

Rulemaking Comments

PRM-50-104
(77FR25375)

July 17, 2012 (1:35 pm)

From: Lorin L. Mock [Lorin.Mock@claycountygov.com]
Sent: Monday, July 16, 2012 6:51 PM
To: Rulemaking Comments
Cc: John Ward
Subject: Docket ID NRC-2012-0046 Clay County Public Safety Department Comments
Attachments: Clay County Public Safety Department Comment on Docket ID NRC-2012-0046.pdf; State of Florida Comment on Docket ID NRC-2012-0046.pdf

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Ms. Bladey,

The Clay County Public Safety Department appreciates the opportunity to comment on the Petition for Rulemaking (PRM-50-104 or Petition) noticed in the Federal Register on April 30, 2012. This petition, filed by Mr. Michael Mariotte on February 15, 2012, on behalf of the Nuclear Information Resource Service and 37 co-petitioners, requests the NRC to amend its regulations and expand the Emergency Planning Zones for nuclear power plants in the United States.

After reviewing this petition and considering potential impacts of expanding the Ingestion Exposure Pathway EPZ, from the existing 50 miles to 100 miles, the Clay County Public Safety Department wishes to join the State of Florida Division of Emergency Management in requesting that the NRC deny the petitioner's request.

Clay County's recommendation, like Florida's, is based upon the collective findings of the Florida Radiological Emergency Preparedness Task Force, and as such represents the informed opinion of industry representatives, as well as state and local government leaders. Further, we also join the Florida Radiological Emergency Preparedness Task Force in its full support of the comments submitted by the Nuclear Energy Institute (NEI) and the Conference of Radiation Control Directors (CRCPD) in this matter.

Thank you for your consideration of these comments.

Sincerely,

Lorin L. Mock
Fire Chief/Emergency Manager
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Template=SECY-067

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**CLAY COUNTY
FLORIDA**

Public Safety Department

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July 16, 2012

Ms. Cindy Bladey
Chief, Rules Announcements and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-001

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Lorin L. Mock
Fire Chief/Emergency Manager
Clay County Public Safety Department
P.O. Box 1366
Green Cove Springs, FL 32043



STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

BRYAN W. KOON
Director

July 16, 2012

Submitted Via Electronic Docket
(www.regulations.gov)
Docket ID NRC-2012-0046

Ms. Cindy Bladey
Chief, Rules, Announcements, and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001

Dear Ms. Bladey,

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In response to PRM-50-104, it is the recommendation of the Florida Radiological Emergency Preparedness (REP) Task Force ¹, (comprised of the State of Florida's Division of Emergency Management, the Florida Bureau of Radiation Control, the individual Host, Risk and Ingestion counties ², and the utilities of Florida Power and Light and Progress Energy), that the NRC deny this petition to expand the existing EPZ and IPZ including creation of a new response zone.

This recommendation is based upon the established and highly effective "All Hazards" response approach standards already in place. Furthermore, the Florida REP Task Force is in full support of the comments submitted by the Nuclear Energy Institute (NEI) and by the Conference of Radiation Control Directors (CRCPD).

Again, thank you for the opportunity to provide comments and please contact me if you have any questions.

Sincerely,

Paul Wotherspoon
REP Program Administrator
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paul.wotherspoon@em.myflorida.com

**State of Florida REP Task Force comments on
PRM-50-104 - NRC-2012-0046**

The State of Florida, Division of Emergency Management appreciates the opportunity to provide comments on the Petition for Rulemaking (PRM-50-104 or Petition) noticed in the Federal Register on April 30, 2012. The petition was filed with NRC by Mr. Michael Mariotte and was dated February 15, 2012. The petition was filed on behalf of the Nuclear Information and Resource Service (NIRS) and 37 co-petitioners. In short, the petitioner requests the NRC amend its regulations to expand the Emergency Planning Zones for nuclear power plants in the United States.

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Since September 11, 2001, the Federal Government has awarded billions of dollars through grants and assistance to our nation's state and local governments to strengthen emergency management and response capabilities. The Department of Homeland Security (DHS) developed several key strategic documents, including the National Response Framework (NRF), the National Incident Management System (NIMS), the Incident Command System (ICS) and the National Preparedness Goal to guide all federal, state and local efforts.

While NUREG-0396, December 1978 established the current Emergency Planning and Ingestion Pathway zones (EPZ), the expansion and application of an "All Hazards" approach has significantly enhanced the ability of state and county REP planners and responders to coordinate with neighboring communities that lie beyond the EPZ. The "All Hazards" approach allows for fluid and immediate scalability, thereby allowing response activities to quickly expand or contract based upon the circumstances.

The State of Florida has experienced a number of diverse, unprecedented disaster events. In 1992, Category 5 Hurricane Andrew, in 1998, a historic Wildfire Season, in 2007, the Groundhog Day Tornadoes, in 2010, the Repatriation response following the 7.0 Earthquake on the Island of Haiti, and in 2010, the Deepwater Horizon Oil Spill, are examples of highly destructive events which have impacted Florida.³ The state as a whole was able to respond to these sizeable events while concurrently responding to additional emergency events around the state.

In the aftermath of the 2005 Atlantic hurricane season, a reassessment of the federal role in preparing for and responding to catastrophic events was conducted. The U.S. Congress, the White House and Homeland Security Council, the DHS, Inspector General (IG), Governmental

Accountability Office (GAO) and the Federal Emergency Management Agency (FEMA) provided numerous insights into the strengths and the limitations of the nation's capacity to respond to catastrophic disasters. This review also resulted in recommendations for strengthening this capacity. Collectively, these studies and reports highlighted the complex challenges that federal, state, local and tribal governments face in preparing for, responding to, and recovering from catastrophic disasters.

The Post-Katrina Reform Act directed organizational, mission, and policy changes to respond to these findings and challenges. In addition, the Homeland Security Presidential Directive 5 (HSPD-5): Management of Domestic Incidents, the Presidential Policy Directive / PPD-8: National Preparedness and Public Law (PL) – 110-53 – Implementing Recommendations of the 9/11 Commission Act of 2007 have all had a profound impact on radiological emergency preparedness and response at federal, state and local levels.

All of these federal policies have been implemented in Florida. The local jurisdiction's level of knowledge and expertise in "All-Hazards" emergency management and response has grown exponentially at all levels. The application of key concepts and planning standards of the DHS guidance has had a significant impact on the long established Radiological Emergency Preparedness community as well, by strengthening and solidifying the already established programs.

As a result of the National Response Framework and National Incident Management System, the response community throughout the United States continues to be better equipped, better trained and better prepared. These significant strides in the roles, responsibilities and resources provide a mechanism for state, county, local and tribal response organizations to expand response beyond the established zones with few, if any, logistical hurdles.

The DHS policy and initiatives has provided a solid basis for implementing the ad hoc expansion of Protective Actions for nuclear power plant emergencies as described in the planning basis, NUREG-0396. State and local response organizations have always recognized the possibility that actions may be warranted beyond the established EPZs. In many cases, these issues have been addressed within drills and exercises.

The development and implementation of NIMS/ICS under the National Response Framework enhances response capability and provides additional resources to facilitate prompt and effective protective measures for all populations that may be affected. Based upon implemented changes from the Post 9-11 and Post Katrina initiatives, the REP community in Florida exceeds the necessary resources and protocols to expand Protective Actions beyond the current EPZs in order to reduce public health risks from radiation exposure. Therefore, the consideration of expanding the EPZ is not required.

In conclusion, the State of Florida, in agreement with the statewide radiological emergency preparedness community, does not support the petition. Its proposed changes are neither prudent nor necessary in light of the current emergency response capabilities within the State of Florida, and our nation's emergency management capability.

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Notations

¹ The Florida Radiological Emergency Preparedness (REP) Task Force, comprised of State, County and Utility REP partners, strives to maintain continuity within the statewide partnership. The REP Task Force meets on an as-needed basis, as well as annually to discuss REP emergency management developments and training and exercises within the State of Florida.

² The identified Risk, Host and Ingestion Counties in Florida are as follows: Risk: *St. Lucie, Martin, Citrus, Levy, Miami-Dade and Monroe*; Host: *Palm Beach, Brevard, and Indian River*; Ingestion: *Osceola, Okeechobee, Highlands, Glades Alachua, Dixie, Gilchrist, Hernando, Marion, Pasco, Sumter, Bay, Calhoun, Gadsden, Holmes, Jackson, Liberty, Washington, Broward, Collier*.

³ 1992 Category 5 Hurricane Andrew

Damage in the United States is estimated to be near 25 billion, making Andrew the most expensive natural disaster in U.S. history¹. The tropical cyclone struck southern Dade County, Florida, especially hard, with violent winds and storm surges characteristic of a category 4 hurricane (see addendum on upgrade to category 5) on the Saffir/Simpson Hurricane Scale. In Dade County alone, the forces of Andrew resulted in 15 deaths and up to one-quarter million people left temporarily homeless. An additional 25 lives were lost in Dade County from the indirect effects of Andrew².
(National Weather Service website)

1998 Wildfire Season

The most devastating wildfire season in Florida's history. Nearly 2300 wildfires burned close to 500,000 acres throughout Florida. There were 193 injuries reported. More than 300 homes and 30 businesses were damaged or destroyed and a loss of more than \$300 million as a result of lost timber. The State made use of more than 10,000 firefighters from 47 states and more than 150 aircraft. This is believed to be the largest coordinated fire response effort in recent history of the country.

2007 Groundhog Day Tornadoes

In February 2007, a deadly tornado outbreak struck across Central Florida. Known as the Groundhog Day Tornadoes, three separate tornadoes in the early morning hours touched down between Lake and Volusia counties, two of which were EF-3 strength on the Enhanced Fujita Scale (155-160 mph winds). The swath of damage extended nearly 70 miles and caused 21 fatalities and \$270 million in damage, making it the deadliest tornado disaster in the United States that year. The SEOC was activated for 47 days to direct response and recovery issues for the Groundhog Day (Feb 2) Tornadoes.

2010 Haiti 7.0 Earthquake

Response operations to the earthquake centered on supporting 26,671 U.S. citizens, Haitian and other foreign nationals with passports or visas being transported back to the U.S., primarily on military aircraft. In all cases, they were met and offered support in the form of airplane tickets to their final destination, food, cash advances or hotel accommodations. A portion of these flights involved 751 adoptees from Haiti who were allowed to enter the U.S. to be united with their prospective parents. The state and local agencies supported these activities through volunteer agencies, emergency management, fire/rescue agencies and the Florida National Guard. In coordination with DCF, these agencies provided translators, Creole speaking attorneys, and baggage handlers for the military aircraft. The financial support was provided by way of a loan program administered through DCF in support of ORR. Medical evaluations were completed by local and state teams until relieved by federal medical teams.

2010 BP Deepwater Horizon Oil Spill - April 20, 2010

On Initial reports of oil release from the disaster site were limited to by-products of the collapsed oil rig itself, but shortly thereafter BP confirmed that oil from the MC-252 well site was entering the Gulf. Under the Oil Pollution Act (OPA) of 1990, BP was designated the responsible party and statutorily obligation to fund all response efforts. The Florida State Emergency Operation Center (SEOC) was activated for 120 days from April 30, 2010 to August 27, 2010. Approximately 200 miles of Florida's coastline was impacted, 500,000 Gallons of oil was recovered from Florida's shoreline, and 19 state agencies were involved in the response. To date, BP has paid approximately \$33.1 million to local governments in Florida, and approximately \$2.47 billion to individuals and businesses in Florida, for the entire incident.

(Florida Division of Emergency Management website)