



FEMA

September 28, 2012

Robert J. Lewis, Director
Division of Preparedness and Response
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Responses to Commission Staff Requirements Memoranda (SRM)

Dear Mr. Lewis:

This letter serves as FEMA's response to the Commission's request for additional information to a number of issues and assertions as a result of the January 11, 2012, Commission Briefing on the "Proposed Rule to Revise the Environmental Review for Renewal of Nuclear Power Plant Operating Licenses." After discussions with FEMA Regions I and II staff, responses to the issues and assertions as described in Mr. Joseph Anderson's email of September 25, 2012 are listed below:

Issue #1: Provide the Commission information about how the Connecticut emergency plan and the Federally approved emergency plan for the Indian Point site may deviate from each other, and how any deviations are resolved among the NRC, FEMA, and the States. Please describe FEMA's process for: (1) review of offsite plans to ensure that requirements and roles/responsibilities between various State and local plans for a given site do not conflict; and (2) resolution with respective ORO(s) if conflicts/deviations are identified.

FEMA Response: As described in 44 CFR § 350.5(a), "Section 50.47 of NRC's Emergency Planning Rule (10 CFR parts 50 (appendix E) and 70 as amended) and the joint FEMA-NRC Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (NUREG-0654/FEMA-REP-1, Rev. 1, November 1980) which apply insofar as FEMA is concerned to State and local governments, are to be used in reviewing, evaluating and approving State and local radiological emergency plans and preparedness and in making any findings and determinations with respect to the adequacy of the plans and the capabilities of State and local governments to implement them. Both the planning and preparedness standards and related criteria contained in NUREG-0654/ FEMA-REP-1, Rev. 1 are to be used by FEMA and the NRC in reviewing and evaluating State and local government radiological emergency plans and preparedness."

Areas of responsibility for each of the 16 Planning Standards and related criteria are identified for State, local offsite response organizations (ORO's) or Licensee, thus avoiding an overlap or conflict in responsibility.

During the plan review process, FEMA reviews the ORO's plan to each standard as adequate or not adequate. Conflicts/deviations from the planning standards are identified by FEMA and submitted to the appropriate agency for resolution. Conflicts/deviations from ORO's plans are further identified during REP biennial exercises and documented as planning issues in the After-Action Report for resolution.

The current Indian Point Radiological Emergency Preparedness (REP) Plan for Westchester County, NY, identifies one evacuation route along Interstate 684 through the State of Connecticut in Fairfield County. The evacuation route would be used by evacuees en route to the Harrison High School Reception Center in Westchester County, NY. There are no instructions in the Westchester County REP plan or public information brochures for residents to evacuate into Connecticut.

Issue #2: Inform the Commission of whether the environmental impacts of an evacuation and displacement of population are considered in approving and maintaining emergency plans. Please respond to whether these aspects are considered, (and if not, the rationale behind not considering environmental impacts under NEPA).

FEMA Response: The environmental impacts of an evacuation and displacement of population are not considered in approving and maintaining the ORO's emergency plans, and are not required to be evaluated under current FEMA REP policy or guidance. In addition, the development, improvement and implementation of an ORO emergency plan by a State or local government is intrinsically a local matter under the responsibility of that State or local government.

Issue #3: This information should include a discussion of the roles of the NRC, FEMA, and the States with regard to offsite emergency preparedness under existing MOUs: please provide a discussion on the role of States in emergency planning and preparedness, specifically in relation to its interface with FEMA.

FEMA Response: NUREG-0654/FEMA-REP-1, Planning Standard C.4 states that "Each organization shall identify nuclear and other facilities, organizations or individuals which can be relied upon in an emergency to provide assistance. Such assistance shall be identified and supported by appropriate letters of agreement." There are no MOU's / letters of agreement in neither the New York State REP plan, nor any of the four Indian Point risk counties, with the State of Connecticut.

The development and improvement of an ORO emergency plan is intrinsically a local matter under the responsibility of the state or local government.

Appendix A at 44 CFR § 353 includes the FEMA/NRC Memorandum of Understanding (MOU). The MOU establishes the framework for cooperation between FEMA and the NRC. The major areas of cooperation include NRC licensing review, FEMA review of offsite plans/procedures and preparedness, preparation for and evaluation of joint exercises, emergency planning and preparedness guidance, support for a document management system, public information and education programs, and recovery from disasters affecting offsite emergency preparedness. The MOU also establishes an NRC/FEMA Steering Committee.

The NRC staff also asked for FEMA responses on a number of assertions made by the Connecticut Assistant Attorney General:

Assertion #1: Page 20, lines 19-20: "I [CT] have two Part 350 petitions into FEMA, all to the same effect – which the plan as it exists at Indian Point will not work. More importantly, it's not the plan that's going to be implemented...The state plan is very different from the approved federal plan."

FEMA Response:

FEMA Region II is not aware of any alternative REP Plan nor was any observed in use by the State of New York or four risk counties during the October 2, 2012 federally graded exercise. The New York State Indian Point REP plan should not be confused with any NY State All Hazards Plan.

Assertion 2: "...the responders are primarily state governmental resources. The state plan is very different from the approved federal plan. And the clearest example of that occurred earlier this fall, in response to some of the tremendous wind damage caused by storms this fall.

The Federal Government contacted the State of Connecticut DOT and asked for permission to move heavy equipment up the Merritt Parkway...The Bridge at the East Rock Connecticut is 10 feet four inches high. Fire trucks and heavy trucks – heavy equipment trucks are often 11 or more feet high. Heavy vehicles cannot use the Merritt Parkway. The last iteration of the FEMA approved plan for Indian Point would have all the first responders moving down the Merritt Parkway. They won't get to Indian Point; it's physically impossible..."

What Federally approved plan is being referred to, and does the FEMA-approved REP plan for the State of CT reflect the movement of first response vehicles as described above?

FEMA Response: Neither the New York State REP Plan, nor any of the four Indian Point risk counties, has any letters of agreement to provide first responders or heavy equipment with the State of Connecticut. The United States Department of Transportation (USDOT) is a member of the Radiological Emergency Preparedness Assistance Committee (RAC) and regularly participates in REP exercises to evaluate the adequacy of state and local REP plans. No significant issues have been identified. The State of Connecticut REP Plans do not address any such agreement with New York for providing first responders or heavy equipment to support evacuation of the Indian Point Nuclear Plant.

Assertion #3: Based on the following statements by the CT Assistant Attorney General, does existing FEMA-approved REP plan for the State of CT adequately address this concern?

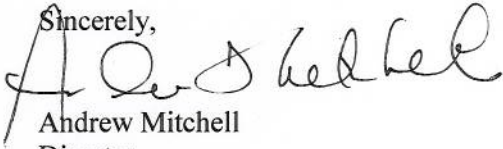
[Page 36, lines17-25] "The Current plans for Indian Point, considering the extraordinary populations of Westchester County and Fairfield County, are to move large numbers of people to the interior of Connecticut and certain numbers up to Springfield. This we know or can pose it based upon what the plan says and current experiences.

Now, with Connecticut, and we talk about environmental consequences, some of the foremost ones that would occur are water division permits. Part of Connecticut, most in municipal areas, has municipal water supplies..."

[Page 37, lines15-18] "I have a pretty good idea where many of them would go in Connecticut, and I'm also fairly confident we can't provide water for them at this point. Therefore, we're going to have to create areas to house these people and provide water and to shelter for these people. All of those will have collateral environmental impacts and I'm particularly concerned about my water resources"

FEMA Response: The current Indian Point REP Plan for Westchester County, NY, identifies one evacuation route along Interstate 684 through the State of Connecticut in Fairfield County. The evacuation route would be used by evacuees en route to the Harrison High School Reception Center in Westchester County, NY. There are no instructions in the Westchester County REP plan or public information brochures for residents to evacuate into Connecticut. There are no plans to evacuate persons into the State of Connecticut from the State of New York.

If you have any further questions, please do not hesitate to contact Vanessa E. Quinn,
Branch Chief, (703) 605-1535.

Sincerely,

Andrew Mitchell
Director
Technological Hazards Division