

June 17, 2004

Mr. Alan Nelson
Chief, Emergency Preparedness
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

Dear Mr. Nelson:

Thank you for sending the white paper titled "Range of Protective Actions for Nuclear Power Incidents", that was attached to your letter dated May 19, 2004. We appreciate the industry's effort to clarify the range of early phase protective actions that may be used for nuclear power. After reviewing the white paper, we note that it includes some discussion of sheltering as an alternative to evacuation, for special populations, and in the event there are impediments to evacuation.

We disagree with the paper recommendation that sheltering "may" or "should" be incorporated in the licensee's range of protective actions. 10 CFR 50.47(b)(10) requires that sheltering be considered in a licensee's range of protective action recommendations (PARs). The staff has found that many emergency plans specifically state that the licensee will provide only evacuation as a PAR. Therefore, the staff is drafting a Regulatory Information Summary (RIS) to clarify the regulatory requirements in 10 CFR 50.47(b)(10) to correct this misinterpretation.

Nevertheless, there is much value in the white paper that can be used to improve guidance in the PAR area. We are presently in the process of initiating a contract to perform a review of Supplement 3, "Criteria for Protective Action Recommendations for Severe Accidents" to NUREG-0654/FEMA-REP-1, Revision 1. We will share the white paper with the contractor once the contract has been signed.

Should you have any questions regarding this letter, please feel free to contact me, or Robert Kahler, of my staff at (301) 415-1086.

Sincerely,

/RA/

Nader L. Mamish, Director
Emergency Preparedness Directorate
Office of Nuclear Security and Incident Response

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