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ADDRESSEE: Gregory Jaczko

CYS:

SUBJECT: NUREG-0654/FEMA-REP-a Rev 1, Supplemental 3

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Bagley, OEDO

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August 2, 2010

Gregory B. Jaczko, Chairman  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

RE: NUREG-0654/FEMA-REP-1, Revision 1, Supplemental 3

Dear Chairman Jaczko:

This letter serves as a platform for expressing the Delaware Emergency Management Agency's (DEMA) 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.

Specifically, we believe that the release of this document is premature for the following reasons:

1. After extensive research, we have been unable to find any indication that DHS/FEMA has endorsed this draft guidance. The language used in Supplement 3 is not consistent with what is contained in the Draft of the REP Program Manual.
2. Since the development of Protective Action Recommendations is largely based on Evacuation Time Estimates and this rulemaking will require licensees to release updated ETEs within one year of finalization of US Census data, it would be prudent to wait for 2010 Census data to be available for use in ETEs to ensure that proposed changes can be properly applied with the highest possible degree of validity.
3. NUREG-0654/FEMA-REP-1, Rev. 1, Supplement 3 makes reference to a document entitled 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. Since the reference indicates that document is in draft form, we feel that it is inappropriate to publish guidance based on the findings of a draft document that is not currently available for public reference.
4. This agency has provided comments for the purposes on entering on record DEMA's concerns on the Document introduction, Protective Action Recommendations, and the Effective Communications Appendix

In addition, we will also be providing comments on Supplement 3 to the regulations.gov website.

Thank you for your time and consideration. Please feel free to contact me at (302) 659-3362 ext. 2240 with any questions, comments, or concerns

Sincerely,

James E. Turner, III  
Director

Attachment: DEMA comments on Supplemental 3 to NUREG-0654

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## Introduction Paragraphs

**2.1** – A definition of General Emergency should be incorporated within the Supplement 3 document.

**2.3** – Offsite Response Organizations (OROs) have prescribed precautionary protection actions based on citizen health & safety issues at a Site Area Emergency declaration. This action is based on the foregoing and allows for citizen protection which may include but not be limited to persons with disabilities, day cares, schools, and nursing homes. This is a governmental decision only. The licensee may recommend, however, the government having jurisdiction ultimately recommends, approves, executes, and terminates actions based on health and safety criteria.

**2.4** - Language used is not consistent with the draft REP Program Manual. Recommendation is to coordinate with FEMA to minimize the likelihood of conflicting guidance. The guidance is unclear as to what constitutes heightened preparedness and the subsequent message may add citizen confusion with all of the messaging already being implemented.

**3.** – Paragraph 3 - Determination of PAR for Rapidly Progressing Scenarios should also incorporate evening and off-work hour evaluations. Last paragraph – Modify last sentence to read: Impacted jurisdictions and the Licensee shall perform a site-specific analysis to determine if other criteria are more appropriate.

## Protective Action Recommendation Logic Diagram Notes

**Note 2 Impediments include the following:** OROs are ultimately accountable and responsible for determining protective action decisions. Licensees are not responsible for soliciting information necessary for the recommendations or decisions. The licensee may offer recommendations based on plant status. However, the OROs with their executive leadership are ultimately accountable to and responsible for implementing protective action decisions.

**Note 3 - Shelter-in-place:** Allow other areas, under an evacuation order to evacuate unimpeded. The intent is for the public to remain where they are, or seek shelter close by, but not to return home to shelter. The licensee may offer recommendations based on plant status. However, the OROs with their executive leadership are ultimately accountable to and responsible for implementing protective action decisions.

**Note 10 – Evacuation after the initial shelter-in-place:** NRC needs to understand that flooding the public with continuous messaging in a very short period of time on diverse protective action decisions causes undue confusion and ultimately floods Public Safety Answering Points (PSAPS) with unnecessary inquiries. Organizational history based on other type of hazardous

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substance releases substantiate the necessity of having a single, clearly understood message supporting the Government Authority Having Jurisdiction (AHJ)

**Appendix:**

**Effective Communications with the public to support  
Emergency preparedness and response.**

**Page A-1** - The information in this appendix applies to ORO's and is not applicable to the utilities, other than information coordinated based on licensee conditions including health and safety hazards. This information has always been under the oversight of FEMA in its REP 2002 Planning Guidelines. It now appears that the NRC and FEMA must adjudicate this specific area. Confusion between Federal agencies, states, and the licensee if left in the proposed document will lead to misunderstanding and ultimately confusion. This issue must be addressed, agreed to, and incorporated within the final rule.

Utility requirement of conducting a logic assessment of off-site conditions prior to making a Protective Action Recommendation (PAR) for planning purposes is supported. However, the implementation of the PAR taking in consideration of offsite conditions including road conditions, traffic impediments, and consideration of sheltering-in-place verses evacuation for these types of conditions are purview of the authority having jurisdiction. We recommend the language in Supplemental 3 requiring the utility to consider off-site conditions when making a Protective Actions Recommendation be removed.

**Section 2.1 Public Response** - Emergency Alert System (EAS) messages are limited to a specific time frame and message content. Multiple media mediums must support the EAS information in defining the program elements outlined in 2.1.

In the fourth bullet, delineated in time add "and complete". The message reads: Inform the public how long they have to implement and complete protective actions and why the time is important.

**3.4 - School Evacuation Messaging** - Recommend language concerning parents reporting to the school during evacuations to pick up students be removed. School administrators in conjunction with the OROs must train parents on protective actions affecting impacted students. This elongates evacuation times, increases confusion and concern. Student in impacted areas must and should be immediately evacuated to a congregate care and host relocation center where parents may assume accountability and responsibility for their children.

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**Section 3.5 – Transit Dependant Public Evacuations** - Emphasis should be place on individual responsibility for contingency planning, identification of population transit actions, and if necessary a mechanism for the resident to report and request assistance through the OROs. Publications should display exact or potential locations dependent upon incident conditions where the public pickup points are operating. The ORO must encourage neighborhood involvement to ensure all find a method to report to a pickup point if a protective action is implemented.

**Section 4.1 – Initial Alert and Notification** - last sentence is not factual. Incident experience dictates that when the public instantaneously utilize their phones, the phone networks (hard wire & cell) in the areas impacted are unusable due to over use. Several examples can be provided

**Section 4.2.2 – Evacuation Messaging** – page A-14 next to last bullet – indicate that use of 911 inhibits response support activities. Identify alternate phone numbers and ORO sites where additional information may be obtained via voice or data.

**Section 5 – Additional Guidance for Effective Messaging** – page A-18 – last bulleted paragraph - “Under the National Response Framework, DHS/FEMA assumes overall coordination of an incident if it progresses to a General Emergency. As Federal agencies, such as DHS/FEMA, become integrally involved in the incident the public should be informed that these are planned actions, to avoid necessary confusion.

If this is in fact the case, other than a request from the State, similar to current Stafford Act procedures for assistance **or** the POTUS or DHS Secretary declares the incident necessitates the NRF implementation, what resources can DE or other states receive to “coordinate” the General Emergency.

Having been involved in federally graded exercises since 1980, I have never seen a FEMA “coordinating element” participate in a drill or graded exercise other than evaluators. Please provide me with the Standard Operation Procedures to address the specific FEMA “coordinating element(s) staffing, duties, and responsibilities. I further request the specific functions that the “Coordination elements” will be evaluated in during our federally graded exercises. Therefore, DEMA can proactively integrate this information into our Radiological Emergency Preparedness Plan and our Incident Action Plan template as it pertains to Radiological emergencies.