

November 13, 2015

MEMORANDUM TO: Robert E. Kahler, Branch Chief
Inspection and Regulatory Improvements Branch
Division of Preparedness and Response
Office of Nuclear Security and Incidence Response

FROM: Jonathan A. Fiske, EP Specialist **/RA/**
Inspection and Regulatory Improvements Branch
Division of Preparedness and Response
Office of Nuclear Security and Incidence Response

SUBJECT: RESPONSE TO PUBLIC COMMENTS ON DRAFT REGULATORY
ISSUE SUMMARY 2015-XX, "PROTECTIVE ACTION
RECOMMENDATIONS FOR MEMBERS OF THE PUBLIC ON
BODIES OF WATER"

A notice of opportunity for public comment on this Regulatory Issue Summary (RIS) was published in the *Federal Register* (80 FR 30095) on May 26, 2015, for a 45-day comment period. Four organizations provided comments, which were considered before issuance of this RIS in final form. Comments were received from the Nuclear Energy Institute (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15187A074), Pilgrim Watch and the Town of Duxbury Nuclear Advisory Committee (ADAMS Accession No. ML15201A578), Jones River Watershed Association (ADAMS Accession No. ML15201A576), and Association to Preserve Cape Cod (ADAMS Accession No. ML15201A577). Enclosed are the staff responses to all public comments.

Enclosure:
As stated

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301-287-9228

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ADAMS Accession Nos.: **ML15216A241 (Pkg.); ML15216A354 (Memo)**

*concurring via e-mail

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DATE	7/29/2015	7/29/2015	7/29/2015	8/20/2015	11/13/15

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**NRC STAFF RESPONSE TO PUBLIC COMMENTS ON
DRAFT NRC REGULATORY ISSUE SUMMARY 2015-XX
PROTECTIVE ACTION RECOMMENDATIONS FOR MEMBERS OF THE PUBLIC ON
BODIES OF WATER (ML15022A610)**

Comments on the subject draft regulatory issue summary (RIS) are available electronically at the U.S. Nuclear Regulatory Commission's (NRC's) electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into the Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. Comments were received from the following individuals or groups:

Letter No.	ADAMS Accession No.	Commenter Affiliation	Commenter Name
1	ML15187A074	Nuclear Energy Institute (NEI)	Susan Perkins-Grew
2	ML15201A578	Pilgrim Watch and Town of Duxbury Nuclear Advisory Committee	Mary Lampert and Rebecca Chin
3	ML15201A576	Jones River Watershed Association	Pine DuBois
4	ML15201A577	Association to Preserve Cape Cod	Edward DeWitt

The NRC assigned each of the four submittals a letter number. Each submittal contains comments. For each comment, the NRC has provided a summary of the comment followed by the NRC's response. Each comment is referred to below by its associated letter number and its own sequential number.

Comments

Comment No. 1-1: The commenter suggested that the following language be added after the first paragraph in the "Summary of Issue" section: "Licensees typically convey protective action recommendations to offsite decision-makers in one of two ways. Some licensees use areas defined by geographic or political boundaries to support emergency response planning. These may be referred to as Emergency Response Planning Areas (ERPAs), subareas, protective action areas, or other local terminology. Some of these areas include bodies of water, but others do not. Other licensees evacuate a 360° radius 0 to 2 mile zone plus a combination of downwind sectors. Figures 1 and 2 in NUREG/CR-6863, "Development of Evacuation Time Estimate Studies for Nuclear Power Plants," provide graphic representations of these methods."

NRC Response: The NRC agrees with the comment, in part. The proposed language, prior to the reference of NUREG/CR-6863, provides relevant additional information and clarity. The RIS will be modified to include a similar description of methods used to convey protective action strategies. NUREG/CR-6863, "Development of Evacuation Time Estimate Studies for Nuclear Power Plants," does not provide significant additional clarity within the scope of this RIS. The reference to NUREG/CR-6863 will not be incorporated.

Enclosure

Comment No. 1-2: The commenter recommended that the NRC add Figure 1 and 2 graphics from NUREG/CR-6863.

NRC Response: The NRC disagrees with the comment. The incorporation of Figure 1 and Figure 2 from NUREG/CR-6863, "Development of Evacuation Time Estimate Studies for Nuclear Power Plants," would not provide significant additional clarity beyond the descriptions proposed in Comment No. 1-1. No change was made to the RIS in response to this comment.

Comment No. 1-3: The commenter recommended that the following language be added to the first sentence of the second paragraph in the "Summary of Issue" section: "(who used an ERPA model that did not include all bodies of water)".

NRC Response: The NRC agrees with the comment. The recommended language represents a relevant distinction that more clearly defines the situation. The RIS will be modified to include this distinction.

Comment No. 1-4: The commenter recommended that the following language be added to the end of the third paragraph in the "Summary of Issue" section: "unless the body of water is located in an existing ERPA[s], sector[s] or other pre-designated PAR zone addressed in the PAR development process. In this case, the PAR to evacuate the ERPA[s], sector[s] or the zone is adequate and the PAR need not provide a specific reference to the body of water."

NRC Response: The NRC agrees with the comment. The actuality that in some cases a PAR need not provide specific reference to body of water that is to be evacuated will be incorporated into the modification made in response to Comment No. 1-1. The RIS was modified in response to this comment.

Comment No. 2-1: The commenter supported the RIS conclusion.

NRC Response: No response required.

Comment No. 2-2: The commenter asserted that the evacuation time estimates (ETEs) for the Pilgrim Station regarding boaters was not credible.

NRC Response: The NRC considers this comment to be beyond the scope of the RIS because this RIS does not concern ETEs. No change was made to the RIS in response to this comment.

Comment No. 2-3: The commenter provided lessons learned with regard to implementing offsite protective actions for members of the public on bodies of water.

NRC Response: The NRC considers this comment to be beyond the scope of the RIS. The clarification in this RIS is limited to inclusion of bodies of water in licensee protective action recommendations provided to offsite emergency response organizations, and does not address offsite implementation of protective measures. The staff acknowledges the receipt of the protective measures described in the "Some Lessons Learned" section of the comment. No change was made to the RIS in response to this comment.

Comment No. 3-1: The commenter strongly suggested that this RIS should require action or written response to ensure all licensees are interpreting the regulations correctly and uniformly, and allow the NRC to correct any violations.

NRC Response: The NRC disagrees with the comment. The purpose of this RIS is to clarify the NRC's position regarding compliance with 10 CFR 50.47(b)(10) and not to seek action or written response. The NRC will ensure licensee compliance during on-site inspections of the licensee's emergency plans. No change was made to the RIS in response to this comment.

Comment No. 3-2: The commenter raised various concerns regarding the development and implementation of offsite protective measures related to the Pilgrim site. These included the need to identify the varied stakeholders on the bodies of water both commercially and recreationally; consideration for the seasonal, community, and regional events on the water; and the opportunity for local input and review of emergency plans.

NRC Response: The NRC considers this comment to be beyond the scope of this RIS. This RIS is not intended to provide guidance on how to develop and implement site specific offsite protective measures. No change was made to the RIS in response to this comment.

Comment No. 4-1: The commenter identified complexities and challenges to effectively dealing with the population at sea and claimed that the RIS was inadequate.

NRC Response: The NRC considers this comment to be beyond the scope of the RIS. The staff acknowledges the comment regarding the difficulty of communicating at sea. However, this RIS is not intended to provide guidance on how to develop and implement offsite protective measures. No change was made to the RIS in response to this comment.