

EDO Principal Correspondence Control

FROM: DUE: 03/30/05 EDO CONTROL: G20050123
DOC DT: 02/10/05
FINAL REPLY:

Ellen C. Jaffee
The Legislature of Rockland County
et al.,

TO:

Reyes, EDO

FOR SIGNATURE OF : ** GRN ** CRC NO:

Dyer, NRR

DESC:

ROUTING:

2.206 - Requesting NRC to Issue a Generic
Communication to All Part 50 Operating Licenses
on the RELiability of Power to Emergency
Notification Systems and Orders to Require
Licensees to Install & Maintain ENS Backup Power

Reyes
Virgilio
Kane
Merschhoff
Silber
Dean
Burns
Congel, OE
Caputo, OI
Collins, RI
Cyr, OGC
Skay, NRR
Goldberg, OGC

DATE: 02/23/05

ASSIGNED TO: CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-RIDS: EDO-01

The Legislature of Rockland County



February 10, 2005

Mr. Louis Reyes
Executive Director of Operations
U. S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Petition for Emergency Enforcement Action (10 CFR 2.206) Requesting NRC to Issue a Generic Communication to All Part 50 Operating Licenses on the Reliability of Power to Emergency Notification Systems (ENS) and Orders to Require Licensees to Install and Maintain ENS Backup Power Sources

Dear Mr. Reyes:

On behalf of the following Rockland County Legislators:

Hon. Ellen C. Jaffee, Legislator – District 12
Hon. Harriet D. Cornell, Chairwoman, Rockland County Legislature
Hon. Robert M. Berliner, Legislator – District 6
Hon. William L. Darden, Legislator – District 8
Hon. David Fried, Legislator – District 13
Hon. Michael M. Grant, Legislator – District 2
Hon. Denise Kronstadt, Legislator – District 17
Hon. John A. Murphy, Legislator – District 16
Hon. VJ Pradhan, Legislator – District 14
Hon. Roman Rodriguez, Legislator – District 3
Hon. Philip Soskin, Legislator – District 7
Hon. Kenneth Paul Zebrowski, Legislator – District 5

Hereafter referred to as Petitioners, the United States Nuclear Regulatory Commission (NRC) is requested to take the following emergency enforcement action as provided under 10 CFR 2.206 to:

- 1. Issue generic communications to all licensed commercial nuclear power station operators to ascertain whether or not operators currently provide emergency power backup systems to significant elements of their required Emergency Notification Systems (ENS). These elements would include the**

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emergency operations center, sirens, repeaters and other systems, structures and components necessary to successfully notify the public in the simultaneous event of a nuclear power station accident or act of sabotage associated with the failure of the electricity grid, which is the sole power source to a yet-to-be-determined number of Emergency Notification Systems.

- 2. Modify all operating licenses to require that nuclear power station operators provide and maintain emergency backup electrical power to notification sirens, etc., preferably through adjacent or pole mounted photovoltaic power charged battery systems, or other means independent of a vulnerable electrical grid system so as to assure the reliable operation and performance of required Emergency Notification Systems.**

Background

An unknown number of nuclear power station operators currently rely solely on electricity from the grid to operate the required Emergency Notification Systems within the ten-mile emergency planning zone. The Indian Point nuclear power plant located in Buchanan, NY is among those identified.

Nuclear power station operators currently are not required to have emergency power backup for the Emergency Notification System to assure the operation of public notification systems in the event of an accident or an act of sabotage associated with the simultaneous or subsequent failure of the electrical grid.

NRC currently does not know how many or which operating nuclear power station sites do not have emergency power capability for their public notification sirens in the event of electrical grid failure or an act of sabotage.

Petitioners are concerned that NRC contemplate, regulate, and take enforcement action:

- 1. To assure the reliability and operability of emergency notification systems currently dispersed throughout the ten-mile emergency planning zones as required by Code of Federal regulation around every United States nuclear power station.**

2. To assure that all public notification systems be fully operational under all reasonable contingencies. It is reasonable to assure the operability of public notification systems in light of the fact that electrical grid failure is recognized as an initiating event for Station Black Out and reactor core damage.

Petitioners further contend:

1. Than an attack disabling offsite electrical power sources is assumed as part of the NRC Operational Safeguard Response Evaluations (OSRE) or mock force-on-force exercises used to evaluate on-site security capabilities for repelling and recovering from a terrorist attack. Such an attack on the electrical grid would simultaneously disable the Emergency Notification System at the reactors subject to this petition.
2. Petitioners contend that Emergency Response Plans for the 10-mile EPZ include instructions that the affected public stock up portable radios with extra batteries in the event of a loss of power, so as to receive emergency communications and maintain current information upon notification that an emergency is in progress at the nuclear power station.
3. Petitioners contend that it is unreasonable for the public to have battery supported alert and communication capability while federally required emergency notification systems are not required to have such emergency power capability in the event of electrical grid failure.

Petitioners offer the following examples at Indian Point taken from NRC Daily Event Reports as demonstrating how a variety of electrical grid failure modes have resulted in significant degradation of nuclear power station emergency notification systems.

The Daily Event Reports document the Petitioners justification for emergency enforcement action.

Loss of Emergency Notification Systems Due to Mechanical Failure of the Electrical Grid

Event Number: 40073
Event Date: 08/14/2003
Facility: INDIAN POINT
“Emergency sirens lost in four counties due to a loss of power.”

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Event Number: 40078
Event Date: 08/15/2003
Facility: INDIAN POINT

“ . . . a review of the county siren overviews maps revealed that Westchester County had experienced another major power loss to its service. This resulted in more than 60 sirens being without utility-supplied power. This situation rendered the system inoperable for Westchester County, as the sirens were without substantial power by which to be sounded. Further information revealed that the utility had to shed load.”

Reliance on “mobile route alerting” or “local route notifications” does not constitute an equivalent nor adequate compensatory action for a reliable emergency notification system in the event a fast breaking accident, act of terrorism or adverse weather that is coupled with widespread or localized electrical grid failure.

In the event of an inoperable Emergency Notification System due to loss of power, NRC approves of utilities and emergency agencies may engage in “mobile route alerting,” which involves first responders (police, fire departments, civil defense departments, etc.) to get into police cruisers, fire trucks and other emergency vehicles to directly communicate the general emergency to the public within the affected emergency area.

Petitioners contend that this is not an appropriate compensatory action nor does it constitute a reasonable equivalent compensatory measure for fast breaking accidents or act of terrorism or during adverse weather. NRC must anticipate that police and fire departments might otherwise be engaged in a security response or more directly related emergency response activity such as fire fighting activity at the reactor. NRC must contemplate that extensive flooding could not only result in the loss of power to the Emergency Notification System, but also make roadways inaccessible for mobile route alerting to provide instructive actions such as sheltering in place.

Petitioners are aware that some nuclear power station operators have emergency power backup systems to emergency notification systems. Petitioners therefore contend that NRC is inconsistent in its approach to the regulatory oversight by not requiring emergency power backup to all nuclear power station emergency notification systems.

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Petitioners therefore request NRC to take the above mentioned emergency enforcement action.

Signed by Petitioners,



ELLEN C. JAFFEE
Legislator – District 12



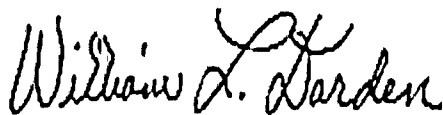
HARRIET D. CORNELL
Chairwoman, Rockland County Legislature



DENISE KRONSTADT
Legislator – District 17



ROBERT M. BERLINER
Legislator – District 6



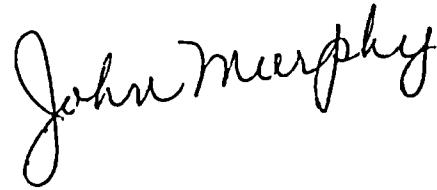
WILLIAM L. DARDEN
Legislator – District 8



DAVID FRIED
Legislator – District 13



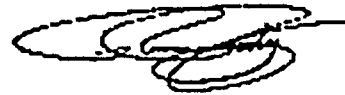
MICHAEL M. GRANT
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JOHN A. MURPHY
Legislator – District 16



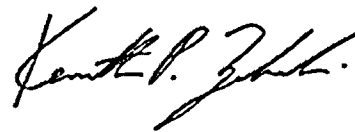
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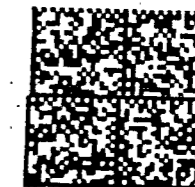
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