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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-2010-0080-0009

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-0048

Comment on FR Doc # 2010-11842

Submitter Information

Name: Henry Tamanini

Address:

Pennsylvania Emergency Management Agency
2605 Interstate Drive
Harrisburg, PA, 17110

Organization: Pennsylvania Emergency Management Agency

Government Agency Type: State

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General Comment

DATE: August 9, 2010

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

REFERENCE: Federal Register Notice 75 FR 27840; May 18, 2010

DOCKET NUMBER: NRC 2010-0080

The following is offered in response to the NUREG-0654, FEMA-REP-1, Rev 1, Supplement 3, Guidance for Protective Action Recommendations for General Emergencies, Draft Report for Comments, Docket ID NRC-2010-0800, and its request for comments. These comments are presented by the Pennsylvania Emergency Management Agency (PEMA).

The Pennsylvania Emergency Management Agency appreciates the opportunity to comment on the aforementioned "Draft Report for Comment, Docket ID NRC 2010-0080.

The document suggests that licensees and Offsite Response Organizations (OROs) discuss and agree to the Protective Action Recommendation (PAR) logic diagram and further develop site-specific Protective Action (PA) logic diagrams. While this appears plausible in theory, this concept presents challenges for entities with multiple

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Call = B. Sullivan (RX53)*

commercial nuclear power plants and plume exposure pathway emergency planning zones that affect multiple states. Currently Pennsylvania is the home of five nuclear power plant sites. Two of the Pennsylvania Nuclear Power Plants have approximate ten-mile radius Plume Exposure Pathway Emergency Planning Zones that impact multiple states. The Plume EPZ of the Peach Bottom Atomic Power Station located in southern York County Pennsylvania affects portions of three counties in the Commonwealth of Pennsylvania and portions of two counties in the State of Maryland. The Plume Exposure Pathway of the Beaver Valley Power Station located in Beaver County Pennsylvania has an approximate ten-mile radius Plume Exposure Pathway Emergency Planning Zone that affects portions of three counties; however, the Plume EPZ includes one county in each of the Commonwealth of Pennsylvania, the State of Ohio and the State of West Virginia. It is important to note that all of these entities have differing roles and responsibilities with respect to legal decision-making regarding the health and welfare of the general public. While all of the five nuclear power plant sites have the ability to recommend various Protective Actions including combinations of sheltering and evacuation based upon plant conditions, meteorological conditions and plume modeling, having the OROs agree in advance to pre-event Protective Actions is not an easily achieved task. In terms of the nuclear power plants with Plume EPZs affecting multiple states and counties, the decision making process requires input from the elected County Commissioners, the Health Departments, State Radiation Control Agencies, and other elements of the State and Commonwealth governments including the Governor(s) or Senior State Official(s). Within Pennsylvania, at least one additional factor is the experience gained during the actual 1979 Three Mile Island Unit 2 reactor event and the resultant Commonwealth policy regarding protective actions. Due to the TMI Unit 2 event, Pennsylvania has developed an "all or none" protective action policy to either shelter or evacuate the entire 360 degree, 10-mile radius Plume Exposure Pathway EPZ. This was a decision made by the Commonwealth following the myriad of hearings and investigations into the TMI Unit-2 accident and prior to the restart of TMI-Unit-1. Since that time, the approximate thirty years of public information dissemination to more than a half million residents of the five Commonwealth of Pennsylvania Plume Exposure Pathway Emergency Planning Zones along with the training and full-scale exercises involving thousands of ORO personnel have been based upon the protective action policy of the entire designated plume exposure pathway emergency planning zone. That is, either shelter or evacuate the entire EPZ upon the recommendation or order of the Senior State Official. Pennsylvania law indicates that the Governor is the only official who may compel an evacuation.

Pennsylvania does recognize the benefit of sheltering-in-place and the radial evacuation concept. Pennsylvania also recognizes the benefit of studying and implementing improved sheltering arrangements for special populations such as long term care facilities and dependent care facilities such as detention facilities, health care facilities and other related facilities. Lastly, Pennsylvania does understand and recognize the benefits of the early implementation of protective actions such as early dismissal, the closing of parks and recreational areas and non-essential facilities well in advance of a General Emergency classification. Pennsylvania does wish to caution the NRC and FEMA that the utilization of early dismissal of schools and the return of students to their homes within the Plume Exposure Pathway EPZ is not an advisable method due to potential of the students not having a further means to evacuate if they are at home without adult supervision. Most schools are considered to be serving in a status of loco parentis during normal school hours. An early dismissal disrupts the normal school day and therefore negates the ability of the school to have accountability of the students and their safety.

The Pennsylvania Emergency Management Agency receives input from a number of Subject Matter Experts (SMEs) during the Protective Action Decision Making Process. The SMEs include the Pennsylvania Bureau of Radiation Protection, the Pennsylvania State Police, The Pennsylvania Department of Transportation, The Pennsylvania Department of Health, The Pennsylvania Department of Public Welfare, The Pennsylvania Department of Military and Veterans Affairs, The Pennsylvania Department of Education and others. A change to the current Protective Action Decision Process will require more than an agreement between the licensees and the OROs in terms of Protective Action Logic diagrams to effectuate a change of policy.

While DOCKET NUMBER: NRC_2010-0080 presents a reasonable academic look at the previous Protective Action Logic and studies, we hereby request that additional work be conducted including a thorough review of the laws, policies and regulations which address protective action decisions of all of the nuclear power plant Offsite-Response-Organization stakeholders including the States, Commonwealths, Counties, Municipalities and School Districts.

Attachments

NRC-2010-0080-DRAFT-0048.1: Comment on FR Doc # 2010-11842

DOCKET NUMBER: NRC 2010-0080

DATE: August 9, 2010

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

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