February 27, 2014

MEMORANDUM TO: Mark A. Satorius
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-13-0135 – DENIAL OF PETITION FOR RULEMAKING REQUESTING AMENDMENTS REGARDING EMERGENCY PLANNING ZONE SIZE (PRM-50-104)

The Commission has approved the staff's recommendation to publish a Federal Register Notice denying PRM-50-104, subject to the attached revisions. Also, the staff should make the attached revisions and conforming changes to the "NRC Response to Public Comments (PRM-50-104; NRC-2012-0046), Petition for Rulemaking to Expand Emergency Planning Zones."

Attachment: Changes to the Federal Register Notice, the Letter to the Petitioner, and NRC Response to Public Comments (PRM-50-104; NRC-2012-0046), Petition for Rulemaking to Expand Emergency Planning Zones

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

SECY NOTE: THIS SRM TO BE RELEASED TO THE PUBLIC 5 WORKING DAYS AFTER DISPATCH OF THE LETTERS

Attachment

Changes to the Federal Register Notice

1. On page 4, 2nd full paragraph, revise line 1 to read ' ... with regards to ....'

2. On page 4, last paragraph, revise line 1 to read ' ... 10 CFR 50.47(c)(2) with regards to establish an "emergency response zone": '

3. On page 5, last paragraph, revise line 1 to read ' ... with regards to ....'

4. On page 5, last paragraph, revise the last line to read ' ... stated, "[g]iven ....'

5. On page 6, 1st full paragraph, revise line 1 to read ' ... with regards to ....'

6. On page 9, 1st full paragraph, delete the sentences in lines 6 through 14 (The NRC examined … of several miles.) and replace with the following: 'A key finding of the latter study was that existing emergency planning requirements for nuclear power plants substantially anticipate and address issues identified in the large-scale evacuations researched. The review of NRC and FEMA emergency preparedness regulatory, programmatic and guidance documentation also demonstrated that existing criteria, plans, and procedures were already in place to address most of the issues that were experienced in the large-scale evacuations studied. The assessment of emergency response planning and implementation for large-scale evacuations affirmed that most of the lessons learned in the evacuations studied herein were anticipated by NRC and FEMA and were already addressed in existing planning and procedures within the NRC and FEMA framework.'

7. On page 9, 1st full paragraph, revise the last 3 lines to read 'Therefore, information available … responsible for without additional regulatory requirements from the NRC with the existing regulatory framework.'

8. On page 15, revise line 6 from the top to read ' ... with regards to ....'

9. On page 15, 1st full paragraph, revise line 5 to read ' ... people occurred during the study period from 1997 to 2003 occurred approximately every 3 two weeks in ....'

10. On page 15, 1st full paragraph, revise line 9 to read ' ... response to life-threatening ....'

11. On page 17, revise line 4 from the top to read ' ... consequences have has nothing ....'

12. On page 18 2nd full paragraph, revise line 4 to read ' ... with the then-Chairman of the NRC, ...'

13. On page 18, 2nd full paragraph, revise lines 7 and 8 to read ' ... advisory was made in the interest of protecting the health and safety of U.S. citizens in Japan based on ....'

14. On page 18, 2nd full paragraph, revise the last line to read ' ... events, including ....'

15. On page 18, last paragraph, delete the sentence in lines 4 through 6 (This was a … degrade.) and replace with the following: 'These calculations were worst case,

hypothetical computer model analyses of consequences of releases from the Fukushima site.'

16. On page 18, last paragraph, revise line 7 to read ' ... from ~~the~~ former NRC Chairman Jaczko to ....'

17. On page 19, revise line 2 from the top to read ' ... issued a ~~prudent, conservative~~ travel advisory ....'

18. On page 19, revise line 6 from the top to read ' ... safety, and that they ....'

19. On page 19, 1st full paragraph, revise line 5 to read ' ... plant site, including ....'

20. On page 19, 1st full paragraph, revise line 6 to read ' ... offices ~~also~~ can ....'

21. On page 20, 2nd full paragraph, revise line 3 to read ' ... 1980, including ....'

22. On page 20, last paragraph, revise line 5 to read ' ... revised, as necessary, the requirements associated with emergency planning, such ....'

23. On page 24, delete the sentence in lines 6 and 7 from the top (Although most ANS … emergency.)

24. On page 27, 1st full paragraph, revise line 1 to add the following after the end of the 1st sentence: 'As specified in 10 CFR 50.47(c)(2), two EPZs are established around each nuclear power plant. The technical basis for the EPZs is provided in NUREG-0396, EPA-250/1-78-016, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," dated December 1978 (ADAMS Accession No. ML051390356). The first zone, the plume exposure pathway EPZ, establishes an area of approximately 10 miles in radius. Within the plume exposure pathway EPZ, detailed planning is required for the recommendation and implementation of protective actions such as sheltering in place or evacuation. The ingestion pathway EPZ has a radius of approximately 50 miles from the plant. Within this EPZ, detailed planning is required to address the potential need to interdict foodstuffs to prevent human exposure from ingestion of contaminated food and surface water. The NRC remains confident that the emergency preparedness programs in support of nuclear power plants provide an adequate level of protection of the public health and safety and that appropriate protective actions can and will be taken in the event of a radiological event at an existing nuclear power plant.' Begin a new paragraph with the remaining text.

25. On page 27, 2nd full paragraph, revise line 1 to read ' ... large-scale ....'

26. On page 27, 2nd full paragraph, delete the 2nd sentence (All of the … noted).) and replace with the following: 'The assessment of emergency response planning and implementation for large-scale evacuations affirmed that most of the lessons learned in the evacuations studied herein were anticipated by NRC and FEMA and were already addressed in existing planning and procedures within the NRC and FEMA framework.'

27. On page 28, 1st full paragraph, delete the comma at the end of line 2.

28. On page 31, last paragraph, revise lines 1 and 2 to read ‘ ... Point Energy Center ~~Nuclear Generating~~, Diablo Canyon ~~Nuclear~~ Power Plant, and Vermont Yankee Nuclear Power Plant ~~Station~~ as ....’

29. On page 33, revise line 9 from the top to read ‘ ... trends regarding those ....’

30. On page 33, 1st full paragraph, revise lines 1 and 2 to read ‘ ... safety-related, that could affect the performance of a safety-related function, or that are ....’

31. On page 34, 1st bullet, revise line 2 to read ‘ ... conditions, including ....’

32. On page 34, last paragraph, revise the last line to read ‘ ... stated that, given ....’

33. On page 37, revise lines 2 through 5 from the top to read ‘ ... other efforts to ~~maintain water level above the fuel. The events at Fukushima Dai-ichi demonstrated the confusion and misapplication of resources that can result from beyond-design-basis external events when adequate instrumentation is not available~~ respond to the event. Subsequent analysis determined that the water level in the Unit 4 Spent Fuel Pool did not drop below the top of the stored fuel and no significant fuel damage occurred. The lack of information on the condition of spent fuel pools contributed to a poor understanding of possible radiation releases and adversely impacted effective prioritization of emergency response actions by decision makers.’

34. On page 37, 2nd full paragraph, revise line 5 to read ‘ ... with R~~r~~egard to ....’

35. On page 38, revise line 6 from the top to read ‘ ... license~~,~~ and ....’

36. On page 43, revise line 11 from the top to read ‘ ... report, the ~~United Nations Scientific Committee on the Effects of Atomic Radiation~~ UNSCEAR, and ....’

37. On page 44, revise line 5 from the top to read ‘ ... and ~~initiate~~ initiating the ....’

38. On page 44, 2nd full paragraph, revise line 1 to read ‘ ... also discussed~~s~~ the ....’

39. On page 44, 2nd full paragraph, revise lines 4 and 5 to read ‘ ... considered gender~~-~~ and age~~-~~related ....’

40. On page 45, revise line 2 from the top to read ‘ ... the ~~principle~~ principal ....’

41. On page 48, 1st full paragraph, revise line 3 to read ‘ ... of accidents and ....’

42. On page 48, 2nd full paragraph, revise line 2 to read ‘ ... study, has completed ~~is finalizing~~ a spent fuel pool accident ~~scoping~~ consequence study ....’

43. On page 49, 1st full paragraph, revise line 10 to read ‘ ... ICS, which ....’

44. On page 52, 2nd full paragraph, revise line 2 to read ‘ ... movement~~,~~ and ....’

45. On page 53, 1st full paragraph, revise line 2 to read ‘ ... necessary, or that would ....’

46. On page 56, paragraph (1), revise line 2 to read ' ... containment, and ....'

47. On page 57, 1st full paragraph after the numbered paragraphs, revise line 2 to read ' ... therefore, provide a greater ....'

48. On page 59, revise line 10 from the top to read ' ... power~~,~~ and ....'

49. On page 61, delete the sentence in lines 2 through 4 from the top (If, as a result …rulemaking.) and replace with the following: 'If these research activities indicate that changes need to be made to the existing EP regulations, the NRC will commence a rulemaking effort to make those changes.'

Changes to the Letters

50. In the 1st full paragraph, revise line 2 to read ' ... U.S. Nuclear Regulatory Commission (NRC) a ....' In lines 2, 6, and 9 replace 'Commission' with 'NRC.' In line 1 of paragraphs 2 and 3, replace 'Commission' with 'NRC.' Conforming changes should be made to the Congressional letters.

NRC Response to Public Comments (PRM-50-104; NRC-2012-0046), Petition for Rulemaking to Expand Emergency Planning Zones

51. On page 14, 1st full paragraph, delete the sentences in lines 6 through 14 (The NRC examined … several miles.) and replace with the following: 'A key finding of the latter study was that existing emergency planning requirements for nuclear power plants substantially anticipate and address issues identified in the large-scale evacuations researched. The review of NRC and FEMA emergency preparedness regulatory, programmatic and guidance documentation also demonstrated that existing criteria, plans, and procedures were already in place to address most of the issues that were experienced in the large-scale evacuations studied. The assessment of emergency response planning and implementation for large-scale evacuations affirmed that most of the lessons learned in the evacuations studied herein were anticipated by NRC and FEMA and were already addressed in existing planning and procedures within the NRC and FEMA framework.'

52. On page 14, 1st full paragraph, revise the last 3 lines to read 'Therefore, information available … responsible for ~~without additional regulatory requirements from the NRC~~ with the existing regulatory framework.'

53. On page 19, 2nd full paragraph, revise the next to last line to read ' ... with regard~~s~~ to ....'

54. On page 19, 3rd full paragraph, revise line 5 to read ' ... people ~~occurred during the study period~~ from 1997 to 2003 occurred approximately every ~~3~~ two weeks in ....'

55. On page 19, 3rd full paragraph, revise line 9 to read ' ... life-threatening ....'

56. On page 28, 1st full paragraph, delete the 2nd sentence (All of the … noted).) and replace with the following: 'The assessment of emergency response planning and implementation for large-scale evacuations affirmed that most of the lessons learned in the evacuations studied herein were anticipated by NRC and FEMA and were

already addressed in existing planning and procedures within the NRC and FEMA framework.'

57. On page 49, 2nd full paragraph, delete the sentences in lines 10 through 16 (The NRC examined … weeks.) and replace with the following: 'A key finding of the latter study was that existing emergency planning requirements for nuclear power plants substantially anticipate and address issues identified in the large-scale evacuations researched. The review of NRC and FEMA emergency preparedness regulatory, programmatic and guidance documentation also demonstrated that existing criteria, plans, and procedures were already in place to address most of the issues that were experienced in the large-scale evacuations studied. The assessment of emergency response planning and implementation for large-scale evacuations affirmed that most of the lessons learned in the evacuations studied herein were anticipated by NRC and FEMA and were already addressed in existing planning and procedures within the NRC and FEMA framework.'

58. On page 49, 2nd full paragraph, revise the last 3 lines to read 'Therefore, information available … responsible for ~~without additional regulatory requirements from the NRC~~ with the existing regulatory framework.'