



COMMONWEALTH of VIRGINIA

State Office of Emergency and Energy Services

110 Turner Road
Richmond, Virginia 23225
(804) 745-1305

January 16, 1981

George F. Jones
State Coordinator
H. Kim Anderson
Deputy Coordinator

Mr. M. Sherlock Holmes, Chairman
Surry County Board of Supervisors
P. O. Box 65
Surry, Virginia 23883

Dear Mr. Holmes:

This is in response to your letter of December 31, 1980 in which the Surry County Board of Supervisors take exception to certain provisions of the State Radiological Emergency Response Plan (RERP) and indicates that the Board does not approve of the proposed Surry County RERP in its present form.

With respect to your concern over the absence of a County spokesperson who relates directly to the news media, perhaps you overlooked Appendix 7, Public Information, of the Surry County Plan. Paragraph II.A.2.b. states:

"The Coordinator of Emergency Services will keep radio and television stations, and newspapers which serve the county, informed of the status of the emergency and will request they release news bulletins as necessary."

Paragraph II.B.2. states:

"A county central information activity will be established during the emergency to coordinate information activities and to assure that information released to the public is complete and accurate. The State will provide an information specialist to assist the County Coordinator and PIO."

Both State and local plans require information releases to be coordinated with the OEEES Public Information Office. The purpose of this is not to infringe on the prerogative of local government or to stifle information releases at the County level which affect the local population; rather, it is to ensure that information released by other sources is not conflicting, which could lead to confusion or even panic. There are six political subdivisions surrounding the Surry Power Station which could be affected by a nuclear accident. Electronic means used by the media to disseminate information cover several, if not all,

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of these jurisdictions. Consequently, coordination is required at the State and local levels to ensure that information released is accurate and factual, particularly in the cases where protective actions may be required in one jurisdiction and different or no protective action required in another.

The establishment of a Media Center in the proximity of the power station is a requirement of NRC and FEMA. It is staffed with VEPCO and State representatives and its purpose is to provide coordinated, factual news releases on a scheduled basis. It is the location from which technical information on the emergency is released. There is no intention to exclude local representation from the Media Center; and if your resources permit, you may wish to consider sending a County representative to the Center.

On the issue of who has the authority to evacuate the population during a radiological emergency, the Attorney General has rendered the following opinion:

"The Governor has authority to order an evacuation if he deems it necessary; moreover, the Governor has authority to adopt a State Radiological Emergency Response Plan which provides that only the Governor can order an evacuation."

Pursuant to Section 44-146.17 of the Code of Virginia (1950), as amended, the Governor has the power

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to. . .

Accordingly, the Governor has the authority to adopt the State Radiological Emergency Response Plan. If he deems it necessary, he may retain control to make the decision with respect to whether an evacuation should be undertaken.

Some supervision by the Governor of local officials is contemplated by the Emergency Services and Disaster Law. Section 44-146.19 provides in part:

(c) Whenever the Governor has declared a state of emergency, each political subdivision within the disaster area may, under the supervision and control of the Governor or his designated representative. . . protect the public health and safety of persons and property and provide emergency assistance to victims of such disaster.
(Emphasis added.)

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In addition, Section 44-146.26 requires every organization for emergency services to comply with directions of the Governor under the authority of the Emergency Services and Disaster Law. It is the duty of localities under the Emergency Services and Disaster Law to comply with the State Radiological Emergency Response Plan.

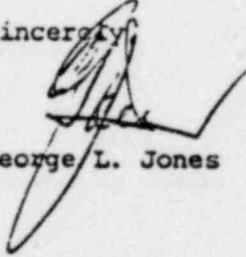
Section 44-146.19(c) requires political subdivisions having a nuclear power station within ten miles of its boundary to maintain emergency plans if so directed by the Office of Emergency Services. It does not appear that such a locality would have an option to have no radiological response plan. Since this section requires a plan, it would also seem to intend that an organization to implement the plan should exist.

Given these authorities, it is concluded that the Governor is within the intent of the statute in retaining sole control over the decision to evacuate in the event of an accident at a nuclear power station.

In regard to the doubts expressed in your letter over the State's ability to provide adequate assistance to local governments in radiation exposure control, the State Department of Health has provided the information contained in Enclosure.

Surry County is to be commended for the initiative and fine efforts displayed in the development of evacuation procedures and SOP Checklists for each of its departments and agencies. However, in addition to the Checklists, State law and Federal regulations require each jurisdiction whose boundaries lie within ten miles of a nuclear facility to develop and maintain a Radiological Emergency Response Plan. While you refer to the Surry County Draft Plan as "your" (the State's) local plan, it is in fact a plan developed for Surry County by the State in coordination with the Surry County Coordinator of Emergency Services. The State provided this assistance because of the familiarity of the State planners with the provisions of NUREG-0654, "Federal Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants". We feel confident that the Surry County RERP as drafted and formatted is functional and will meet the requirements of Federal regulations. We, therefore, trust that the Board of Supervisors will reconsider and approve and adopt the Surry County Radiological Emergency Response Plan.

Sincerely,



George L. Jones

GLJ/NMC/bgm

Enclosure

bcc: David Rhoer, NRC
Tom Hardy, FEMA



COMMONWEALTH of VIRGINIA

Department of Health
Richmond, Va. 23219

JAMES H. KENLY, M.D.
COMMISSIONER

January 12, 1981

Mr. Neil M. Chapin, Planner
State Office of Emergency and
Energy Services
310 Turner Road
Richmond, VA 23225

Dear Mr. Chapin:

We have reviewed the letter to you dated December 31, 1980, from Mr. Sherlock Holmes, Chairman of the Surry County Board of Supervisors. Apparently Mr. Holmes has not been informed of our plans and capabilities in the area of radiation exposure control and accident assessment from nuclear power plant incidents. If this assumption is valid, we can certainly understand his concern.

As you know, our Radiation Emergency Response Team (RERT) is comprised not only of nine professional staff members from the Bureau of Radiological Health, but also of seventeen contract emergency specialists and certain other State agency representatives. It is our belief that this represents an adequate trained manpower pool to provide both immediate and follow-on response. In addition, staff manpower resources will be significantly augmented if the Governor authorizes us to assume much of the responsibility for byproduct materials licenses now controlled by the NRC, as we expect he will. We are able and do plan to staff the Emergency Operating Facility with the following personnel:

- (1) Accident Assessment Officer
- (2) Radio Operator and Recorder
- (3) Logistics and Supply Officer

Additionally, we plan to provide a Radiation Exposure Control Officer to assist localities in the affected area to operate their Evacuation Center, and a Liaison Officer at the Command Post in the affected areas. Monitoring units will operate in the affected areas and will maintain direct radio contact with the EOF and VEPCO health physics operations. To augment our emergency operations,

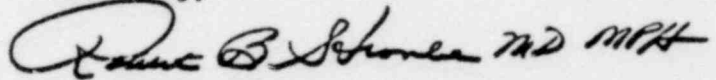
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we are ordering a mobile radiation laboratory, which will contain a micro-processor-based multi-channel analyzer system, a gas-flow proportional counter, and a reader for the existing thermoluminescent dosimeter network which we are presently expanding. Our monitoring units are provided with an air-sampling capability in addition to portable survey equipment which we are also upgrading. We expect all of this equipment to be operational by the time of the accident drill to be held at the Surry plant, which we understand is scheduled for early autumn.

We are also presently prepared to provide potassium iodide, a thyroid-blocking agent, for emergency workers in a radiation incident.

The provision of this equipment and manpower resources represents a substantial commitment on the part of the State Health Department, both in terms of staff training time and financial expenditures. We trust that you will convey this information to Mr. Holmes, and assure him that our Bureau of Radiological Health is making significant progress in the development of measures which will in fact fulfill our commitment to protect the health and safety of the citizens of Surry County.

Sincerely,



Robert B. Stroube, M.D.
Assistant State Health Commissioner
Office of Health Protection and
Environmental Management

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