

March 24, 2005

Mr. Lawrence T. Christian
133 Pleasant View Terrace
New Cumberland, PA 17070

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

Dear Messrs. Christian and Epstein:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your September 1, 2004, letter to the Commission regarding emergency preparedness for special populations within the Commonwealth of Pennsylvania. I acknowledged receipt of your letter on December 3, 2004, and noted that the NRC, in coordination with the Federal Emergency Management Agency (FEMA), was reviewing your assertions. In this letter, I will discuss our evaluation of your concerns.

The respective roles of the NRC, FEMA, the Commonwealth of Pennsylvania, local governments, and our licensees with regard to emergency preparedness, are established in public law and in Executive orders. Federal oversight of radiological emergency planning and preparedness associated with commercial nuclear facilities involves both FEMA and NRC. Consistent with President Carter's directive in December 1979 and the longstanding Memorandum of Understanding between FEMA and NRC, FEMA takes the lead in reviewing and assessing offsite planning and response and in assisting State and local governments, while NRC reviews and assesses the onsite planning and response. FEMA findings and determinations as to the adequacy and capability of implementing offsite plans are communicated to NRC. NRC reviews the FEMA offsite findings and determinations along with the NRC onsite assessments and makes a determination on the overall state of emergency preparedness for each site. These overall findings and determinations are used by NRC to make radiological health and safety decisions prior to the issuance of licenses and in the continuing oversight of operating reactors.

Federal requirements and guidance describe general emergency planning requirements for all segments of the population. FEMA Guidance Memorandum GM EV-2, "Protective Actions for School Children," provides guidance pertinent to emergency plans for schools, including licensed or government-supported preschool or day care centers. Offsite response organizations (OROs) demonstrate their ability to implement protective actions for all segments of the population in biennial emergency response exercises conducted in each of the five emergency planning zones (EPZs) within Pennsylvania.

FEMA's October 6, 2004, response to concerns you raised in your letter to FEMA, stated that the established Pennsylvania and local government radiological emergency response plans provide FEMA with continued reasonable assurance that procedures are in place to adequately protect all members of the public, including special populations, in the event of an incident at

any of the nuclear power plants within Pennsylvania. FEMA provided similar information to your congressional representative, the Honorable Todd Russell Platts, in a letter dated October 13, 2004. FEMA has explained in these letters that the reasonable assurance finding for each nuclear power plant EPZ is based on its review of the plans for the State and local OROs, along with the evaluation of the biennial exercises that test those plans.

The NRC has reviewed FEMA exercise reports for the most recently conducted exercises in each of the five EPZs in Pennsylvania. No issues related to implementation of protective actions for special populations were identified. Based on FEMA's finding of reasonable assurance and the fact that no issues were identified with regard to special populations, the NRC finds that the state of emergency preparedness at the nuclear power plants in Pennsylvania continues to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

However, your letter has raised questions with regard to compliance of the OROs' plans and supporting procedures with the guidance in GM EV-2. The NRC has discussed these assertions with FEMA to ascertain their impact on FEMA's reasonable assurance determination. 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 State and local emergency plans are adequate and capable of being implemented. At the conclusion of this exercise, FEMA will conduct an exercise critique at a time and place which will be announced in the local news media. Any issues noted during the exercise will be reported and corrected in accordance with current codified procedures. Issues not resolved pursuant to those codified procedures will be reported to the NRC for resolution in accordance with established regulatory procedures.

The Commission is currently considering the staff's recommendation regarding your September 4, 2002, petition for rulemaking. The NRC will formally respond to you regarding the Commission's decision when it becomes available.

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

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/RA/

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

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

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LETTER TO MESSRS. CHRISTIAN AND EPSTEIN - LETTER DATED 03/24/05

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