

March 23, 2005

Mr. Eric J. Epstein
TMI-Alert Chairman
4100 Hillsdale Road
Harrisburg, PA 17112

Dear Mr. Epstein:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your December 29, 2004, letter to the Commission regarding emergency preparedness for special populations within the Commonwealth of Pennsylvania. Your letter, and its attachments, supplement information provided in a September 1, 2004, letter you co-authored with Mr. Lawrence T. Christian. We have discussed the assertions in these two letters, and their attachments, with the Federal Emergency Management Agency (FEMA) and have responded to you and Mr. Christian regarding these assertions. Based on FEMA's continued finding of reasonable assurance and our review of FEMA's biennial exercise reports, the NRC has found that the state of emergency preparedness at the nuclear power plants in Pennsylvania continues to provide "reasonable assurance" that adequate protective measures, for all members of the public, including special populations, can be taken in the event of a radiological emergency.

Your letter asserts that the information and documents you and Mr. Christian have provided, are credible evidence that the NRC should use to immediately determine that the state of emergency preparedness in Pennsylvania does not provide "reasonable assurance." You stated that 10 C.F.R. § 50.54(s)(2)(ii) requires that corrective actions be implemented within four months of such a determination.

Per § 50.54(s)(2)(ii), the Commission is required to take certain actions if the NRC finds that the state of emergency preparedness does not provide "reasonable assurance," and deficiencies are not corrected within four months of that finding. However, under § 50.54(s)(3) the NRC will, among other things, base its finding on a review of the FEMA findings and determinations of whether State and local emergency plans are adequate and capable of being implemented. As previously noted, FEMA continues to have reasonable assurance that adequate protective measures can and will be implemented for all members of the public, including special populations. As such, no action pursuant to § 50.54(s)(2)(ii) and § 50.54(s)(3) is warranted at this time.

However, your letters have raised questions with regard to compliance of the offsite response organizations' (ORO) plans and supporting procedures with the guidance in GM EV-2. During the upcoming Three Mile Island emergency exercise in May 2005, FEMA will again evaluate the capabilities of the OROs, including compliance of the plans and procedures with FEMA's protocols contained in GM EV-2, in order to determine whether the current State and local emergency plans are adequate and capable of being implemented. If, as a result of these evaluations, FEMA identifies deficiencies in the OROs' plans, the OROs have, under FEMA

E. Epstein

- 2 -

regulations, 120 days in which to correct the identified deficiencies. If, at the end of 120 days, the ORO has not corrected the deficiencies, FEMA will so notify the NRC. After such a notification, the Commission will determine whether and what further regulatory action is appropriate to address the deficiencies.

Thank you for bringing your concerns to our attention. The NRC considers public involvement in, and information about, our activities to be a cornerstone of strong, fair regulation of the nuclear industry. We at the NRC appreciate and share your strong interest in protecting the citizens who live in communities surrounding the nuclear power plants located in the Commonwealth of Pennsylvania. Any future correspondence on these issues should be addressed to Mr. Stephen LaVie at (301) 415-1081 or at sfl@nrc.gov.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

regulations, 120 days in which to correct the identified deficiencies. If, at the end of 120 days, the ORO has not corrected the deficiencies, FEMA will so notify the NRC. After such a notification, the Commission will determine whether and what further regulatory action is appropriate to address the deficiencies.

Thank you for bringing your concerns to our attention. The NRC considers public involvement in, and information about, our activities to be a cornerstone of strong, fair regulation of the nuclear industry. We at the NRC appreciate and share your strong interest in protecting the citizens who live in communities surrounding the nuclear power plants located in the Commonwealth of Pennsylvania. Any future correspondence on these issues should be addressed to Mr. Stephen LaVie at (301) 415-1081 or at sfl@nrc.gov.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

SISP Review Completed by: Steve F. LaVie Date: March 3, 2005

DISTRIBUTION:

EDO Control (G20040617)	EPD Reading File	SECY Control (CRC 04-0566)
L. Reyes EDO	J. Silber, EDO	W. Kane, EDO
R. Zimmerman	M. Virgilio, EDO	W. Dean, EDO
RidsNsirMailCenter	S. Burns/K. Cyr, OGC	S. Collins, RI
E. Merschoff, EDO	J. Dyer, NRR	E. Leeds
N. Mamish	S. LaVie	A. McMurtray

Adams Accession Number: ML050590356 **(Package)**

ML050140128 **(Incoming)**

ML050590344 **(Letter)**

***See previous concurrence**

OFFICE	DPR/EPD	DPR/EPD	DPR/EPD	DPR/EPD
NAME	SLavie*	AMcMurtray*	NMamish*	ELeeds*
DATE	3/4/05	3/4/05	3/6/05	3/7/05
OFFICE	OGC*	FEMA	NRR*	NSIR
NAME	Streby – NLO	Cfiore by E-mail	JDyer	RZimmerman
DATE	3/17/05	3/17/05	3/17/05	3/23/05

OFFICIAL RECORD COPY