Conference of Radiation Control Program Directors, Inc.

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May 5, 2010

Christopher Miller
Deputy Director for Emergency Preparedness
Division of Preparedness and Response
US Nuclear Regulatory Commission
11545 Rockville Pike
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Rockville, Maryland 20852

Dear Mr. Miller:

On behalf of the Board of Directors of the Conference of Radiation Control Program Directors, I am writing to you to express my concerns related to NUREG–0654/FEMA–REP–1, Rev. 1, Supplement 3, "Guidance for Protective Action Recommendations for General Emergencies;" Draft for Comment published in Federal Register / Vol. 75, No. 44 / Monday, March 8, 2010. While I understand the document is still within the public comment period and there is a formal mechanism for providing those comments, the concerns we have are outside of the technical review. These comments may be posted to Regulations.gov as a part of the public comment process.

CRCPD believes the timing of the release of this draft guidance document is inappropriate for several reasons.

1. Page 6 of the document states " Licensee emergency plans are designed to support mitigative actions to ameliorate plant accidents, and an ongoing NRC study, (the State-of-the-Art Reactor Consequence Analysis, yet unpublished) concludes that mitigative actions will likely be successful." It is impossible to evaluate the validity of the conclusions drawn from the State-of-the-Art Reactor Consequence Analysis until it is published. Therefore, it is inappropriate to publish this document for comment until all reference materials are made available for review.

2. Section 6, References, lists the supporting documents for the draft NUREG–0654/FEMA–REP–1, Rev. 1, Supplement 3. One of the documents listed is NUREG/CR-6953, Vol. III, "Review of NUREG-0654, Supplement 3, 'Criteria for Protective Action Recommendations for Severe Accidents, Technical Basis for Protective Action Logic Diagram.'" NRC: Washington, D.C. 2010 Draft. It would appear from the title that this document is critical to the review and validation of the draft NUREG–0654/FEMA–REP–1, Rev. 1, Supplement 3 since it provides the technical basis. Yet the reference indicates that it is still in draft form. Further investigation has revealed that the document is not currently available for public review. Again, it is inappropriate to publish guidance documents such as NUREG–0654/FEMA–REP–1, Rev. 1, Supplement 3 based on the findings of a draft document that is not publicly available for reference.

3. The development of Protective Action Recommendations in NUREG–0654/FEMA–REP–1, Rev. 1, Supplement 3 (Draft) are largely based on Evacuation Time Estimates (ETE) for each nuclear power plant site. As you are aware, NRC is in the process of rulemaking changes that will affect the frequency and scope of ETE studies. The rulemaking will require licensees to develop new ETEs within one year of the finalization of national census data.

The United States is currently in the process of taking a national census and new ETE studies will be initiated once the NRC Rule is final and the 2010 census data is completed. It would be appropriate to wait to move forward on this guidance until the NRC rule change regarding ETEs is final and 2010 census data is completed to ensure the best application of the proposed guidance changes.

4. NUREG–0654/FEMA–REP–1, Rev. 1, Supplement 3, "Guidance for Protective Action Recommendations for General Emergencies"; Draft for Comment is a multi-agency document that requires DHS/FEMA endorsement. Yet, there has been no DHS/FEMA involvement in this process that we can see from a stakeholder perspective. Since the guidance has a significant impact on offsite response organization plans and procedures, it would seem prudent to have DHS/FEMA endorsement prior to publication.

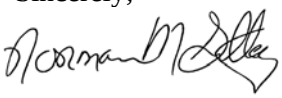
Based upon an initial assessment of NUREG–0654/FEMA–REP–1, Rev. 1, Supplement 3, "Guidance for Protective Action Recommendations for General Emergencies"; Draft for Comment, at least two documents necessary for the technical review of the draft guidance are not available.

- The 2010 national census and the subsequent ETEs could greatly impact the development of site specific PAR logic diagrams and should be considered more carefully in the implementation schedule.
- There is no indication that DHS/FEMA has endorsed or supports the draft guidance.

Based on these observations, I would urge you to seriously consider removing this document from the docket and reissue the guidance once these concerns are addressed. At a minimum, cited documents should be made available in final form and the comment period extended to allow adequate time to evaluate the technical basis and applicability to NUREG–0654/FEMA–REP–1, Rev. 1, Supplement 3.

Thank you for your consideration. If you should have any questions please feel free to contact me at (850) 245-4545 or by e-mail at <norman_gilley@doh.state.fl.us>.

Sincerely,



Norman Michael Gilley
Chairperson

cc: James Kish, Director, Technical Hazards Division, FEMA
Robert Lewis, NRC/FSME