics to pursue. I note that "clearance process" and "concurrence process" issues are among those ideas already self-identified by the staff for six sigma review. These topics fit well into the eleven selection criteria outlined in the EDO's October 30, 2007, memo to the Office Directors and Regional Administrators. Therefore, **one of the first of the lean six sigma business process improvements scheduled to be conducted in the first half of 2008 should be conducted on the staff's process for developing and obtaining management concurrence on Commission papers.**

### Review of EP Regulations and Guidance

The Commission should clarify one misunderstanding evident in the SECY paper regarding the section of the SRM on SECY-06-0200 that addressed the staff's request to begin activities to explore a voluntary performance-based EP regulatory concept. The intent of the majority of the Commission at the time, unanimous among current sitting Commissioners, was for the staff to concurrently pursue both the enhancement of the existing regulations and guidance and the development of a proposal for this new concept. This approach makes for an efficient and predictable regulator by taking advantage of the outreach efforts that will continue to occur during the development of the proposed rule to elicit feedback on all of the changes the Commission is considering at the same time. The Commission directed that the performance based proposal was lower priority than the changes to the current regulations because the former is a more complex and longer term initiative, the completion of which should not delay the latter. It

was not the Commission's intent for the two to become completely bifurcated, with work on the performance based approach not *beginning* until sometime in 2010, with then an expected completion date sometime in the middle of the next decade. Therefore, **the staff should ensure that the effort to develop a performance-based EP regulatory concept is begun now and then completed as soon possible after the changes to the current regulations are finalized.**

#### EP Outreach

I applaud the staff's efforts to do more outreach to the public and particularly to state and local emergency management officials. These efforts have paid dividends across all of the initiatives highlighted in this paper. One result of this good work was an invitation I received from the State of North Carolina to observe their participation in the October full scale exercise conducted at McGuire. This provided me with the opportunity to meet with a member of the North Carolina Governor's cabinet and a FEMA regional administrator to get feedback from them and to reinforce the staff's message of the importance of partnership and relationship building with the NRC.

#### Protective Action Recommendation Study

Another example of the staff's outreach efforts includes the survey being developed for members of the public residing in nuclear power plant emergency planning zones to help inform the results and recommendations regarding the Protective Action Recommendation Study. **I encourage the staff to continue looking for advanced outreach opportunities including surveys and focus groups to gather the information they need to further strengthen the program.**

#### Security-Based Drill and Exercise Program

I am pleased with the progress the staff has made to work with DHS, state and local officials, and licensees in the development of a hostile action drill and exercise program. This is an important effort to ensure that responders are prepared for any type of emergency. I do note, however, that State and local officials have raised some concerns about these drills. The first concern is that the draft rule language to make hostile action drills a regulatory requirement is being developed without sufficient opportunity to comment. Another concern that has been raised is that because these off year drills have traditionally been smaller scale tabletops, supporting the security-based drills has added an additional burden on their limited time and resources.

**I encourage the staff seek creative ways to reduce the burden of involvement in hostile action drills on state and local officials.** After all, the agency provides training and travel resources to State radiation programs through cooperation with agreement states, and should explore similar options in the emergency preparedness arena. I also encourage the staff to work with DHS to seek alternative methods of allowing state and local officials to demonstrate their ability to respond to a nuclear power plant emergency such as credit for out-of-sequence exercises and for response to actual emergencies.

While the staff has been conscientious about seeking feedback after these drills and through public meetings, I recommend **the staff conduct a public meeting specifically to seek feedback on the proposed regulation and on ideas about alternatives means for verifying offsite capabilities.**

## Outdoor Warning Guidance

The paper discusses the progress of alert notification system activities which leads me to note once again that, though it was directed by Congress in 2002, the Department of Homeland Security has not yet published an update to the Outdoor Warning Systems guidance from 1980. Alert and notification technology has changed greatly in the intervening decades and this new guidance would be useful for current nuclear power plant licensees and even more so for applicants for new reactors.

## Emergency Action Levels

Finally, the paper updates the Commission on the status of establishing consistent emergency actions levels across the country. I was reminded of the importance of consistent application of EALs during a recent Unusual Event at Fermi Nuclear Power Station in Newport, Michigan, that occurred while I was serving as Acting NRC Chairman.

On October 11, 2007, during a refueling outage, Fermi 2 plant personnel discovered a small unexpected hole and several indentations on steam line pipes. Tampering was initially considered as one of the potential causes. This led the utility to declare an Unusual Event, the lowest level of emergency in the NRC four-level emergency classification system. On October 12, the utility concluded that there was no evidence of tampering and exited from the Unusual Event.

A subsequent NRC special inspection to Fermi 2 has raised questions about changes made to Emergency Action Levels which had not been reviewed and approved by the NRC. **I urge the staff to resolve this issue and take enforcement action, if appropriate. I also understand the staff is investigating whether this is a generic issue and if it is, I urge them to expeditiously resolve it through appropriate actions, including additional inspections, generic communications, orders, and enforcement actions, or a combination of any of these.** An actual event is the least opportune time to learn of any confusion over emergency actions levels that lead to protective action recommendations. These processes are created, taught, and exercised in advance - precisely so that those people involved have a good understanding of what actions they will take during an emergency.

## Conclusion

In closing, I again congratulate NSIR and the EP staff for the excellent contributions they make toward achieving the agency's mission of licensing and regulating the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. Emergency preparedness is a crucial issue and it is the area in which our agency most closely interacts with the public and state and local officials. Success requires dedicated, open, and experienced people willing to pursue and incorporate a broad range stakeholder input. I am proud that we have such talented staff working on this subject for the NRC.

  
\_\_\_\_\_  
Gregory B. Jaczko

12/6/07  
\_\_\_\_\_  
Date



**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER LYONS  
SUBJECT: SECY-07-0182 – SEMI-ANNUAL UPDATE ON THE  
STATUS OF EMERGENCY PREPAREDNESS  
ACTIVITIES

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached  X  None \_\_\_\_\_



Peter B. Lyons

SIGNATURE

11/ 20 107

DATE

Entered on "STARS" Yes  X  No \_\_\_\_\_

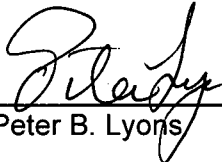
Commissioner Lyons' Comments on SECY-07-0182

I approve the staff's recommendation to provide future emergency preparedness (EP) status papers to the Commission on an annual basis. I commend the staff for its efforts to improve our EP programs. I appreciate the staff's efforts to keep the Commission well-informed of significant developments on an ongoing basis and this is primarily why I support the staff's recommendation. In addition, I provide the following comments.

The staff notes that the ten initiatives described in this paper are not the only important EP activities. Thus, the annual paper on EP activities should not be constrained to any particular list of activities. Furthermore, I believe the annual paper should become more of a self-assessment and communication tool, perhaps summarizing accomplishments and providing a status on improvement initiatives within our EP programs. Such an assessment should be coordinated with and not overlap the Reactor Oversight Process self-assessment of the EP cornerstone, and should be designed to aid the staff in effecting continuous and coordinated improvements to the overall EP program, as well as to inform the Commission and the public of progress.

I believe that the Commission would benefit from a better understanding of how EP ITAAC might achieve greater regulatory predictability in our Part 52 licensing process. The staff should brief the Commission Technical Assistants on the potential benefits and challenges associated with this approach.

Regarding the staff's interaction and coordination with FEMA and DHS, I applaud the staff's perseverance in establishing and improving on a variety of communication and coordination channels, including mutual training initiatives, as FEMA and DHS organizational changes have occurred. I have also found great benefit in Commission-level engagement with other agencies whose responsibilities intersect our own, such as FERC. I see similar potential benefit for Commission-level engagement to ensure continued agency-to-agency coordination on issues related to EP. I believe a periodic Commission meeting with an appropriate FEMA or DHS Administrator could aid in ensuring continued mutual understanding and coordination between our agencies. The recent confirmation of the new FEMA Deputy Administrator of the National Preparedness Directorate may provide an appropriate opportunity for such a meeting.

  
Peter B. Lyons      11/20/07  
Date