

May 18, 2005

Mr. Paul Gunter, Director
Reactor Watchdog Project
Nuclear Information and Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Dear Mr. Gunter:

Your petition dated February 23, 2005, addressed to Mr. Luis Reyes, Executive Director for Operations, and filed on behalf of your organization and numerous other signatories, has been referred to the Office of Nuclear Reactor Regulation pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). This response also addresses similar petitions filed by two of the co-petitioners for your petition, the Legislature of Rockland County [New York] and the Westchester County [New York] Board of Legislators. You provided additional information in supplements to the petition dated April 22 and May 5, 2005. The petition requests that the Nuclear Regulatory Commission (NRC) take two actions:

- 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 emergency operations center, all 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 ENS;
- 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 ENS.

In support of your request, you provided various reports of inoperable sirens following the loss of electrical power to the sirens because of storms or grid disturbances. You state that for possible accidents involving the loss of the electrical grid near a nuclear power plant, sirens without an emergency backup power supply would not be available to alert the public to an emergency at the plant. You state that existing contingencies for such events, such as mobile route alerting, may not be effective because emergency response personnel would be engaged in other activities. Regarding your first request, you state that the NRC does not know which nuclear power plants have emergency backup power for the sirens in their respective emergency planning zones.

You and many of the other petitioners participated in a meeting and telephone conference call with our petition review board (PRB) and the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) on April 5, 2005, to discuss your petition. A transcript of the meeting and telephone conference call is provided as an enclosure to this letter. The results of that discussion and the supplements to the petition have been considered in the PRB's determination regarding whether the petition meets the criteria for consideration under 10 CFR 2.206. The PRB has concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206. This is not to say that we find that your concerns lack merit, but we do find that your requests are more appropriately addressed by processes and ongoing activities outside of the 10 CFR 2.206 petition process.

The first request in the petition is that the NRC issue a generic communication to licensees for commercial nuclear power plants to obtain information on current designs for significant elements of emergency notification systems. The NRC and DHS/FEMA acknowledge that we need to organize existing information and possibly gather additional information regarding the designs and performance of emergency alert and notification systems. The information may be needed to evaluate and develop possible changes to Federal standards for public alerting and notification systems.

The NRC and DHS/FEMA have collected some readily available information. For example, of the 62 commercial nuclear power plant sites that use sirens as part of the public alerting system—

- approximately 27 percent currently provide backup power (usually batteries) to all of their sirens,
- approximately 33 percent currently provide backup power to some fraction of the sirens, and
- approximately 40 percent do not have backup power supplies for any of the sirens.

More than half the sites without backup power to all sirens are implementing upgrades or have plans to upgrade their sirens by providing backup power supplies. Thus, approximately two-thirds of the sites will have backup power to all their sirens following completion of the currently planned siren upgrades. If additional information is needed to develop revised Federal standards regarding the emergency alert systems, we will use existing processes and resources to obtain it. We will issue a generic communication if we determine that the generic communication process is the most effective and efficient way to gather the information.

Regarding the second request, that NRC modify all operating licenses to require that nuclear power station operators provide and maintain emergency backup electrical power to notification sirens, DHS/FEMA is currently developing revised Federal standards for public alert systems. The need to assess and revise the Federal standards was identified after the electrical blackout in August 2003 as one of the many actions Government agencies need to take. The issue has

also been raised during post-September 11 reviews of the nation's readiness to respond to possible terrorist attacks. The House Committee on Appropriations directed DHS/FEMA to update its guidance on outdoor warning and mass notification systems and requested that the new guidance require that all warning systems be operable in the absence of AC power supply (see House Report 107-740 related to Fiscal Year 2003 Appropriations Bill). The congressional committee also urged DHS/FEMA to consult with other relevant agencies and revise the national standard for outdoor warning and mass notification to reflect the state-of-the-art technology. The existing standard for the design and performance of sirens near nuclear power plants is FEMA-REP-10, "Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants," dated November 1985. DHS/FEMA will update this standard to be consistent with the broader guidance they develop for outdoor public alerting systems. In updating FEMA-REP-10, DHS/FEMA will coordinate its activities with the NRC.

As discussed during the meeting and telephone conference call on April 5, 2005, NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," provides criteria for deciding if the 10 CFR 2.206 petition process is the appropriate way to respond to specific issues or requests. Your request to obtain information and require backup power supplies to the significant components of the public alerting system is related to the adequacy of existing regulations and standards in this area. The process described in 10 CFR 2.802, "Petition for rulemaking," is the appropriate way to propose new regulatory requirements. However, in this case, Congress has directed DHS/FEMA to address this issue and they are developing general guidance for public alerting systems and specific standards for nuclear power plants. The development of the revision to FEMA-REP-10 will include an opportunity for the public to comment on draft documents and suggest specific requirements. The DHS/FEMA personnel developing the guidance have been provided copies of this petition and participated in the April 5, 2005, meeting and telephone conference call. We believe that the most effective and efficient way to pursue improvements in the design and performance of public alert systems for nuclear power plants is to develop and issue revised Federal standards using the established framework provided by FEMA-REP-10 and the existing regulations.

With respect to your request for "emergency" action, the NRC staff finds insufficient basis to impose new requirements ahead of the efforts to evaluate and develop possible changes to Federal standards for public alerting and notification systems. The current standards and requirements have resulted in the implementation of systems, programs, and contingencies that provide reasonable assurance that populations around nuclear power plants will be made aware of emergencies and recommended protective actions. The NRC staff concludes that the issues raised in your petition and other possible longer term improvements to the public alert and notification systems for nuclear power plants are more appropriately addressed by other processes, such as revising FEMA-REP-10.

P. Gunter

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Thank you for bringing these issues to the attention of the NRC and DHS/FEMA and we fully expect to continue to interact with you and the other petitioners during the development and implementation of revised Federal standards for public alert and notification systems for nuclear power plants.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Enclosure: Transcript of April 5, 2005,
Meeting/Teleconference

cc w/encl: See next page

Thank you for bringing these issues to the attention of the NRC and DHS/FEMA and we fully expect to continue to interact with you and the other petitioners during the development and implementation of revised Federal standards for public alert and notification systems for nuclear power plants.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Enclosure: Transcript of April 5, 2005,
Meeting/Teleconference

cc w/encl: See next page

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Note: Response closes G20050123, G20050125, and G20050136

**Incoming: G20050123/ML050560089, G20050125/ML050560093,
G20050136/ML050590094, Supplements 1) ML051240288, and 2) ML051300148**

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NRR-106

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NIRS 2.206 Petition Dated February 23, 2005

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NIRS 2.206 Petition Dated February 23, 2005

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