



Carl B. Corbin, Chairman
STARS Integrated Regulatory Affairs Group
Box 1002, Glen Rose, Texas 76043

STARS-10006

August 9, 2010

Mr. Michael T. Lesar, Chief
Rulemaking and Directives Branch
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

3/08/2010
75 FR 10524
(43)

RECEIVED

2010 AUG 10 AM 9:52

RULES AND DIRECTIVES
BRANCH
UNREG

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS ON DRAFT NUREG-0654/FEMA-REP-1,
REVISION 1, SUPPLEMENT 3 [NRC-2010-0080]**

- Reference:
1. 75 FR 10524, NUREG-0654/FEMA-REP-1, Rev. 1, Supplement 3, Guidance for Protective Action Recommendations for General Emergencies; Draft for Comment, dated March 8, 2010
 2. 75 FR 27840, NUREG-0654/FEMA-REP-1, Rev. 1, Supplement 3, Guidance for Protective Action Recommendations for General Emergencies; Draft for Comment, extension of comment period, dated May 18, 2010
 3. Letter to Ms. Cynthia K. Bladey, NRC, from Ms. Susan Perkins-Grew, NEI, titled "NEI Comments on NRC Proposed Draft NUREG--654 FEMA-REP-1, Revision 1, Supplement 3, "Guidance for Protective Action Recommendations for General Emergencies; Draft for Comment," *Federal Register (FR Vol. 75, No. 44)*, Docket ID NRC-2010-0080," data June 8, 2010

Dear Mr. Lesar,

The Strategic Teaming and Resource Sharing (STARS)¹ alliance is submitting comments in response to the referenced Federal Register notice soliciting comments on draft NUREG-0654/FEMA-REP-1, Revision 1, Supplement 3, "Guidance for Protective Action Recommendations for General Emergencies" (Reference 1). STARS appreciates the NRC request for comments on the draft NUREG and the extension of the comment period (Reference 2).

STARS endorses the comments submitted by the Nuclear Energy Institute (NEI) on behalf of the nuclear industry (Reference 3). In addition to those comments, STARS is providing additional comments as identified in the enclosure to this letter.

¹ STARS consists of thirteen plants at seven stations operated by Luminant Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company, Arizona Public Service Company, and Southern California Edison.

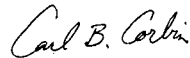
SONSI Review Complete
Template = ADM-013

E-RIDS = ADM-03
Cdd = R. Sullivan (YXS3)

In general, STARS feels that a number of issues are associated with the implementation of the guidance contained in the NUREG. Some of these potentially present significant logistical and economic challenges to the utilities and the offsite response organizations with whom we interface.

Thank you for your consideration of these comments. If there are any questions regarding these comments, please contact me at 254-897-0121, or carl.corbin@luminant.com, or Don Rickard at 314-225-1731, or drickard@ameren.com.

Sincerely,



Carl B. Corbin, Chairman
STARS Integrated Regulatory Affairs Group

Enclosure STARS Comments on Draft NUREG-0654/FEMA-REP-1 Rev. 1, Supplement 3

STARS Comments on Draft NUREG-0654/FEMA-REP-1, Rev. 1, Supplement 3

STARS has reviewed and endorses the comments submitted by NEI on behalf of the industry. To avoid replication, STARS has not repeated those comments in this enclosure. The following comments fall into two general areas; the first being with the guidance in the draft NUREG and the second being with the implementation of the changes proposed in the NUREG. The comments are presented based on the two classifications.

Comments on the NUREG content:

1. Section 2, paragraph 1 sentence 4: recommend changing "... is designed to be implemented rapidly..." to "... is designed to be utilized rapidly...". Use of the term implemented suggests that the PAR procedure must lead to a decision. The decisions are made by the offsite response organizations (OROs).
2. Implementation Logic Diagram Note 7: This appears to imply a shift in responsibilities from the ORO to the utility to promulgate modified protective action recommendations (PARs) based on variables such as the time of day, and possibly other external factors. This note should clearly communicate that the ORO has established a position and incorporated this position into the PAR logic diagram.
3. Appendix A: Consistent with the NEI comment, STARS recommends that the material contained in this appendix be relocated to a separate stand-alone document. STARS requests that the document in which this material is placed be released for public comment. STARS does feel that the content is very valuable but would be best located in a stand-alone document. This position is predicated on the belief that the topic of communications extends far beyond the development of PARs.

Comments on the implementation of the changes resulting from the revised NUREG guidance:

1. The implementation guidance needs to address
 - a. the implementation / evaluation process that should be employed for any changes made. For example, will they be made using 10 CFR 50.54q? 10 CFR 50.90? 10 CFR 50.4? And why?
 - b. the required timing of the changes. For example, will the completion date be tied to completion of the Evacuation Time Estimate (ETE) updates?
 - c. the trigger mechanism for implementing this change. For example, will this be through an Order, Rule requirement, or Generic Letter?
 - d. whether the trigger mechanism will be "static" or "dynamic." Is this a one time change? Made annually? Made every 5 years? Made every 10 yrs? Will it be tied to the census and ETE update? Or, will there be some other quantitative criteria such as an ETE population change by a specific amount?

2. The implementation guidance needs to acknowledge that the change management will be expensive, confusing to the public, take a long duration, will require periodic re-enforcement to internalize, and require effort to accumulate the "old" documents such as brochures, calendars, phone books, refrigerator magnets, etc. and re-issue updated materials.
3. The implementation guidance needs to address the PAR logic diagram's dependence on state and local ORO input. The guidance needs to address what happens if the ORO decision makers "change their mind" regarding their philosophy? Will this require the utility to comply with the change and over what time frame? This issue could potentially cause the licensee and the local OROs to expend a significant amount of resources for reasons outside of their control.
4. At the July 21, 2010 public meeting in Tampa, Florida, FEMA and NRC indicated that they would inspect to see if the final PAR logic diagram "makes sense." This is a highly subjective criteria. This inspection criteria should be defined and made available to the licensees during the implementation phase.
 - a. Building on the above, if the state and local OROs have opinions, desires, or demands that do not "make sense," what is the liability for the utility? Are there options for redress defined in this process?
 - b. If the state and local OROs categorically reject the large early release or deem it so improbable or impractical that they do not desire the "left side" of the logic diagram, what is the expectation for the utility?
5. On multiple occasions during the July 21, 2010 public meeting in Tampa, Florida, the NRC Staff indicated that they wanted a basis document for the state and local ORO decisions / input into the PAR logic diagram. The implementation guidance should define the expectations for the content of this document, its maintenance and retention as a record, the process and criteria for reporting changes made to the document, and the process for controlling changes made to the document.
 - a. The implementation guidance should also establish the expectations for the revalidation of continued philosophy as key state and local ORO decision makers change. As key ORO decision makers change, is there an expectation that they have the opportunity to modify the prior decisions?
6. The NRC should communicate the inspection criteria for the basis document. The inspection guidance should address possible ambiguity that may exist in the decision basis document. As an example, this could involve reconciliation of differences in PAR guidance that may exist between sites that have comparable EPZs but different local OROs?
7. Has the NRC conducted a backfit analysis that examines the high cost of the change management for this program with an emphasis on the cost to "re-train" the local populaces and OROs?

8. The implementation guidance should communicate FEMA's and the NRC's expectations regarding the dialogue with the state and local OROs and whether it is to be conducted in a "public" venue? If conducted in public and depending on the local populace and the presence of vocal critics, what measures will be in place to ensure decisions are made based on science and not politics or lack of political will?
9. The implementation guidance should establish whether the revised PAR logic diagrams will be subject to public input? review? intervention?
10. The proposed NUREG presents proposed actions based on studies but does not provide conclusive evidence of the dose benefit based on the proposed actions. [Note that STARS is not challenging the studies or their conclusions.] The implementation guidance should establish whether licensees will be expected to provide a quantification of the dose benefit of its PAR strategies. If the strategies are dose neutral, the implementation guidance and or NUREG should provide the criteria for selecting one strategy over the other.
11. The proposed NUREG presents proposed actions based on studies but does not provide quantifiable values for the exposure advantages and disadvantages under the combinations of conditions that would likely exist. For the decisions to be most effectively derived, STARS requests that the document quantify the benefits of one approach over another. Providing this data will allow the OROs to make a better informed decision of the exposure benefits of one PAR strategy over another.
 - a. In the absence of that information, will the licensees or OROs be expected to provide supporting sensitivity studies to support the decisions based on dose avoidance?
12. The implementation guidance should address the economic considerations, if any, may be applied to the selection of PAR strategies? If a cumulative exposure of 10 person-Rem can be avoided by a particular strategy during a hypothetical, but unlikely, accident; but, costs half a million dollars a year for the ORO to maintain, is this a desirable strategy? Similarly, if a nearby community were to incur significant costs as the result of a strategy with a potentially low savings in overall exposure, is there a consideration basis for this factor?
13. During the July 21, 2010 public meeting in Tampa, Florida, the FEMA and NRC Staff indicated that the proposed NUREG guidance can not be "shelved," what approach will the backfit analysis per 10 CFR 50.109 take? How can licensees have input into that analysis? How is the backfit analysis conducted for a NUREG?
14. The implementation guidance should take into consideration the ORO and/or licensee resource availability to undertake this analysis / decision making activity concurrent with the EP rule change coincident with other changes undertaken by OROs to address Department of Homeland Security incident response.