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To: Mr. Ivan Sellin and Dr. Thomas Murley

Subj: Rejoinder to Licensee's Response to Section 2.206 Petition
by Robert Gary, of December 30, 1992

Date: January 15, 1993

Robert Gary for PICA

Encl: Questions for PEMA, Annotated and Final Version

1. Licensee, on page 5 of their brief attacks the substantiality of PICA's 2.206 Request. In an emergency there are two things that Dauphin County EOC would have to know: (1) Who to call and (2) What to do. If they don't know who to call, that is not a detail. It is not an insubstantial matter. It is not a matter that bears in a minor way on substantial health and safety issues.
2. Licensee, on page 6, questions whether the lack of letters of intent constitutes substandard preparedness. The licensee then presents the Affidavit by Mr. Giangi, in which it is clear that Dauphin County did go forward to get updated Statements of Understanding in September of 1992. Also included is a letter by Joe LaFleur in which mention is made of the "potential impact of outdated plans" in specific reference to the fact that in July of 1992 Dauphin County's Letters of Agreement were not current. It would appear from the corrective action taken and Mr. LaFleur's characterization of the matter, that PEMA at least regards the conditions identified in the original 2.206 Request as substandard, at least in the area of letters of intent. Mr. LaFleur was the Chief Instructor at FEMA for several years, and it is averred that FEMA and NRC would also hold the original letters of intent situation to have been substandard. This leaves the licensee alone in stating that all was well and there was no need for interference by the Pennsylvania Institute for Clean Air.
3. Licensee, on page 8, suggest that the FEMA supervised bus exercises constitute some evidence of readiness on the part of the bus companies to support an emergency response to evacuate the EPZ. With all due respect to FEMA, PICA does not concur for reasons stated in Question 8 of the enclosure. These questions were put to Mr. LaFleur by Senator Shumaker and PICA in the summer of 1992 in a meeting in the Capitol Building arranged by Senator Shumaker at PICA's request. Our position is that scheduled bus drills show only that walkie talkies work and that people can be caused to go through a choreography during business hours when everyone's been notified ahead of time. These bus drills would not meet any military standard of an emergency preparedness evaluation.

4. Licensee, on page 11 suggest a scheme in which the RERP's would be purged of names and phone numbers and this information would all be put in implementing procedures instead of the RERP's, purportedly to save space and make the RERP's more concise. This scheme might place the phone numbers and names of contact personnel beyond the reach of public interest organizations such as PICA. The implementing plans might be regarded as state security or even national security information, and thus be beyond the reach of simple request, FOI Request, or Sunshine Act Request. This would be a major public affairs victory for the Licensee because there wouldn't be public interest organizations to answer to for planning deficiencies. There would be no troublesome 2.206 Requests in the Federal Register. And there would be no questions raised in the minds of NRC Commissioners. But the licensee is confusing good emergency planning with good PR. The theory is, "If you can make the public interest organizations go away, then the plans are alright." But actually that's not true. Public interest organizations may bring bad news to the licensee, but making them go away doesn't change the news, it just silences the bringer of the news by putting the guts of the planning under a cloak of secrecy. What's left in the RERP is pure PR, useless in an emergency. Apart from the point regarding confusing planning with PR, there is another very good reason not to take all the important stuff out of the RERP. You don't know who is going to be in the office when an emergency hits. You don't know if the Director who knows where all the secret implementation plans are hidden is going to have his car breakdown that day, or worse. The office, at the moment of supreme crisis might be manned with fairly junior personnel. Those people need a straightforward manual they can turn to that tells them what to do and who to call. The RERP should be that manual. Keeping it short, of course, is a very good idea. But taking out the phone numbers and names of the critical contact personnel who would actually need to be activated in an emergency is not the way to keep the RERP short. PICA observed much information in the Dauphin County RERP that appeared to be extraneous to the practical needs of people handling a nuclear emergency response. Perhaps some of this could be removed instead of taking out the critical contact telephone numbers and names.
5. A meaningful statement of the evacuation plan is supposed to be a public document so that people can read it and evaluate it and comment on it. Viable emergency evacuation plans are an absolute condition to Congress's determination that electric power for commercial sale could be made by nuclear means in the United States (see the Atomic Energy Act as amended). The NRC's willingness to regulate is an absolute condition of its holding a Commission from the Congress of the U.S., the Joint Committee on Atomic Energy and the Executive. At such time as licensees are not prepared to offer viable plans, their licenses should be suspended. At such time as the NRC is not prepared to regulated licensees, its commission should be terminated.

Handwritten signature
for PICA 15 JAN 93

Questions for PEMA Annotated and Final Version

Question 1:

The narrow question is, "Why aren't the letters of intent by the private bus companies in the file at PEMA where they are supposed to be?"

The broader question is, "What is PEMA doing to supervise the counties and to ensure that they are in compliance with standard procedures for emergency readiness¹?"

Question 2:

The narrow question is, "Why does PEMA feel that its role is confined to communications, coordination and liaison?"

The broader question is whether PEMA is in violation of its founding statute which calls for it to:

- (a) Backstop the counties²

¹The content and implementation of the Dauphin County RERP Book is the direct responsibility of PEMA under 35 Pa. C.S. Section 7320 (b), (2), (5), (6), and (7). There may be many things in evacuation plans, and they may all be subject to change, but the emergency numbers are one thing that needs to be kept updated and there can be no conceivable excuse for having them out of date by 5 years or 8 years, particularly when the cover page of the RERP book says "Completely Reprinted with Change 1, 1991".

²PEMA's direct action duties are comprehensive in the event that the County fails in any respect to provide actual emergency preparedness. PEMA has specific duties that are non-exclusively set forth in the statute at 35 Pa.C.S. Section 7313 (7), (8), (10), (16), and (19). There is no imaginable excuse for failure to carry out the specified duties. No other actions are acceptable substitutes. No lack of funds is an adequate excuse unless the issue of lack of funds was raised in a vigorous, timely and repeated manner with the General Assembly as provided for at 35 P.S. Section 7110.503 (c). The documentation of such requests for additional funds was requested by PICA on June 29, 1992, but PEMA failed to provide it, if it exists.

(b) build two warehouses and stock them with emergency supplies³.

Question 3:

The narrow question is why we don't know the information on the current executives at the private bus companies, their names, their after-hours numbers, etc.

The broader question is, "Are there any other deficiencies in the county plans that PEMA doesn't know about, and if there may be such deficiencies, what steps are being taken to screen these plans for adequacy?"

Question 4

The narrow question is, "Why are we 50 schoolbuses short in Dauphin county -- what does that mean for the affected residents?"

The broader question is, "Why does PEMA insist in basing the county plans entirely on schoolbuses, when, for example in Dauphin County, we have acres of military trucks at Mechanicsburg, New Cumberland, and Indiantown Gap? Why aren't those trucks integrated into the Dauphin County plan?"

³35 Pa.C.S. Section 7313 (19) specifically calls for PEMA itself to provide from its own stockpiles or other sources emergency supplies as might be needed in an emergency. One would imagine 5 of 10 thousand inflatable mattresses, several tens of thousands of boxes of canned rations and fresh water, half a million doses of iodine for thyroid protection, flashlights, security equipment, crowd control equipment, pain killers, sidearms, portable toilets, etc would constitute the kind of stockpiles contemplated by the General Assembly. So where are they? All the monitoring and simulating on computer terminals in the world is no substitute for these emergency supplies if we have a major emergency. What is PEMA going to say?

⁴On July 14, 1992, PICA sent letters to Sen Specter, Rep. Gekas, and Sec. Cheney requesting a lateral or working-level cooperation system be set up between the Fire Department of Harrisburg and the Commands at Mechanicsburg, and New Cumberland. This was after a meeting the same day with Chief Conckle of the Harrisburg Fire Department. If such a working-level system receives federal approval, and it may because a similar pattern was approved after the recent hurricane in Florida, the deficiencies of PEMA may become less life-threatening to Harrisburg itself.

Question 5

The narrow question is, "How can PEMA possibly be expected to do more than it does on the limited resources it gets?"

The broader question is, "Why hasn't PEMA aggressively sought more resources from the General Assembly?"

Question 6

The narrow question is, "How can the counties be expected to bear the entire load of actual evacuation logistics on the meager resources they get?"

The broader question is, "Why doesn't PEMA obtain more resources from the General Assembly or the nuclear licensees to make distributions to the counties that would be commensurate with their task in the event an evacuation was required?"

⁵\$100,000 per site per year means that the Commonwealth gets \$500,000 per year from the nuclear industry in Pennsylvania for all emergency preparedness. This is about 10% of what's needed to do a proper job. The General Assembly recognized the possibility that the \$100,000 per site figure may have been set too low and asked PEMA to let them know once a year what its money needs were, see 35 P.S. Section 7110.503 (c). PEMA hasn't provided the documents to PICA on this matter, from which we can only conclude that PEMA has been less than vigorous in seeking more money. Only certain counties get money out of this fund. These are called Act 147 allocations. Dauphin County got far more than the average risk county for 1991-1992, and yet it got only \$42,200. If the utilities paid \$1,000,000 per site, Dauphin County might have gotten enough to keep its books straight, to do proper drills, and to make more resourceful arrangements for emergency evacuation. If PEMA had remonstrated with the General Assembly as it should have, the funding level might have been raised. If PEMA were properly managed it would have energetically sought additional funds at the earliest possible time and every year thereafter. No evidence has been forthcoming that any of this has been done.

Question 7

The narrow question is whether the Dauphin County Evacuation Plan meets the standards of reasonableness in terms of its goal which is to evacuate those persons within the ten mile limit.

The broader question is whether the ten mile limit is reasonable when we are talking about a situation where the ten mile radius nicks a major metropolitan area which also happens to be the State Capitol, and where if that limit were extended by a mile or two it would take in downtown Harrisburg and pose an evacuation problem several times the size of the dealt with in the Emergency Evacuation book. If the ten mile zone is inherently unreasonable as it applies to TMI and Harrisburg, where is the record of PEMA's remonstrances with FEMA and NRC to get that fixed? Is there any evidence anywhere that PEMA has taken any initiative on this issue for the benefit of the residents of Harrisburg? Is PEMA bound by law or by logic to agree with all the positions put forth by NRC and FEMA? Can PEMA on its own account produce a coherent set of reasons why the Dauphin County evacuation plan fails to include 90% of Harrisburg?

Mr. Goodwin's answer in his letter to Robert Gary dated July 15, 1992 is not what is meant by a coherent answer. There may be a thousand other places with ten mile Emergency Planning Zones (EPZ), and they may not be 360 degree zones as the TMI one is, but none of that answers the question. The question is, Why isn't Harrisburg in TMI's Emergency Planning Zone? It's not o.k. to say that NRC likes it that way, or FEMA likes it that way. Those aren't answers either. A coherent answer would require that PEMA speak in its own name, from its own logic, law, or reason, which PEMA is prepared to defend and be responsible for, and say why 90% of Harrisburg isn't in TMI's evacuation zone. The incongruity of this situation is even more poignant when one realizes that all the politicians on Capitol Hill would be evacuated by PEMA because they are specifically provided for by statute, while everyone else in downtown Harrisburg would be left to fend for themselves or participate in an unplanned evacuation (and we know what they look like). PEMA either defends the ten-mile rule or it fights it. If PEMA were well managed it would have fought this rule from the day it was imposed, or it would have used its own authority as part of the sovereign government of this Commonwealth to extend the ten-mile EPZ by a couple of miles in the northern sectors so as to include at least the downtown population of Pennsylvania's Capitol City.

Questions

The narrow question is whether schoolbus drills conducted in the middle of workdays when everyone involved has been put on notice ahead of time are adequate tests of emergency preparedness⁷.

The broader question is, "What standard does PEMA seek to meet in its emergency preparedness drills? -- What is it trying to test, the walkie talkies, the busses, or the people? If the preparedness of the people is the core of emergency preparedness, then why not use a military standard for emergency drills, and do them with no prior notification or "standby window" just out of the blue, sometimes on weekends, sometimes at night, sometimes on Holidays, just like nuclear emergencies actually tend to happen? Wouldn't this be a better indicator of the level of actual preparedness than the bus drills as they are currently done?"

⁷This question is integrally linked to the outdated RERP book, and the almost empty "letters of intent" file at PEMA. If drills that would be recognized as valid emergency preparedness drills in any military unit were conducted in Dauphin County, it wouldn't be possible for the RERP book to be stale by 5 years or 8 years. Every year, at a moment that no working-level knew in advance, there would be an unscheduled drill, and someone would have to go to the book and get the information on who to call. The fact that these calls were made would raise the awareness of executives in the bus companies, at PEMA and at the Dauphin County EOC, that the letters of intent were or were not as they should be. If the drills are an absolute mummery, everything scheduled, everyone given notice, then there's no need to go to the book. The book can be old and full of incorrect information because the drill is choreographed and the working-level people never need to make those calls. A more detailed statement by PICA on the deficiencies of the Dauphin County EOC may be found at Federal Register Vol. 57, page 36415.

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