

August 5, 2013

The Honorable Kirsten E. Gillibrand
United States Senate
Washington, D.C. 20510

Dear Senator Gillibrand:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of May 6, 2013, regarding the recent Government Accountability Office (GAO) report entitled "Emergency Preparedness: NRC Needs to Better Understand Likely Public Response to Radiological Incidents." You expressed particular interest in ensuring that the Federal Government understands how "shadow evacuations" of populations outside the 10-mile emergency planning zone (EPZ) around a nuclear power plant would impact the evacuation times for those closest to the plant. A shadow evacuation is the evacuation by persons outside of any officially declared evacuation zone. The NRC has previously sponsored research on this topic and remains committed to close collaboration with the Federal Emergency Management Agency (FEMA) and local officials on emergency preparedness. We will also continue to communicate openly with the public on these matters.

As you are aware, the GAO report supports the NRC's position that emergency preparedness and planning within the 10-mile EPZ provides reasonable assurance of adequate protection of public health and safety in the unlikely event of a radiological incident at a nuclear power plant. However, as you stated, the GAO recommended that, to better inform radiological emergency preparedness and planning efforts, the NRC should obtain further information on public awareness and likely public response outside the 10-mile EPZ and incorporate insights into guidance, as appropriate. The GAO acknowledged that the NRC generally disagreed with GAO's finding on shadow evacuations, based on research that shows that public response outside the EPZ would have no significant impact on evacuations; a summary of this research is provided in the enclosure. Nevertheless, this appears to be a circumstance in which GAO and NRC will respectfully disagree.

I would note that in 2003, at the request of New York Governor Pataki, James Lee Witt Associates undertook a study of emergency preparedness in the communities around the Indian Point Energy Center. Part of this exhaustive, independent review was a careful examination of the evacuation plans for Indian Point Energy Center communities and assessment of the impact of shadow evacuation on the overall evacuation. Witt Associates stated that the analysis done on the impact of shadow evacuation by the populations beyond the 10-mile emergency planning zone was satisfactory.

Though the NRC's research shows that shadow evacuations do not significantly impact EPZ evacuations, they were specifically included in the NRC guidance document, NUREG/CR-7002, "Criteria for Development of Evacuation Time Estimate Studies," as a factor that licensees should consider in developing their evacuation time estimates. In addition, as part of the follow-

up to the accident at Fukushima, the NRC plans to use insights from ongoing technical studies to inform the NRC's regulatory approach to emergency planning around nuclear power plants.

Your letter also urged the NRC to respond to the GAO report, and asked us to work closely with local officials and to communicate openly with the public regarding emergency preparedness studies and activities. In this regard, we responded to Congress and GAO in a letter dated June 5, 2013, in which we submitted the agency's planned actions to address the GAO recommendations.

In addition, the NRC staff routinely works with State and local officials on emergency preparedness issues concerning Indian Point Energy Center. Most recently, on May 13, 2013, the NRC staff met with State and local officials in a "government-to-government" meeting on matters related to Indian Point. These government-to-government meetings provide an opportunity for enhanced communications between NRC staff and State and local officials. The NRC also holds public meetings to communicate directly with local residents on issues related to Indian Point Energy Center.

Finally, the NRC staff is considering other ways of directly engaging Federal, State and local governments; response organizations; non-governmental entities; and the public, to better understand and address their concerns, as well as to ensure there is a clear understanding of the NRC's emergency preparedness requirements.

Please be assured that we take your concerns very seriously and are committed to ensuring that our licensees have sound emergency planning in place. If you need any additional information, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Allison M. Macfarlane

Enclosure:
As stated

cc: W. Craig Fugate, FEMA