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Notice of Availability of NUREG-0654/FEMA-REP-1, Revision 1, Supplement 3, Guidance for Protective Action Recommendations for General Emergencies

Comment On: NRC-2010-0080-0001

NUREG-0654/FEMA-REP-1, Rev. 1, Supplement 3, Guidance for Protective Action Recommendations for General Emergencies; Draft for Comment

Document: NRC-2010-0080-DRAFT-0016

Comment on FR Doc # 2010-04878

Submitter Information

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RULES AND DIRECTIVES
BRANCH
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Organization: Washington Military Dept., Emergency Management Div.

Government Agency Type: State

Government Agency: Washington Military Dept., Emergency Management Div.

General Comment

The following attachment contains the consolidated comments from the State of Washington (Emergency Management, Department of Health, and Department of Agriculture), Plume and Ingestion Counties (Adams County, Benton County, Franklin County, Grant County, Walla Walla County, and Yakima County) and Energy Northwest's Columbia Generating Station.

Attachments

NRC-2010-0080-DRAFT-0016.1: Comment on FR Doc # 2010-04878

SONSI Review Complete
Template = ADM-013

E-RFDs = ADM-03
Att. = R. Sullivan (RXS3)



STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

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May 21, 2010

Mr. Gregory B. Jaczko, Chairman
U.S. Nuclear Regulatory Commission
Mail Stop 0-16G4
Washington, DC 20555-0001

Attn: Rulemakings and Adjudications Staff

Subject: **NUREG-0654/FEMA-REP-1, Rev. 1, Supplement 3, Guidance for Protective Action Recommendations for General Emergencies (Docket NRC-2010-0080)**

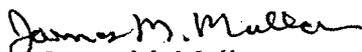
Dear Mr. Jaczko:

On March 8, 2010, the Nuclear Regulatory Commission (NRC) published a notice in the Federal Register (see 75 FR 10524; March 8, 2010) announcing a public comment period on a draft revision of the subject document.

We consulted and coordinated with all of our stakeholders; State agencies, local jurisdictions, and our commercial nuclear power plant; the Columbia Generating Station. We have reviewed all of the proposed changes. We have compiled our comments and recommendations in the attached document.

If you need additional information relating to this request, please contact Steven Williams (509) 545-2030 (s.williams@emd.wa.gov) or me (253) 512-7001 (j.mullen@emd.wa.gov).

Sincerely,


James M. Mullen,
Director

JMM/SGW/lc

Section 1. Introduction

No comment.

Section 2. Implementation of Guidance

The draft Supplement 3 states that the PAR Logic Diagram "... is not intended to be used without site-specific modification." It further states that the NRC's expectation is that the NPP develop PAR procedures that include ORO input and that this input will guide the criteria used in the PAR Logic Diagram. The current PAR Logic Diagram is adequate as is. This is particularly true as it applies to EPZ's with a smaller population and adequate road networks. Mandating the use of the PAR Logic Diagram attached in the draft Supp. 3 would require the NPP and ORO to again go through the extensive process of PAR review when the logic diagram currently used meets all of the requirements of 10 CFR 50 and the NRC's expectations of rapid notification. The current PAR determination process at Columbia Generating Station (CGS) includes a step in the Emergency Directors procedures that, if the PAR does not adequately address the current situation, they can contact the ORO to discuss a more appropriate PAR. It is recommended that the use of the PAR Logic Diagram specified in the draft Supplement 3 not be mandated if the current PAR Logic Diagram meets the requirements of 10CFR50, the NRC's 15-minute notification expectation, and the expectations of the ORO.

Furthermore, Notes 2 and 8 of the Protective Action Recommendation Logic Diagram Notes discuss impediments to evacuation. It requires the ERO to determine if these conditions exist as they might require the PAR be modified to incorporate the restrictions. In the discussions amongst our ORO's, they all felt that the ERO should not take the time to consider impediments since this would likely delay the notification and associated PAR. They felt that the NPP should base their PAR on plant conditions. It is the responsibility of the ORO's to make the Protective Action Decision in the event of an incident at a NPP. They have the resources and responsibility to determine what the most appropriate course of action to protect the public health would be. We recommend that the requirement for the NPP to consider offsite conditions when making a PAR be deleted.

Section 3. Determination of PAR for Rapidly Progressing Scenarios

The fourth paragraph states, "*For sites where the 90-percent ETE for the general public of the full EPZ is less than about 3 hours, results showed that for the rapidly progressing scenario, evacuation is the most appropriate protective action.*" A review of the ETE for Columbia Generating Station (CGS) showed that the entire EPZ (100%) could be evacuated in 2 hours and 57 minutes. This demonstrates that the current ORO policy of evacuation as the preferred PAR is adequate for lower population area EPZ with good road networks.

It was noted by our ERO and ORO organizations that many of the changes within the draft Supplement 3 are geared towards nuclear power plants that have large populations within the 10-mile plume exposure pathway EPZ. It is critical that a level of flexibility be included in this section so that protective actions such as staged evacuation and heightened preparedness are not a requirement regardless of the situation within each NPP EPZ.

Section 4. Radiological Assessment Based PAR

No comments.

Section 5. Glossary

Heightened Preparedness. This new term is unique to this document. In discussions with the various stakeholders, there was a concern expressed on how to communicate the term. Many felt that the term is too difficult to communicate to the public. While the intent of the term as another “tool” in the protective actions toolbox, ORO’s would not want to be required to use the specific term when communicating the protective action to the public. They would like to have the flexibility to use a term that would provide the same intent of Heightened Preparedness but be easier to communicate to the public.

Recommend including the definition of the terms “Shall” and “Should.” This came up in discussions on the draft REP Program Manual. Most agree that NUREG-0654 needs to provide a more precise understanding as to what is required versus what is recommended or encouraged. NUREG-1379 Rev 2 (p. 35) states that, *“In regulations, “shall” and “will” indicate a requirement, “may” an option, and “may not” a prohibition. “Shall” and “will” are used for persons or organizations; “must” for inanimate objects. In guidance such as regulatory guides, “should” is often used for recommendations.”* It is the understanding of our State and Counties that NUREG-0653 Supplement 3 is a guide rather than a regulatory document.

Section 6. References.

No comment.

Appendix – Effective Communications with the Public to Support Emergency Preparedness and Response

1. Purpose

No comment.

2. Introduction

Para 2.4. The language used is not in sync with what is currently being considered in the draft REP Program Manual. Recommend coordinating draft documents with FEMA to minimize the likelihood of conflicting guidance.

3. Public Information Materials

Paragraph 3.3 - Staged Evacuation. The paragraph is worded so that it would be a requirement for public informational materials to explain Staged Evacuation even though it may not be one of the protective actions utilized by the ORO’s. This is especially true in lower population areas with good road networks. Recommend adding an additional comment to drop the requirement or make it required only if the local ORO’s elect to utilize staged evacuation as one of the protective actions that they might use.

4. Emergency Alerting Instructions

No comment.

5. Additional Guidance for More Effective Messaging

Page A-18, last paragraph. The language contained in this section seems to indicate that DHS/FEMA will assume overall control of the incident once a NPP declares a General Emergency. The National Response Framework (NRF), Chapter 1: Roles and Responsibilities, pg 24, last paragraph, states ***“When the overall coordination of Federal response activities is required, it is implemented through the Secretary of Homeland Security consistent with Homeland Security Presidential Directive (HSPD) 5. Other Federal departments and agencies carry out their response authorities and responsibilities within this overarching construct. Nothing in this Framework alters or impedes the ability of Federal, State, tribal, or local departments and agencies to carry out their specific authorities or perform their responsibilities under all applicable laws, Executive orders, and directives.”*** Recommend amending the first sentence of the paragraph to read as follows; ***“...DHS/FEMA assumes overall coordination of Federal response activities during an incident...”***

6. References

No comment.

General Comments:

The Federal Notice announcing the Public Comment period makes no mention of a proposed timeline for implementation of the document. Recommend providing a NRC-suggested implementation timeline as part of this comment process.

The document does not appear to have been adequately coordinated between FEMA and the NRC. Additionally, the REP-community was not involved or consulted in the development of the changes prior to implementing the Public Comment process. The Federal Public Comment process essentially allows only one chance to make any comment on documents. There is no feedback provided to the stakeholders following the comment period until the final document is published. Additionally, there are no opportunities to gather suggestions from the community prior to the public comment period. There are many experienced and competent people in the REP community that would be eager to work with the NRC and FEMA up front to develop/revise guidance that would meet the requirements of the NRC as well as being more transparent and inclusive of the REP community, the nuclear industry, and the Public.