

STAKEHOLDER INPUT

The U.S. Nuclear Regulatory Commission (NRC) staff addressed over 700 stakeholder comments (ADAMS Accession No. ML060450376), including comments collected during the 2005 National Radiological Emergency Preparedness (NREP) conference (ADAMS Accession No. ML0520002630). The staff also received additional stakeholder comments during the public meetings on May 19, 2006 (ADAMS Accession No. ML061460444) and the July 19, 2006 (ADAMS Accession No. ML 062090202) public meetings. The staff made a good-faith effort to address the issues, and the referenced documents at the end of this enclosure contain the staff responses to comments.

Security-Based Emergency Action Levels (EAL):

Non-governmental organizations (NGO) Comments:

- Each different plant design may need to be considered for security-based EALs; a uniform approach may not be appropriate. Security-based EALs should be tailored for plant-specific design vulnerabilities. Additionally, the NRC should tailor containment failure EALs to the probabilities of these failures occurring. (Note #1)
- The effectiveness of security-based EALs for elevated spent fuel pools (SFP) is a concern, as the lack of short-lived radioisotopes released from damaged spent fuel would make a significant difference regarding potassium iodide distribution and would also make a significant difference for evacuation/sheltering decisions. (Note #1)
- For a known hijacked aircraft scenario (i.e., regarding the 30 minute criterion for declaring an Alert emergency classification level (ECL)), the size of the aircraft should be deleted from the security-based EAL because any aircraft could pose a threat to a nuclear power plant. For example, a large commercial jetliner could carry sizable amounts of jet fuel, while a smaller plane could carry explosives. (Note #1)
- When a security-based EAL declaration is made, a call should be made to mobilize buses for transportation of dependent personnel from the area of the plant. (Note #1)
- As soon as an aircraft is known to be hijacked, the Agency should be able to get all plants into a security-based EAL (because some airports are within 30 minutes of nuclear power plants). (Note #1)
- “No-fly zones” should be established around nuclear power plants. (Note #1)

State/Tribe/Local Comments:

- Security-based ECLs may affect the implementation of current offsite response procedures. State and local responders may be unnecessarily mobilized for security-based events that are easily dispensed by onsite security resources. (Note #2)

- The State and local governments focused on the definition used for the revised description of the ECL. They felt that the description for a notification of unusual event (NOUE) was unclear, particularly the phrase “indicate a security threat. “ They also suggested adding “credible” and “site specific” to the ECL for an NOUE and “confirmed threat” to the ECL for the ECL for an Alert. (Note #2)
- If EALs change (because of the current threat environment), NRC/Federal Emergency Management Agency (FEMA) must educate the public and State/local/tribal organizations. (Note #3)
- ECL declarations need to be coupled with additional information (e.g., basis, plant conditions). The EAL description alone may not represent the actual threat to public. (Note #2)

NEI/Industry Comments:

- The nuclear industry and NEI committed to submitting a revision to NEI 99-01 in calendar year 2007 that address revisions to EALs. (Note #2)
- NRC and Department of Homeland Security (DHS) should implement regulation in parallel and coordinate their activities. (Note #1)
- The NRC should recognize that the EAL schemes are a methodology and should be consistently applied after considering site-specific aspects. (Note #1)
- Outreach efforts should inform State and local emergency agencies that NEI-99-01 is an acceptable methodology for EAL classifications. (Note #1)
- The 30-minute EAL criteria fits with the threat criteria of other governmental agencies. (Note #1)

Security-Based Drills and Exercise Scenarios:

NGO Comments:

- Licensees should always conduct drills/exercises with a radiological release (i.e., to establish public confidence in the licensee’s ability to respond to the release, thereby ensuring the public’s health and safety). (Note #1)
- Licensees should have security-based drills on a biennial basis. Additionally, the scheduling and makeup of emergency drills based on security-related events should be site specific because of the NGO perception that some sites are more at risk than others. For example, a nuclear power plant such as Indian Point should conduct emergency drills based on security events at least biennially, since the plant operates under a more (i.e., perceived) threatening security environment. A plant with a lower security threat, such as Wolf Creek, may not need to conduct security-based drills as often. (Notes #1 and #4)

- Licensees should have to practice the “worst case” scenario (e.g., a fast-breaking security event with a release) to adequately understand available resource issues (i.e., to find out if they have the necessary resources, such as fire, police, traffic control, etc.). (Notes #1 and #4)
- All involved parties need to deal with the public perceptions. (Note #1)
- The public would like to have as much information as possible concerning EP drills and exercises. The NRC should not use an overly broad security blackout (i.e., for security-based exercises and/or EP exercises) to limit the public dissemination of drill/exercise results. Additionally, all drill/exercise participants should not be aware of drill/exercise scenarios. (Notes #1 and #4)

State/Tribe/Local Comments:

- Local law enforcement agencies may not be familiar with a site’s security plan. (Note #2)
- The security-based drills should be integrated into the licensee’s normal drill regime. (Note #2)
- Security, incident response, and consequence management should be integrated. (Note #3)
- Certain “protected” information has not been shared with States/local/tribal organizations, hampering the ability of offsite response organizations’ ability to respond. (Note #3)
- States/local/tribal organizations are seeking guidance and coordination in determining “need to know.” (Note #3)
- Licensee plans and protocols for interacting with State/local/ tribal organizations should include instructions on conducting security drills. (Note #3)

NEI/Industry Comments:

- The roles and responsibilities of the NRC/DHS should be clear, with respect to notifications; on-site protective actions; plant operations; integration of emergency response organizations, security, operations; coordination of off-site support and plant ingress; and recovery from the aftermath of a terrorist attack. (Notes #4 and #5)
- Drill and exercise participation credit should be given to licensees who conduct security-based drills with no release and no protective action recommendations (PAR). (Note #1)
- A definition of “reasonable assurance,” is needed with respect to annual reviews (i.e., specific regulatory documents, methodology, and exercise EP/security demonstration criteria). (Note #4)

- Regulations should permit a range of events in order to demonstrate a greater level of realistic preparedness and response. Over the past 25 years, the industry and its offsite counterparts have demonstrated reasonable assurance through exercises that have unrealistic radiological releases. (Note #4)
 - This has provided negative training for operators and offsite responders. It has also resulted in the public's expectation that responding to worst case accidents always occurs in 4 hours (i.e., the licensees, state and local authorities, and federal agencies). (Note #4)

Abbreviated Notification to NRC and Offsite Response Organizations (ORO):

State/Tribe/Local Comments:

- The ORO notification should precede notification of any other agency, including the NRC. Additionally, simultaneous communications (i.e., automatic notification processes) to NRC and OROs should be required in EP plans. (Note #3)
- Notification of OROs should be in conjunction with the NRC (i.e., simultaneous communications with automatic notification systems) within the 15 minute deadline. In addition, the State Police Office of Emergency Management or other local agencies could most effectively share notification alerts systems within the other state level OROs. (Note #2)
- Does the NRC have the ability to verify an abbreviated notification from a facility/licensee? (Note #2)

NEI/Industry Comments:

- EP plans should include provisions for sharing sensitive information, such as requiring secure phones lines in all power plants. Information sharing between Federal agencies, the licensee, and OROs must occur in a timely manner regardless of information sensitivity levels. (Note #2)
- A review of regulatory communications requiring the emergency notification systems (ENS) line and emergency response data system (ERDS) is needed. State-of-the-art secure communications systems should replace the ERDS/ENS. (Note #4)
- The ERDS/ENS systems should consider all stakeholders. (Note #4)

Public Alert and Notifications:

NGO Comments:

- The NRC should take the lead over DHS on the back-up power to sirens issue. (Note #1)

- Without back-up power for the emergency sirens and/or installation of the advanced notification technologies (but absent from homes today), how can DHS/FEMA pass emergency response responsibilities to any nuclear power reactor experiencing an event involving an electrical grid failure? (Notes #2 and #4)
- Outdoor and indoor notification systems are necessary for the alert and notification system (ANS). (Note #1)
- Drivers of people who depend on transportation should have pagers or cell phones (i.e., primarily for enhanced mobilization or readiness and not notifications). (Note #1)
- The DHS Technical Bulletin regarding outdoor warning systems is primarily considered as a guidance document rather than a regulatory requirement. (Note #1)
- How will residents know whether to evacuate or seek shelter if there is a loss in communication? (Note #1)

State/Tribe/Local comments:

- Mandated requirements for battery back-up power supplies to sirens are not necessary. The emergency alert system (i.e., an alternative method for alerting the public, using National Oceanic and Atmospheric Administration (NOAA) weather alert radios and a reverse call-out system) has satisfactorily notified the populations living in the emergency planning zones (EPZ) around their plants. (Note #2)
- The States, Tribes, local governments, and licensees are in the process of investigating the use of advanced notification technologies, such as using reverse 911 technologies, in conjunction with existing telephone land-lines. The implementation of these new technologies would not preclude the continued use of the existing siren systems. Federal agencies should know about State, tribal, local government, and licensee activities in this area. (Note #3)
- Advances in communications technology should be considered. For example, information could be shared over the Internet (on blogs or Web sites) or other Web-based systems. (Note #2)
- Community response must address all local threats and not just nuclear power plants. State and local governments should have the freedom to decide on the type of alerting systems needed for their communities that will accommodate all possible threats. (Note #3)
- Public information campaigns should be conducted that model the “learn not to burn/Anti-smoking” campaign. (Note #3)

NEI Comments:

- How does the Executive Order, "Public Alert and Warning System," dated June 26, 2006, affect the current ANS? (Note #1)
- Back-up power to sirens may not be the solution to this issue. (Note #1)

Off-Site Protective Action Recommendations (PAR):

NGO Comments:

- The NRC should incorporate analysis resulting from the mass public evacuations preceding Hurricanes Katrina and Rita into NUREG/CR-6863, "Development of Evacuation Time Estimate Studies for Nuclear Power Plants," and NUREG/CR-6864, "Identification and Analysis of Factors Affecting Emergency Evacuations." (Note #1)
- The Agency should consider studies of human behavior in radiological events (i.e., which required evacuations) and then expand upon these studies. The public and emergency workers will behave differently in a radiological emergency versus a natural disaster or other type of event. Additionally, the Agency should reevaluate evacuations and specifically consider (i.e., peer review with established critics) those for radiological events for sociological aspects (e.g., real numbers of emergency personnel responding and a percentage of shadow evacuees causing problems). (Notes #1 and #5)
- The modeling methodology in evacuation time estimates (ETE) had 16 different scenarios for Indian Point but did not include rush hour or peak traffic situations. (Note #1)
- A better estimate for the percentage of "shadow evacuations" in ETEs is needed. (Note #1)
- The Agency should explore the role played by ETE studies in its determination of "reasonable assurance" evaluations (i.e., how geography constraints or inclement weather may effect the evacuations). (Notes #1 and #5)
- More specific regulations/standards on ETEs are needed. (Notes #1 and #5)
- With increasing populations around nuclear power plants, specific criteria/requirements for sheltering are needed. (Notes #1 and #5)
- The plume may go farther than expected in an actual release. (Note #1)
- The published guidance document should more specifically address reception centers. (Notes #1 and #4)
- Emergency workers need protective clothing for emergencies. (Note #1)
- There are significant site-specific differences in sheltering (e.g., old stone houses with full basement in New England, versus single story wood frame houses with no basements in other part of the country). (Notes #1 and #4)

- There is a public perception that sheltering is a substitute for areas with longer ETEs. (Note #1)
- Surveys of emergency workers (i.e., those that may or not show up in an actual emergency, because they may return home to take care of their own families) should be anonymous. In addition, rosters of back-up emergency workers may be needed. (Notes #1 and #4)
- Sufficient supplemental gas tanker trucks should be in place for emergencies, and service stations should sign letters of agreements to remain open during in emergencies. (Note #1)
- The Agency should re-evaluate the steady-state transport plume models. (Notes #1 and #4)
- The 10-mile EPZ has been viewed as too small. The public views it as a politically arbitrary, and the “keyhole” concept exacerbates that concern. (Note #1)
- The Agency needs to reevaluate the National Academy of Science April, 2000 report, on spent fuel pool (SFP) zircaloy fires and related impacts (e.g., from potential terrorist attacks, etc.,). (Notes #1 and #4)
- Standard, multi-hazard route signs should be established so organizations/communities could share resources. (Note #1)
- Medical facilities in the areas adjacent areas of nuclear power plants would not be able to monitor and decontaminate a large number of people. Plans must be in place to set up mobile decontamination tents; and the NRC must determine that there is an adequate supply of monitors, decontamination equipment, KI, and trained personnel. (Notes #1 and #4)
- The NRC should more clearly delineate training for emergency responders, including school teachers (i.e., making specific decisions on the numbers of personnel to be trained and codifying the definition of “training”). (Note #1)
- Certain areas (such as Cape Cod) cannot be evacuated in a timely manner. Emergency plans and procedures should be adapted to the needs of such areas. (Notes #1 and #4)

State/Tribe/Local Comments:

- The NRC should get more involved with EP beyond the boundaries of its licensees because of its regulatory authority over those licensees. (Note #2)
- ETEs, the tools/methodologies to update ETEs, and keeping ETEs current remain concerns. (Notes #2 and #5)
- The NRC should develop guidance that focuses on decision making of State, local, and offsite emergency responders. (Note #2)

- The current licensing process is good in that it requires collaboration at the local level and detailed EP planning. (Note #2)
- Sheltering has been determined to be effective option in the event of a radiological event (i.e., for reducing radiation exposures). Should sheltering also be recommended for other events, such as school lockdowns (i.e., based on good intelligence of a security threat)? (Note #3)
- OROs do not have enough resources to train for sheltering. (Note #3)

NEI/Industry Comments:

- Who has regulatory authority, the NRC or DHS (i.e., in the event of an emergency)? Should one agency have overall responsibility vice having two agencies responsible for on-site and offsite actions? (Note #4)
- Definitions are needed regarding offsite protective actions and radiological releases. Clear assumptions are needed regarding evacuation, sheltering, sheltering in place, and addressing of security-based events. (Notes #4 and #5)
- The NRC should develop a clear definition of sheltering. (Notes #2 and #5)
- Evacuation may not be the optimum PAR. (Note #1)
- In order to develop protective actions to ensure the public's health, NEI/Industry is looking at margins of safety that can be explored to optimize protective actions (i.e., to identify the areas where there is the highest level of risk). (Note #1)
- Regulations should have a sound technical basis for protective strategies. (Note #1)
- Any change in public protection strategy should be conveyed to State and locals. (Note #1)

Endnotes for Stakeholder Input Section:

- (#1) Comments received during the May 19 or July 19, 2006, public meetings. Provided for the Commission's information.
- (#2) Comments received during August 31- September 1, 2005, public meeting. NRC follow-up items can be found in the "Summary and Analysis of Comments" document, (ADAMS Accession No. ML # 060450376.)
- (#3) Comments received during the April 2005 NREP conference. NRC and FEMA follow-up items can be found in "Discussion of NREP Parking Lot Items," (ADAMS Accession No. ML 0520002630.)
- (#4) Comments from electronic correspondence. Provided for the Commission's information.

(#5) Comments will be addressed when providing the results of the on-going studies.