



Federal Emergency Management Agency

Region VI
Federal Regional Center
800 North Loop 288
Denton, TX 76209-3606

June 17, 2003

Mr. Dwight D. Chamberlain
Director, Division of Reactor Safety
Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-4005

Dear Mr. Chamberlain:

This letter is in response to your letter dated May 15, 2003, which raised the issue concerning the adequacy of the distribution and tracking of tone alert radios (TARs) for Arkansas Nuclear One (ANO). The REP staffs in FEMA Region VI and FEMA Headquarters have reviewed the matter and are in agreement that the emergency information booklet (EIB) alone does not provide satisfactory administrative control of the TARs.

FEMA-REP-10, Section E.6.2.3 – Tone Alert Radios – states:

Tone alert radios should be offered to the public in geographical areas (where needed) and a 'best effort' attempt must be made to place the radios. A record system (register) containing an accurate list of addresses (names are optional) must be maintained for those geographical areas using the tone alert radios. The addresses of residents refusing tone alert radios should also be noted.

It appears that the Arkansas Department of Health (ADH), Nuclear Planning and Response Programs (NP&RP) office that is under contract to ANO for emergency preparedness activities, changed their method of control in 1999, and this change was not reviewed or approved by FEMA. The guidance contained in FEMA-REP-10 clearly requires the licensee to be proactive in providing TARs and replacement batteries. The licensee must also maintain and update records of TARs, and provide maintenance and testing procedures. The net effect of this change is a decreased level of assurance that everyone who needs a TAR is aware that they are available. The change leaves the public on its own to discover the availability of the TARs.

The November 2002 paper, "FEMA Review of Significant Changes to A&N Systems," states, "FEMA Rule 44 CFR 350 establishes the policy and procedures for review and approval by FEMA of State and local emergency plans and preparedness for offsite effects of a radiological emergency that may occur at a commercial nuclear power facility." Furthermore, 44 CFR 350.5 requires that the means to provide early notification to the populace within the plume pathway Emergency Planning Zone (EPZ) be established. The paper also states that:

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In accordance with 44 CFR 350.14, a 'significant change' involves any change to State and local plans and preparedness that may affect its adequacy to protect public health and safety and must be processed and reviewed in the same manner as an initial plan submission. As it relates to an A&N system, a 'significant change' includes, a loss of administrative control of special alerting devices that brings into question whether affected population(s) can be notified in a timely manner.

Based on your inspector's report, one key aspect of administrative control, the recording and updating of records of those who have received or refused a TAR, has been lost. Therefore, FEMA is in agreement with the NRC that in 1999, ADH-NP&RP changed procedures that FEMA approved in 1997. Based upon the information provided, FEMA's approval of the present method would not be likely since the administrative control is less than that described in FEMA-REP-10. FEMA regards this as a significant change under 44 CFR 350.14, which requires review and approval by FEMA prior to implementation.

TAR administrative control must be consistent with FEMA-REP-10. The situation could be corrected by a return to the same TAR administrative control by ADH-NP&RP that was accepted by FEMA in 1997. On June 3, 2003, ADH informed FEMA Region VI that they had initiated steps to address this issue and reinstate the administrative controls approved by FEMA in 1997. FEMA Region VI will require ADH to submit documentation verifying that administrative controls as defined in the Design Report have been re-established by August 1, 2003.

Since this issue has surfaced, FEMA Region VI REP staff will audit the administrative control records of indoor alerting systems at all REP communities in this Region to ensure this control is maintained. This audit will take place on a biennial basis during site visits. Additionally, FEMA Region VI will strongly recommend more detailed indoor alerting systems reporting in the Annual Letter of Certification.

If you need further information, please contact me at (940) 898-5199 or the ANO Site Coordinator, Russell Bookser, at (940) 898-5336.

Sincerely,


Lisa R. Hammond
RAC Chair

cc: ADH - Bernard Bevill
FEMA HQ - Vanessa Quinn