

EDO Principal Correspondence Control

FROM: DUE: 09/09/10

EDO CONTROL: G20100533
DOC DT: 08/12/10
FINAL REPLY:

Shari T. Wilson, Secretary
Maryland Department of the Environment

TO:

Chairman Jaczko

FOR SIGNATURE OF :

** GRN **

CRC NO: 10-0385

Wiggins, NSIR

DESC:

ROUTING:

NUREG-0654/FEMA-REP, Rev. 1, Supplement 3,
Guidance for Protective Action Recommendations for
General Emergencies as Published March 3, 2010 for
Public Comment (EDATS: SECY-2010-0423)

Borchardt
Weber
Virgilio
Ash
Mamish
OGC/GC
Greene, ADM
Bagley, NSIR

DATE: 08/19/10

ASSIGNED TO:

CONTACT:

NSIR

Wiggins

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-07

E-RMS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2010-0423

Source: SECY

General Information

Assigned To: NSIR

OEDO Due Date: 9/9/2010 11:00 PM

Other Assignees:

SECY Due Date: 9/9/2010 11:00 PM

Subject: NUREG-0654/FEMA-REP, Rev. 1, Supplement 3, Guidance for Protective Action Recommendations for General Emergencies as Published March 3, 2010 for Public Comment

Description:

CC Routing: NONE

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

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Related Task:

Recurring Item: NO

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Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

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Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: NSIR

Urgency: NO

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OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: Shari T. Wilson

Date of Incoming: 8/12/2010

Originating Organization: Maryland Department of the Environment

Document Received by SECY Date: 8/18/2010

Addressee: Chairman Jaczko

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Aug 18, 2010 10:16

PAPER NUMBER: LTR-10-0385

LOGGING DATE: 08/17/2010

ACTION OFFICE: EDO

AUTHOR: Shari Wilson

AFFILIATION: MD

ADDRESSEE: Gregory Jaczko

SUBJECT: NUREG-0654/FEMA-REP, Rev. 1 supplement 3, Guidance for Protective Action
Recommendations for General Emergencies as Published March 8, 2010 for Public Comment

ACTION: Appropriate

DISTRIBUTION: RF

LETTER DATE: 08/12/2010

ACKNOWLEDGED No

SPECIAL HANDLING: Make publicly available in ADAMS via EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

EDO --G20100533



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

August 12, 2010

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

RE: NUREG-0654/FEMA-REP, Rev. 1, Supplement 3, Guidance for Protective Action
Recommendations for General Emergencies as Published March 8, 2010 for Public Comment

Dear Chairman Jaczko:

The Maryland Department of Environment respectfully requests that you delay the implementation of the above referenced proposal for the reasons outlined in this letter.

Since the guidance was published in March of this year, the Department has spent considerable time reviewing the draft including discussions with nuclear power plant representatives from the Calvert Cliffs Nuclear Power Plant and the Peach Bottom Atomic Power Station and Maryland Off-site Response Organization stakeholders (State Agencies and Counties) in Maryland and Pennsylvania. The Department also participated in several NRC Public Meetings. We also worked with the Nuclear Energy Institute (NEI) National Task Force to discuss the DRAFT Rule and to devise a strategy to implement it:

Our request to delay the rule is made for the following reasons:

- 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 [SOARCA] study, yet unpublished) concludes that mitigative actions will likely be successful." It is impossible to evaluate the validity of the conclusions drawn from an unpublished study so we are not able to appropriately comment until all reference materials are also made available for review.
- "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. 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 for the document. The reference

though indicates that it is still in DRAFT form and not currently available for public review.

- The development of Protective Action Recommendations in NUREG-0654/FEMA-REP-1, Rev. 1, Supplement 3 (Draft) will be based on Evacuation Time Estimates (ETEs) for each nuclear power plant site. As you are aware, NRC is in the process of other 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.

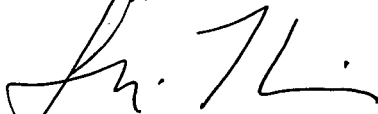
The United States is currently in the process of taking a national census and new ETE studies will be initiated once the NRC Rule is final and the 2010 census data is completed. It would be more appropriate to wait to move forward to implement this guidance until the NRC rule change regarding ETEs is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

- 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 and FEMA endorsement. Since the guidance has a significant impact on off-site response organization plans and procedures, it would seem appropriate to have both DHS and FEMA public endorsement prior to publication.

Maryland intends to comply with the intent of this DRAFT guidance. Based on the above, the Department urges you to remove this document from the docket and reissue the guidance once these concerns are addressed.

Thank you in advance for your consideration of this request. If you would like to discuss this further, please call me or Michael Griffen, Nuclear Emergency Response Coordinator, at 410-537-3946 or mgriffen@mde.state.md.us.

Sincerely,



Shari T. Wilson
Secretary

cc: Robert Summers, Deputy Secretary, Maryland Department of the Environment
W. Thomas Levering, Emergency Preparedness & Planning Director
Michael Griffen, Nuclear Emergency Response Coordinator