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NUCLEAR ENERGY INSTITUTE

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RULES AND DIRECTIVES
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Ms. Cindy K. Bladey
Chief, Rules, Announcements, and Directives Branch (RADB)
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NEI Comments on Draft Regulatory Issue Summary (RIS) 2015-XX, "Protective Action Recommendations for Members of the Public on Bodies of Water," (80 FR 30095) (Docket ID: NRC-2015-0121)

Project Number: 689

Dear Ms. Bladey:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on the draft Regulatory Issue Summary (RIS), "Protective Action Recommendations for Members of the Public on Bodies of Water," that was published in the *Federal Register* on May 26, 2015 (80 FR 30095).

This RIS addresses the development of protective action recommendations (PARs) for members of the public who are on bodies of water within the plume exposure pathway EPZ.

The Nuclear Regulatory Commission (NRC) states, "In one instance, the NRC determined that because of a change to the licensee's emergency plan, the licensee would not develop PARs for members of the public on a body of water within the plume exposure pathway EPZ. The NRC issued a violation and the licensee subsequently corrected its non-compliance."

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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The above statement may be misinterpreted. There are situations where a body of water (e.g., river, stream, lake, reservoir, bay or bayou) is contained within an emergency response planning area[s] (ERPA), sector[s] or any other pre-designated PAR zone. If the PAR addresses actions for the ERPA[s], sector[s] or zone, the PAR need not specifically mention the body of water.

An example is provided below in order to promote clarity. Hypothetically, a nuclear power plant contains Lake Jade within the 0 to 2 mile zone. If a general emergency is declared, the PAR (in part) is to evacuate the:

- The 0 to 2 mile zone,
Not
- The 0 to 2 mile zone, including Lake Jade.

To promote RIS clarity, NEI recommends the following mark-up replace the Summary of Issue section of the RIS:

SUMMARY OF ISSUE

The NRC has identified an issue related to licensee interpretation of the requirements inherent to 10 CFR 50.47(b)(10). The NRC inspectors, during EP inspections, have identified where licensee emergency plans and implementing procedures did not provide for the development of protective action recommendations for the members of the public on bodies of water within the plume exposure pathway EPZ during a general emergency.

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.

[NEI recommends NRC add here the Figure 1 and 2 graphics from NUREG/CR-6863.]

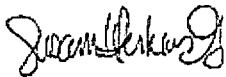
In one instance, the NRC determined that because of a change to the licensee's emergency plan, the licensee (who used an ERPA model that did not include all bodies of water) would not develop PARs for members of the public on a body of water within the plume exposure pathway EPZ. The NRC issued a violation, and the licensee subsequently corrected its non-compliance.

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Compliance with 10 CFR 50.47(b)(10), requires that PAR development strategies are in place for all areas within the plume exposure pathway EPZ, and that the capability exists for PARs to be made, in the event of an emergency, to protect the health and safety of all members of the public within the plume exposure pathway EPZ. Because the NRC's regulations and guidance have never excluded bodies of water within the plume exposure pathway EPZ from PAR development, bodies of water within the plume exposure pathway EPZ are required to be included in PAR development 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.

Please contact Martin Hug at (202) 739-8129; mth@nei.org, if you require additional information concerning these comments.

Sincerely,



Susan Perkins-Grew

c: Mr. Robert E. Kahler, NSIR/DPR/IRIB, NRC
NRC Document Control Desk