

UNITED STATES NUCLEAR REGULATORY COMMISSION
GPU NUCLEAR CORPORATION
THREE MILE ISLAND NUCLEAR STATION, UNIT 1
DOCKET NO. 50-289
ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition for action under 10 CFR 2.206 received from Mr. Robert Gary (Petitioner), on behalf of the Pennsylvania Institute for Clean Air (PICA), dated July 10, 1992, regarding the Three Mile Island Nuclear Station, Unit 1 (TMI-1).

The Petitioner alleged a number of deficiencies with offsite emergency planning for Three Mile Island that, in the Petitioner's view, rendered evacuation plans "essentially non-operational." Petitioner requested that, upon verification by the Federal Emergency Management Agency (FEMA) of these deficiencies, the Commission order the "power down" of TMI-1 and not permit power operations until the discrepancies are corrected and a valid, workable emergency evacuation plan is in place. The Notice of Receipt of Petition for Director's Decision under 10 CFR 2.206 was published in the FEDERAL REGISTER on August 13, 1992 (57 FR 36415).

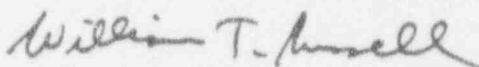
The Director of the Office of Nuclear Reactor Regulation has denied the Petition. The reasons for this denial are explained in the "Director's Decision Under 10 CFR 2.206" (DD-94-03), which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document

Room for TMI-1 located in the Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

A copy of the Director's Decision will be filed with the Secretary of the Commission to review in accordance with 10 CFR 2.206(c). As provided in this regulation, the Decision will constitute the final action of the Commission 25 days after the date of the issuance of the Decision, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 31st day of March 1994.

FOR THE NUCLEAR REGULATORY COMMISSION



William T. Russell, Director
Office of Nuclear Reactor Regulation

PICA

The Pennsylvania Institute for Clean Air

OFFICE OF THE PRESIDENT

Under 10 CFR section 2.206 I formally request that the NRC take action as specified hereunder. This document is being mailed by first class mail on July 10, 1992 to the following persons:

Mr. Ivan Sellin
Chairman, Nuclear Regulatory Commission
Washington D.C. 20555

Mr. Richard Cooper
NRC Director of Division of Radiation Safety and Safeguards
475 Allentown Road
King of Prussia, PA 19406

Mr. Craig Gordon
NRC
475 Allentown Road
King of Prussia, PA 19406

The following points factual points are presented in support of the request for action.

(1) On June 30, 1992, I, Robert Gary, a resident of Dauphin County, went to PEMA Headquarters in Harrisburg and requested to see the letters of intent from private transportation companies that the Chief Counsel had told me were on file there. There was no file only a list of letters of intent that were supposedly held at the Emergency Operations Center of Dauphin County. I immediately proceeded to that location and requested that Director Wertz show me the file. It contained a single letter dated 1985 from Mr. Gerald Smith at Capitol Area Transit (CAT). That letter cited a statute as the sole source of payment, which has since been repealed and superseded by another law. At that time I suspected that emergency preparedness in Dauphin County was substandard.

(2) On July 10, 1992 (today), I returned to the Dauphin County Emergency Operations Center (EOC) to examine the RERP which is the book that would be used in a radiological emergency by the EOC staff. The first page of the book said, "Completely Reprinted with Change 1 in 1991" or words to that effect. I then examined page E-9-5 which contained information on busses from private companies in Dauphin County. Approximately 450 buses were accounted for, but the first two listings, the one with Capitol Area Transit for approximately 70 buses, and the one with Capitol Trailways Penn Central Station for approximately 320 buses constituted the greatest proportion of the total, i.e. 390 out of 450 or about 87%. I decided to call the executives listed in the book to determine the up-to-dateness of that page of the RERP.

(3) At about 4:00 P.M. I made the calls in the presence of the staff on duty at the Dauphin County EOC. First I called Mr. Weeks at Capitol Area Transit (CAT). The person answering the phone informed me that hadn't been with the company since 1984! Next, I called Mr. Miller at Capitol Trailways Penn Central Station. The person answering the phone told me that Mr. Miller hadn't been with the company since 1987.

(4) There were no "after hours" telephone numbers listed in the RERP, which is the book that the staff on hand at the EOC would refer to in a radiological emergency. Even if there had been after hours numbers listed, in the case of Mr. Weeks, the number would have been non-operational for the past eight years, and in the case of Mr. Miller, for the past five years.

(5) The staff members at the Dauphin County Emergency Operations Center reported to me today, I think truthfully, that they have no authority to request military vehicles from the National Guard, Mechanicsburg, or Indiantown Gap. That would have to be done by the state -- presumably by PEMA. PEMA, over the past month, has represented to me that their responsibility lies in communications and coordination. They have shown me Annex E to the Dauphin County Plan which contains no reference to the use of military vehicles. PEMA has no plan to call for the use of military vehicles because they feel that their responsibility is in the area of communications and coordination. Dauphin County has no such plan because they feel that the State has exclusive jurisdiction in that area and that the County cannot call for such vehicles. Therefore, although there are acres of trucks capable of carrying people within 15 miles of Harrisburg neither the State nor the County has any references in the written plans they showed me to use any of them.

(6) The sum total of these facts taken together leads me to the belief that the Dauphin County Emergency Evacuation Plan in the

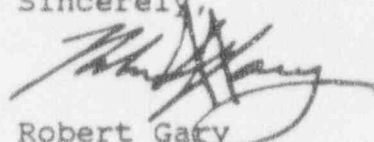
event of a radiological emergency is essentially non-operational.

(7) The permission that the NRC extends to the power company at Three Mile Island to operate nuclear reactors there for commercial power generation is premised on the existence and the continued maintenance of an operational radiological emergency evacuation plan for Dauphin County. When and if this plan becomes so substandard that it is for all practical purposes non-operational, it is completely appropriate for the NRC to direct the power company to power down those reactors until such time as a satisfactory plan is in place and workable.

(8) I request that the discrepancies that are mentioned in this letter be checked out by a FEMA official as soon as possible, preferably within 5 working days. If the official finds that the discrepancies are verified, then I request that the Three Mile Island licensee be ordered by the NRC to power down until the discrepancies can be corrected.

(9) During the time, after the discrepancies have been verified, and before they are corrected, while FEMA and PEMA and NRC are working to generate an operational emergency evacuation plan for Dauphin County, it is fully justified that the power reactors at Three Mile Island be in a power down mode. The license to power up that reactor was legally premised on a valid workable evacuation plan for Dauphin County. During times when such a plan does not exist, neither should the license to operate for power generation. Recognizing, as I do, that paperwork takes time and there are many administrative processes and considerations, I request that, once the discrepancies are officially verified, and during the pendency of the process of correcting them, the power up license be suspended. I believe that such a suspension will cause the discrepancies in this case to be corrected fairly quickly, but in the absence of such a suspension, the corrective process might take several years or might never occur. I believe that such a suspension would send a message to: (1) other operators, (2) other Counties in Pennsylvania, and (3) Emergency Management Agencies in other states. This message would be the precisely correct message that NRC should be sending in its fulfillment of its legal, professional, and moral duties to the American people.

Sincerely,



Robert Gary
for
PICA



Federal Emergency Management Agency

Washington, D.C. 20472

OCT 27 1992

Mr. Frank J. Congel, Director
Division of Radiation Protection
and Emergency Preparedness
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Congel:

In a memorandum dated July 22, 1992, the U.S. Nuclear Regulatory Commission (NRC) requested the Federal Emergency Management Agency's (FEMA) assistance in responding to the concerns expressed in Mr. Robert Gary's July 10, 1992, letter to the Chairman of the NRC regarding the adequacy of offsite emergency planning and preparedness in the Dauphin County portion of the Three Mile Island emergency planning zone. The purpose of this letter is to provide an interim report on the actions which FEMA has taken to date in response to the NRC's request.

On September 4, 1992, FEMA Region III met with representatives of the Pennsylvania Emergency Management Agency (PEMA) and the Dauphin County Emergency Management Agency in order to discuss the issues raised in Mr. Gary's letter. The results of this meeting and follow-up information received by FEMA are summarized below.

- o The letters of intent at the Dauphin County Emergency Operations Center were not current. However, in early August, Dauphin County sent out new letters of intent to the county transportation providers for their signature. FEMA reviewed the content of these letters and determined that they did not include pertinent information on the number and capacity of transportation vehicles available. Amended letters requesting the number and capacity of vehicles have been sent to these transportation providers, but the letters have not yet been signed and returned.
- o A review of the Dauphin County Radiological Emergency Response Plan (RERP) indicates that all groups (general and special populations) requiring transportation have been identified and are current as of September 1992. However, there are discrepancies between sections of the Dauphin County RERP which are concerned with the number of buses available for general population evacuation. PEMA and Dauphin County are revising the Dauphin County RERP to include more accurate, up-to-date numbers.

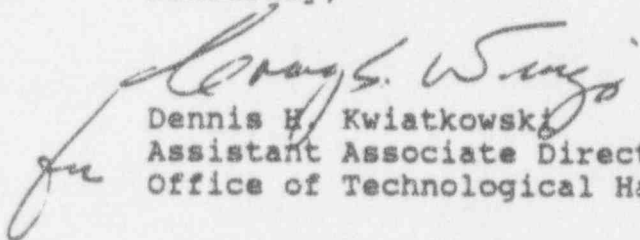
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- o Both the State and Dauphin County RERPs contain provisions for the deployment of the Pennsylvania National Guard to Dauphin County, if necessary, during a radiological emergency. However, FEMA has requested further information regarding (1) the general type and amount of resources which are available to the county through the Pennsylvania National Guard during such an emergency and (2) the extent to which National Guard personnel have been trained and exercised in responding to radiological emergencies.

Although FEMA has initiated the activities necessary to respond to the NRC's request, additional time is required to (1) give the Commonwealth of Pennsylvania and Dauphin County adequate time to complete the activities which have been undertaken to address Mr. Gary's concerns and (2) allow FEMA time to review the plan revisions, signed letters of intent, and other materials provided to ensure that Mr. Gary's concerns have been adequately addressed and alleviated. FEMA will provide its findings and conclusions, including any corrective actions taken, to the NRC by December 31, 1992.

Should you have any questions or require further information, please call Mr. Craig S. Wingo, Chief, Radiological Preparedness Division, at (202) 646-3026.

Sincerely,


Dennis H. Kwiatkowski
Assistant Associate Director
Office of Technological Hazards

*Information Copy for
DR. MURPHY (NRC)
in connection with PICA's
10 CFR 2.206 request
forwarded with cover
letter 2 DEC 92 2100 hrs.*

Chief Conckle
Harrisburg Fire Bureau
McCormick Public Services Center
123 Walnut Street
Harrisburg, PA 17101-1681

July 14, 1992

Dear Chief Conckle,

Thank you for meeting with me today in your office.

As you know I am concerned about the effectiveness of the evacuation preparedness and planning in the event of an emergency evacuation of Harrisburg.

You have a copy of my recent 10 CFR section 2.206 petition to the NRC outlining some of the basis for my concerns about the County-level preparedness status. There is reason to believe that things might go less than smoothly in terms of getting schoolbuses, CAT buses and other privately owned buses in position to do any good in an emergency.

Now there are trucks at Cumberland Army Depot and at the Naval Facility at Mechanicsburg. The only impediment to the inclusion of these trucks in your emergency evacuation plan for Harrisburg seems to be red tape. Maybe the County has jurisdiction, or maybe the State, or maybe PEMA. Maybe someone else has a prior claim on these trucks. Maybe the military is not ready to make them available. All of these red tape factors are preventing the trucks from being included in evacuation plans for Harrisburg.

If these trucks were to be used, they might report to two staging areas. Trucks from Mechanicsburg could report to Harrisburg Community College, and trucks from the Cumberland Army Depot could report to City Island. This might be done the other way around if that is more logistically sound. If they were used they would not interfere with any of the equipment or staging areas specified in the County Emergency Evacuation Plan.

Ltr. to Chief Conckle, dtd. July 14, 1992, Page 2.

Right now the question is, "Can the red tape be cut?"

The state or PEMA could only preempt arrangements that Harrisburg might seek to make with the CO's of those bases if the state or PEMA had some plan of their own to use those trucks. I have asked to see PEMA's plan, and specifically Annex E, and I looked at what they showed me. I've also looked at the RERP on file at the Dauphin EOC. I don't see any reference to the use of those trucks. I see no letters of intent at PEMA or at Dauphin County with the CO's of those bases. As a practical matter there is no conflict. Neither the State nor the County is planning to use those trucks.

Those bases can only stay open as long as they are of some value. There is no reason to try to minimize the value that those bases or the equipment on them provide to the citizens of this country. On the contrary, it makes sense to try to maximize the services that those bases can provide to the country as a whole, to the states in which they are located, and to the communities which are their neighbors. Perhaps one form that the "peace dividend" could take would be to permit military resources to be called upon in a multi-task environment, and in this case to bolster and support a local emergency evacuation plan.

Accordingly, I am requesting Congressman Gekas, Senator Specter, and Senator Wofford, to raise this matter with Hon. Richard Cheney, the U.S. Secretary of Defense.

If DOD issues a directive permitting and encouraging this kind of direct cooperation with municipal agencies, such as the Harrisburg Fire Department, the Secretaries of the respective services will pass that information along to Commanding Officers on bases and posts in the United States, including the Cumberland Army Depot and the Navy facility at Mechanicsburg.

A stated willingness to offer community service in a catastrophic emergency, would not necessarily be a bad thing for DOD. From a training perspective there's plenty of motivation as well. Exercises based on community service in catastrophic situations can be very credible reinforcers of the need to maintain readiness in our armed services, manpower levels, and equipment reserves. Such exercises can have a very positive institutional effect as well as being totally valid professional training for military personnel in today's world. Didn't Desert Shield contain a very large component of community service in catastrophic situations? Remember the camps for the Kurds? Isn't this one of the kinds of things we can expect our military to be doing more of in the 21st century? If so, such manoeuvres at home are very closely related to part of the probable mission.

Ltr. to Chief Conckle, dtd. July 14, 1992, Page 3.

I am very hopeful that as a society we have the flexibility to begin thinking in new ways and using the resources available through our Federal public expenditures in a way that maximizes their utility. We face threats from chemical spills or nuclear accidents that are very serious. It is not reasonable that front line people cannot directly make arrangements with willing Commanding Officers to meet those threats to the lives of Americans because everyone's hands are tied in red tape. We started out as a country of ingenuity and resourcefulness, and that's how we've gotten this far. Let's continue to use our main strength as a country and as a military force -- our flexibility.

Sincerely,

/s/

Robert Gary
Lt. JAGC, USNR, (Ret.)
for PICA

Copies to: Hon. Steven Reed, Mayor of Harrisburg
Sen. Arlen Specter
Sen. Harris Wofford
Rep. George Gekas

Rep. George Gekas
1519 Longworth House Office Building
Washington, DC 20515

July 14, 1992

Re: Use of DOD Equipment for Emergency Preparedness

Dear Congressman Gekas,

I am one of your constituents in Harrisburg.

The enclosed letter to our Fire Chief in Harrisburg contains an idea that may require the support and approval of Mr. Cheney, the Secretary of Defense and which I hope you will forward to him for consideration. In brief, it creates a basis for grassroots cooperation between Fire Chiefs, and other Municipal public officials and the local Commanding Officers of Military installations.

This lateral, or working-level, or grassroots cooperation is to be distinguished from the chain of command or trickle down cooperation which is sometimes so fraught with red tape as to be unmanageable. Lateral cooperation would be completely voluntary on both sides, and is suggested only in cases such as Harrisburg where there is clearly no conflict with emergency planning by higher level agencies in the state.

Sincerely,

/s/
Robert Gary, Esq.
for
PICA

Encl: Ltr. to Chief Conckle of July 14, 1992

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PICA

The Pennsylvania Institute for Clean Air

OFFICE OF THE PRESIDENT

Thomas E. Murley
Director
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington DC 20555

December 2, 1992

Dear Mr Murley,

Mr. Frank Miraglia has sent PICA a letter dated November 24, 1992 in your name. We are, in the main, pleased with the content of the letter, but we have some exceptions, and they are as follows.

I, Robert Gary, Senior Researcher for PICA, made several visits to PEMA in the summer months of 1992. I spoke to Mark Goodwin the Chief Counsel in his office, and later on a subsequent visit met with Mr. Jerry Lambert who is a technical person in charge of radiological preparedness and planning in Dauphin County as well as other duties. I asked Mr. Lambert directly about the subject of ways and means for the evacuation of Harrisburg, because at that time I was thinking in terms of possibilities for the use of trains, airlift, or military trucks from New Cumberland and Indiantown Gap. Mr. Lambert told me specifically that the evacuation plan was based entirely and exclusively on privately owned vehicles and schoolbuses. Now, half a year later, Mr. Dennis Kwiatkowski, Asst. Assoc. Director in the Office of Technological Hazards at FEMA, whose office is in Washington DC, says that, "Both the State and Dauphin County RERP's contain provisions for the deployment of Pennsylvania National Guard to Dauphin County, if necessary, during a radiological emergency."

Well this is very ambiguous. Are these Guardsmen to prevent rioting and looting and assist in maintaining order? If that's what they are for, if that's what the word "deployment" means in the above quote from Mr. Kwiatkowski, then such a deployment really doesn't touch on the issue of evacuation.

On the other hand, if there is a plan for the Guard to come and evacuate the people using military trucks, why didn't Mr. Lambert tell me about it last summer? Where is the plan? I didn't see it

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in the Dauphin County RERP? Let's see if we can answer a few basic questions about the plan, and if we can't, we might decide there is no plan.

(1) What are the telephone numbers of the Commanding Officers of Duty Officers who would be called to activate the evacuation trucks from New Cumberland and Indiantown Gap? On what page of the Dauphin County RERP can that information be found?

(2) What military units are tasked with responding to an evacuation need involving those trucks? Are there designated drivers? Are there designated company commanders? What kind of briefings have these people had? Where's a list of their names?

(3) Are there any particular trucks that have been designated for the task of evacuating Harrisburg, or any other place in Dauphin County?

(4) What about routes and staging areas for these trucks? Do we have maps to indicate that the word "deployment" as Mr. Kwiatkowski uses it does intend an evacuation procedure rather than a law and order keeping mission?

(5) How about coordination with local officials. PICA hasn't checked with every local official in Dauphin County, but Chief Conckle of the Harrisburg Fire Department, doesn't recall any coordination program with New Cumberland or Indiantown Gap in this regard. In fact he has sent a letter requesting same, and PICA has sent a letter to Secretary Cheney requesting cooperation at the DOD end.

These are the kinds of things that PICA would hope that you Dr. Murley would ask in your efforts to verify the meaning and the factual correctness of the remarks made by Mr. Kwiatkowski from his office in Washington. It may turn out that the extent of the planning is that the Governor knows that the National Guard is out there, and if there's a meltdown, he knows he could call on them to provide some help. That kind of awareness would probably be adequate to justify mentioning deployments by the National Guard in the State and Dauphin County plans, but clearly it is not a plan -- it's not even part of a plan. It is simply a statement that we'll figure it out in the midst of the emergency and maybe we can get some National Guard in here to help us out.

PICA has no desire to put blame on anybody for not having a plan to use National Guard trucks, which is substantive enough to provide answers to the questions listed above, at the point prior to the transactions surrounding PICA's 10 CFR 2.206 Request. If at the end of NRC's resolution of that 2.206 Request there still is no plan to use these trucks, the situation will be different, and PICA will not be reticent about placing responsibility where it belongs for this lack of planning and preparedness.

Sincerely,
Robert Gary



*Information Copy for
DR. MURLEY (NRC)
in connection with PICA's
10 CFR 2.206 request
forwarded with cover
letter 2 DEC 92 2100 hrs.*

Chief Conckle
Harrisburg Fire Bureau
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123 Walnut Street
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July 14, 1992

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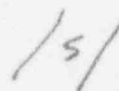
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Sincerely,



Robert Gary
Lt. JAGC, USNR, (Ret.)
for PICA

Copies to: Hon. Steven Reed, Mayor of Harrisburg
Sen. Arlen Specter
Sen. Harris Wofford
Rep. George Gekas



Feb 1994

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
BOX 3321
HARRISBURG, PENNSYLVANIA 17105-3321



Mr. Dennis H. Kwiatkowski
Deputy Associate Director Preparedness,
Training, and Exercise Directorate
Federal Emergency Management Agency
Federal Center Plaza
500 C Street S.W.
Washington, D.C. 20472

Dear Mr. Kwiatkowski:

After having read a copy of your December 16, 1993 letter to Mr. Frank Congel of the NRC, I think it is important that I provide you with my position regarding selected points in your letter as well as correct some inaccuracies that seem to have arisen in the staffing process.

Re 1, p2, para 3. FEMA's Analysis: "The adequacy of all individual State and local governments' letters of agreement, SOUs, etc. would then be evaluated by FEMA to determine their compliance with the updated policy and guidance relative to the content of these documents."

FEMA Position: In the past, FEMA has not normally reviewed annually the letters of agreement, SOUs or Notification and Resource Manuals. These documents, relative to the Dauphin County plan, were provided to help FEMA Region III respond to Mr. Gary's 10 CFR 2.206 petition. Of course, they are provided for the 10 CFR 350 approval process. The additional work load on FEMA will be exponential when you consider that FEMA cannot now meet the 190 day time period for completing biennial exercise reports required by FEMA-REP-14.

Re p2, 1, para 3, sub para 1. FEMA's General Counsel has apparently determined that future agreements will "state that the transportation provider will make vehicles, with drivers, available for drills, exercises, and radiological emergencies."

FEMA Position: The buses in question are owned by private commercial enterprises that provide public transportation in local areas. These owners cannot be expected to forego the income or abandon the passengers who are depending on their bus transportation in order to participate in drills or exercises. Furthermore, the drivers are doing, on a daily basis, what we ask them to do in an emergency. Responding during an emergency is exactly the task to which they have been committed. The bus companies fully understand that Title 35 of the Pennsylvania Consolidated Statutes provides the Governor with the power to "...commandeer or utilize any private, public or quasi-public property," subject to compensation, if necessary to cope with the emergency. It is our opinion FEMA is establishing new criteria, exceeding reasonable assurance that a government can "force" from a provider. FEMA will not get no "reasonable assurance" letters from anyone if an iron clad guarantee is

required or, the utilities would have to enter into unnecessary and expensive standby contracts with providers. Is this a reasonable and appropriate expense for rate payers? The vendors say they'll provide the service if they are available at the time of the incident. If they will sign on for that much it's reasonable assurance. While the current plans may not represent perfection, they do provide reasonable assurance.

Re p2, 1, para 3, subpara 2. FEMA's General Counsel recommends agreements "Specify that drivers will be provided with appropriate emergency response training."

FEMA Position: Since the Commonwealth and all risk county plans for nuclear power plant emergencies are designed to move evacuees who do not have private transportation in a single lift, the bus drivers are not emergency workers who would return to the plume exposure pathway emergency planning zone. The only difference from their daily runs is that the drivers are given directions to go to specific pickup points within a municipality that may be different from a their normal route. Training is unnecessary. A briefing or meeting may be appropriate.

Re p2, 1, para 1. FEMA's Analysis: "FEMA's analysis of the Dauphin County SOUs also identified some minor discrepancies, which FEMA intends to correct."

FEMA's Position: The changes in the Dauphin County plan will be made by the Dauphin County Emergency Management Agency, since it is their plan. FEMA will work with the county to ensure appropriate revisions are made on an annual basis as required by regulation.

Re p3, 1, para 1, subpara 3&4. FEMA's Analysis: "FEMA will review the updated plans and SOPs, including SOUs ..." and "FEMA will review the updated SOUs to verify this information."

FEMA's Position: These statements are a departure from established practice. Heretofore, FEMA reviews SOPs, letters of agreement, etc. only for the 350 approval process. For routine periodic reviews, FEMA has received only changed state and county plans; not SOPs, letters of agreement, SOUs or Notification and Resource Manuals. I assume that if the FEMA is going to review Dauphin County's SOUs etc., then you are going to do the same for all risk county plans nationwide -- a daunting task indeed. If Dauphin County and the Commonwealth of Pennsylvania are to be singled out for special procedures, then I strongly object and expect that you will provide justification for such extreme measures. Periodic national reviews/inspections may be a more effective management practice.

Re p3, 1, para 1, subpara 4 (A). FEMA's Analysis: FEMA takes issue over whether transportation resources are "identified" or "available".

FEMA's Position: Transportation resources are identified, because no bus company can absolutely guarantee that all their resources will be available at a given time. The number identified represents the resources transportation firms feel confident would be available. Greater specificity will cause us to lose the support of bus companies from fear of litigation for failing to produce the numbers in the agreement. Such concerns have

frequently been voiced by a number of providers. Indeed, we have lost the services of some providers in other areas, on advice of their counsels, because they fear litigation based on even the most general of agreements. It is for these reasons that the Commonwealth maintains a large data base of transportation providers that are willing to respond to emergency requests. The state provides this backup to the counties to ensure against the contingency that some of the identified vehicles may be down for maintenance or on dispatches that cannot be recalled in a timely manner. This is reasonable assurance.

Re p4, 1, subpara (b). FEMA's Analysis: "... information reflected in the plan should always be consistent with what is shown in the SOUs."

FEMA's Position: SOUs should not require revision every year. A telephone call, properly documented, should be sufficient to verify the commitment appearing in the SOU. However, the plan should be updated annually to reflect any changes discovered during the telephone call relative to the number of buses, telephone numbers, company names, points of contact, etc. It is highly likely that the two documents will differ anytime after the date of the SOU. It makes little difference whether a company is able to provide 52 buses versus the 58 it might have planned to provide, because the state has other resources to meet any unmet needs reported by a county and these backups would be provided in the time of need. Such planning in depth or "saturation planning" is a pragmatic approach to the vagaries of transport availability as opposed to counting on absolutes that look good on paper, but cannot realistically be assured.

Re p4, 2. FEMA's Analysis: FEMA lists the bus companies called during the May 1993 exercise as Capitol Trailways, Schlegel and Capitol Area Transit.

FEMA's Position: After being so critical of FEMA and Dauphin County for having improperly listed titles for the three bus companies, two of the companies listed in FEMA's analysis are incorrect. The correct titles are: Capitol Bus Company (Trailways), Hegin Valley Lines, and Capitol Area Transit.

Re p5, 2, para 1. FEMA's Analysis: "FEMA will continue to check the accuracy of this information during its annual review of the Dauphin County plan, SOPs, SOUs and during the Three Mile Island biennial REP exercises."

FEMA's Position: FEMA should perform annual reviews of every local REP plan in the country. Again I ask if the Commonwealth and Dauphin County are to be subject to special above regulatory reviews as a result of Mr. Gary's 2.206 petition? FEMA must be evenhanded in administering the review process on a national basis.

Re p6, 2, 1st para, FEMA's Analysis: "...during the May 19, 1993, exercise, FEMA requested the PAARNG to provide as many ambulances as possible in response to a plan-identified Dauphin County unmet need of 203 ambulances. However, since FEMA's concept of operations does not rely on the PAARNG as a first response organization, the unmet ambulance need will be pursued as an issue with FEMA."

FEMA's Position: We acknowledge that the National Guard was tasked (simulated) during the May 19, 1993, TMI exercise to provide ambulances. This was an error on the part of the staff in that there were other counties that could have provided more rapidly the necessary support without using National Guard vehicles. The National Guard ambulances need a far longer time to react than do civilian ambulances on a first response standby status. The planning factor for the Guard to mobilize at their home armory is 6 hours. Add to this the briefing and travel times and one can readily see why the Guard is not considered a first response organization. Additionally, PAARNG ambulances do not have life support equipment. The exercise obviously pointed out a staff training issue that we will address -- one of the reasons why these exercises are conducted in the first place. Mr. Gary's answer is to drive everyone toward the military solution. The civilian assets are more readily available.

Re p6, 2, 2d para. FEMA Analysis: "... the fact that the current RERPs imply a more direct role for the PAARNG, the current state and county RERPs should be reviewed and modified, as appropriate, to more clearly define the exact role of the PAARNG. FEMA will be requested to address this issue during the plan review to ensure that the plans clearly and accurately reflect the Commonwealth of Pennsylvania's concept of emergency operations relative to the use of the PAARNG."

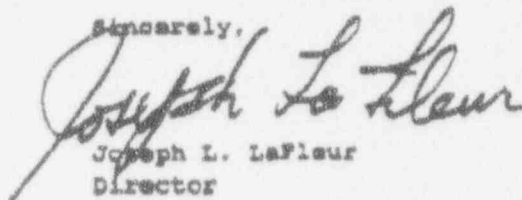
FEMA's Position: Appendix 13, Annex E, Military Support, of the Commonwealth Emergency Operations Plan will be amended in the concept of operations paragraph with a parenthetical caveat, to wit: "The lead time required to mobilize and deploy National Guard units will be considered before assigning specific missions." Counties will be directed to include similar appropriate amendments to their RERPs. Appropriate training will be accomplished to ensure that lead time is factored into mission decisions. The role of the National Guard, as clearly stated in the plans and reiterated in my July 12, 1993, letter to FEMA Region III, is clear to the users of the state and county plans. One should not confuse training issues with unclear plans. I stand ready to have our plans briefed or explained to representatives of the FEMA and/or the NRC, but it is evident to me that the FEMA, the counties and the PAARNG fully understand the intended role of the PAARNG. I will not entertain fixing what is not broken to satisfy the personal motives of agents for private interest groups.

Re pp 8-9, 3. FEMA's Analysis: The paragraphs in this section ignore the fact that FEMA and the counties of the Commonwealth have had years of experience in working with each other and the PAARNG. The procedures in our plans and SOPs have been used to request National Guard support in both radiological exercises and natural disasters without failure.

FEMA's Position: The planning documents work well for us. If FEMA does not understand our procedures, I repeat my invitation for briefings stated above. The execution of any plan requires judgement. Plans that attempt to eliminate the use of judgement by specifying procedures that must follow a mathematically certain path only create inflexibility, because no plan can foresee all possibilities. By demanding that our plans take such a pedantic approach, you ignore our long established working relationships with the PAARNG. I reemphasize that a requirement for periodic refresher training in the execution of a plan does not mean that the plan is flawed.

In closing, I am very concerned about the manner in which this entire matter has been handled. FEMA provided responses to NRC and FEMA queries relative to Mr. Gary's allegations through FEMA channels to the NRC. In each instance, there were some questions and allegations that should have been answered by either the NRC and/or FEMA. When the entire FEMA/FEMA package was sent to the NRC, that agency chose to forward the entire response, unevaluated, to Mr. Gary and eleven other addressees. This is questionable staff work. It is unconscionable that the federal agency responsible for regulation of the nuclear power industry abrogates their duty to make the required determinations and evaluations and turns all collected data over to a private political action group for their "interpretation". The FEMA is always willing to work cooperatively with federal regulatory agencies, we expect to be treated fairly in return. That has not happened at some points in the Gary petition.

Sincerely,

A handwritten signature in cursive script that reads "Joseph L. LaFleur". The signature is written in dark ink and is positioned above the typed name and title.

Joseph L. LaFleur
Director

JLL/JCJ/kpj

cc: See next page

cc w/enclosures:

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July 12, 1993

R. Herman

Mr. Robert J. Adamcik
 Chief, Natural and Technological
 Hazards Division
 Federal Emergency Management Agency,
 Region III
 Liberty Square Building (Second Floor)
 109 South Seventh Street
 Philadelphia, PA 19106

Dear Mr. Adamcik:

This responds to your letter of April 30, 1993, regarding Mr. Gary's 10 CFR 2.206 petition about offsite Radiological Emergency Response Planning issues for Three Mile Island Nuclear Station.

Perhaps FEMA headquarters could have been more selective in requesting information. The breadth of the information net went far beyond the issues of interest or those which have been previously addressed by the Pennsylvania Emergency Management Agency to the Federal Emergency Management Agency. Much of Mr. Kriss's April 13, 1993, memorandum does not pertain to Robert Gary's petition (see Federal Register Vol. 57, No. 157 Thursday, August 13, 1992, pp. 16415-16416). I will indicate where the issues raised have already been addressed either to FEMA or to Mr. Gary directly. The following comments are keyed to the paragraphs beginning on page three of Mr. Kriss's April 13, 1993, memorandum to Acting Regional Director Thomas.

- 1a. The recapitulation of Dauphin County transportation resource needs is found on page E-5-14 of Annex E, Radiological Emergency Response Procedures to Nuclear Power Plant Incidents, Dauphin County Emergency Operations Plan, which has been provided to FEMA III. These numbers change as the plan is periodically updated. The unmet needs of the county can readily be supplied by assets identified from providers maintained in the computerized data banks in the State Emergency Operations Center. To engage in justifying the changing unmet needs with resources available to the state would place all concerned in an endless numbers chase. The provisions for filling current unmet needs are part of the State SOC Standing Operating Procedures and are demonstrated under FEMA evaluation during biennial exercises. The May 1993 TMI exercise provided good demonstration of this fact. FEMA's exercise records for the unmet need for ambulances is a good example for the petitioner.
- 1b. Not all ambulance services operate 24 hours per day, hence via referral, they correctly have the caller talk to "9-1-1" in the case of an emergency. The county, however, has the radio pager number of the person on call for each ambulance company for

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24-hour recall purposes. The statement that "The significance of and rationale for certain ambulance service calls being referred to 911 should be ascertained and appropriate explanatory narrative and/or modifications incorporated into the plans. All revised plans materials should be provided to FEMA Region III and Headquarters for review," does not acknowledge the common practices used all over the U.S.

There is nothing terribly new or esoteric about the use of pagers to summon emergency response personnel. FEMA is aware of many such technologies for emergency response.

Additionally, the assertion that referral of calls for non-24 hour emergency services to 9-1-1 "is unacceptable" is specious and without merit. Pennsylvania has been embarked on a program for several years to expand 9-1-1 coverage throughout the Commonwealth. Eight million of the nearly 12 million citizens in the state are served by 9-1-1. This involves 30 counties, three municipalities, and one regional system. Experience has proven that pagers controlled by centralized county (9-1-1) dispatchers provides an extremely rapid alert and notification system that represents the state of the art. The revenues from 9-1-1 line charges currently provide \$52,000,000 per year to support public safety within the state. We have no intention of abandoning a common national practice of employing modern and efficient alert systems. This is not a part of the 2.20% petition.

- 1c. In my November 4, 1993 letter to Region III, I explained that "Reliance upon military resources for the initial response during an emergency would be more time consuming than the current system." The Department of Military Affairs (DMA) provides liaison personnel to the State EOC and the risk and support county EOCs. The Pennsylvania Army National Guard (PAARNG) provides a battalion to assist each risk and support county. Each county plan, available at FEMA, has an appendix which includes the OPLAN appropriate for that county. Deuphin County happens to be supported by one primary battalion with backup as necessary by a second specified battalion. The units are directed to forward assembly areas (to be determined at notification plus two hours). It takes the units six hours to assemble and be prepared to move from their armories. Because the National Guard is not a first response organization, more definitive missions are not assigned, because they are secondary support systems in case of overload and manpower support for routine activity. Their specific tasks will be determined when the units become available and the needs of the county EOC have become solidified in light of the events as they unfold. The National Guard missions in support of civil authority are contingency oriented. The Guard is equipped with combat, combat support and combat service support vehicles and aircraft that do not lend themselves to the safe and orderly movement of civilians. For these reasons, the Commonwealth does not plan to

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use National Guard trucks to evacuate civilians. We have identified more than enough civilian bus assets to accomplish that task for the portion of the population that may not have a method of personal transportation.

The reasons for not using National Guard assets for evacuation were explained in person to Mr. Gary in an October 3, 1992 meeting with Senator Shumaker, of the Pennsylvania General Assembly, and Commissioner Sheaffer, Chairman of the Dauphin County Board of Commissioners. We further disabused him of the idea that the Army depots in the state had "acres and acres of trucks" available for use in evacuations. The facts are that the military depots do not have assigned to them Table of Organization and Equipment (TO&E) truck companies. The depots rely primarily on commercial haulers and, occasionally, U.S. Army Reserve truck companies using flat bed trailers during their annual summer training. To provide a list of National Guard equipment that could possibly be deployed in the event of an evacuation at TMI is not necessary, because these assets would be called up as needed and could include very little or large portions of the PAARNG inventory, if they were appropriate which is doubtful. Such guess work would not improve the plan, nor would it approach any definable measure of accuracy. The entire assets of state government are available in an emergency.

Because of their purposefully limited nuclear power plant mission orientation, full training schedule and turnover rate, PAARNG soldiers need not receive "civilian radiological" training beyond that provided in their Army annual training program.

- 2a. The substance in the letters of intent, statements of understanding or similar documents is valid. The names of the bus companies have changed and will be revised in the plan as well as the letters during the periodic reviews. The correct names now are: Hagers Valley Lines, Inc. (formerly Schlegel Transportation Service); Capital Bus Company (Capital Trailways is the corporate name); and Capital Area Transit Bus Company (vice Capital Area Transit).
- 2b. The letters of intent do indicate the number of buses each company would make available. The letters of intent will be changed to reflect the average capacity of those buses by their annual update.
- 2c. There is no specific training provided for bus drivers, nor is there any required in NCRNG-0484 FEMA-REP-1. Bus drivers departing the EPS during an evacuation are a part of the general public, which also receives no specific training. Desimetry will not be issued to bus drivers, because they will not be reentering the EPS and they are not emergency workers.

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The April 16, 1992, PEMA Headquarters memorandum subject: Sample Letters of Agreement for Transmittal to the Pennsylvania Emergency Management Agency (PEMA) in Connection with the Susquehanna Steam Electric Station Offsite Radiological Emergency Response Plan Review, that was transmitted to PEMA by the Region III letter of May 1, 1992, contained 17 examples of letters of agreement that were to assist the PEMA "... in preparing pertinent letters of agreement for inclusion in the offsite radiological emergency response plans, site-specific to the Susquehanna Steam Electric Station (SSES)." Only two of these examples made the vaguest references to training. None of them used the language prescribed by the PEMA Headquarters April 12, 1993, memorandum to Region III to wit:

- "Review of the SOCs indicates that there is no reference to the training of bus drivers in regard to dealing with emergency response situations."
- "... the drivers should be trained and educated about the nature of radiological emergencies, the proper use of dosimetry, etc."
- "... the SOCs should contain a statement that the company agrees to cooperate with the utility and State and local governments by allowing its drivers adequate time to participate in pertinent radiological response training and exercise-related activities required under NUREG-0654/PEMA-RFP-1, Revision 1, and outlined in Three Mile Island's State and Radiological emergency response plans." (Note that the State and local plans for TMI do not outline driver training as described above.)

As we have discussed on several occasions, Pennsylvania is clearly being reviewed at a higher standard than other "nuclear states" that is unnecessary, but most important, does not apply in the case of Dauphin County bus assets.

- 2d. The letters of intent are valid commitments of that intent, although they are not, nor do they purport to be legal or legally enforceable documents which provide a guarantee of resources. With or without letters of agreement, the resources will be available as previously demonstrated in numerous emergencies and exercises throughout the state.

As described in paragraph 2c above, the PEMA Headquarters prescriptive language in paragraph 2d does not appear in any of the sample SOCs provided to wit: "The language in the SOC should reflect the provider's understanding that (A) adequate vehicles and drivers are available to meet the resources enumerated in the SOC and (B) drivers are fully aware of and understand their individual responsibility to drive a bus, if required, to facilitate an evacuation of Dauphin County in the event of a radiological emergency at Three Mile Island." Again, the topic PEMA is researching is not germane.

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- 3a. There is neither reason nor intention to add phone numbers to the various pages of the County Radiological Procedures. The phone numbers are available in SOPs used by the respective county staff persons. In addition, as mentioned in paragraph 1b above, the County has the ability to tone page all ambulance organizations. This issue was not raised in Mr. Gary's 10 CFR 2.206 petition as described in the Federal Register of August 13, 1992.
- 3b. The items listed in this paragraph constitute administrative updates that are being addressed and will be cleared up at the next annually required update. Again, this issue was not raised in the 2.206 petition.
- 3c. This will be clarified at the next plan update.
- 3d. It is not necessary to label pages E-7-11 and E-9-3 through E-9-6 to "... indicate clearly that the information reflected on these pages pertains to Dauphin County." Since the pages are in the Dauphin County Plan and list specific Dauphin County unique organizations, to what other county could they possibly be referring? This is a matter of style that surely can be left to the county's discretion.
- 3e. Your planning suggestions, while not a part of the 2.206 petition, are appreciated and will be considered at the next plan update.
4. You correctly noted that these items are not a part of the 2.206 petition. For your information, 1990 population data is reflected in the current February 1993 Dauphin County Annex E (for example see E-10-3). As the 1990 census data is produced by the U.S. Census Bureau and provided to the Penn State Data Center, the information is processed and provided to the county for inclusion in the subsequent update of the plan and procedures. The Evacuation Time Estimate is being prepared by the power plant contractor. The process began in July 1992 and is estimated to be completed in August 1993. The new numbers will be included in the next regularly scheduled update of the plans and procedures as per normal practice.
5. Mr. Gary's questions are not relevant to the 2.206 petition. Even more pertinent to the proceedings is the fact that they are irrelevant to the current plans for the evacuation of the TMI plume exposure pathway emergency planning zone. As stated earlier (see para 1c above), the Commonwealth does not need to include the PAARSO in the way sought by Mr. Gary since it is not germane. The questions in paragraph 5, answered above, are in the SOPs of PAARSO for all emergencies or do not apply.
- 6a. There is no red tape factor that prevents the inclusion of PAARSO in PEHA's plan for evacuation in the event of a radiological emergency. As explained in paragraph 1c above, the use of Army trucks for evacuating civilians is a poor option, even if

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- available, when we can obtain more than enough civilian buses to do the job.
- 6b. The PABNS is used to support counties on a contingency basis for radiological and all emergencies (see paragraph 1c). We will not entertain inventing such dubious missions for the National Guard just to keep military bases open. Mr. Gary makes suspect his often claimed military expertise if he thinks using Army trucks for the unlikely evacuation of the TMI KFS would influence any congressional action to save military bases in Pennsylvania. There is ample rationale relating to military operations to preserve our installations if Congress is so inclined. I would note here that it is frustrating to receive such blatantly ill conceived schemes for a formal response when this is not part of the Base Realignment and Closure Committee criteria nor would it affect the President's decisions to be forwarded to Congress.
- 7a. At the October 2, 1982, meeting in Senator Shumaker's office (see paragraph 1c), the level of supervision by PEMA of the counties was discussed thoroughly. Similarly, our actions to provide supplies and equipment to the counties during emergencies were explained to Mr. Gary. Further, specific information about emergency supply warehouses in response to a question posed earlier by Mr. Gary was provided to him in a July 18, 1982, letter from the PEMA Chief Counsel (see enclosure). As anyone with intergovernmental relations experience knows, each level of government (state from federal, county from state, etc.) likes to "do their own thing". Counties often do not want the limited oversight provided by state. Should this be the desire of KRC and PEMA, PEMA will comply and provide more oversight.
- 7c. At the same October 2, 1982, meeting, the cycle of plan reviews and updates was explained to Mr. Gary. We explained that plans are living documents, kept loose leaf in three ring binders and changed as the need arises. Further, we explained that a plan is never considered "finished"; because as the planning elements and environment change, the plan is amended to reflect those changes.
- 7d. The reasons for not using military trucks for evacuation are described in detail above.
- 7e. During the October 2, 1982, meeting with Mr. Gary, Senator Shumaker and Commissioner Sheaffer, I explained to Mr. Gary that, in our current situation, there was insufficient justification from the counties to ask the utility rate payers to assume the additional \$8,000,000 Mr. Gary advocated in levied costs through Act 147 to support county radiological emergency response activities. Senator Shumaker forcefully stated that he could not and would not place such a burden on the rate payers when Pennsylvania was in the throes of a serious economic recession. Commissioner Sheaffer agreed. The utilities have stated they are reluctant to provide more stockholder or rate

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payer funds to PEHA. PEHA has requested, both through state government channels and from the utilities, more funds to meet the increasing costs of the radiological emergency preparedness program.

- 7g. The answer to this question was provided to Mr. Gary in the PEHA Chief Counsel's letter of July 15, 1982, as follows:

"Federal studies indicate significant radiation exposures from a nuclear power station will be limited to within 10 miles of the facility. For this reason, detailed plans are in place to manage the needed protective action against exposure in that area. In the event people need to be protected in areas beyond 10 miles, these actions will be extended as far as they are needed. The emergency response organization within 10 miles can be extended as conditions warrant. Indeed, Pennsylvania maintains the most conservative evacuation policy for nuclear power plants within the United States. While other "nuclear states" evacuate in sectors, the policy during both the Thornburgh and Casey administrations requires evacuating 360 degrees of the entire approximate 10 mile EPS."

This answer was elaborated upon in person with Mr. Gary during the October 2, 1982, meeting. It is discouraging to note that the NRC, a major player with EPA in the development of the 10 mile plume exposure pathway emergency planning zone, referred this question to the Commonwealth of Pennsylvania for an answer.

- 7h. This question was also addressed in the October 2, 1982, meeting. It was explained to Mr. Gary that nuclear power plant biennial exercises were scheduled in the late afternoon hours to accommodate the hundreds of volunteers who staff many of the county and municipal EOC staff and emergency response positions. These volunteers are willing to respond to a true emergency at any time, but they cannot afford to leave their regular employment during business hours just for drills. As you know, Pennsylvania is heavily dependant upon volunteers to make the emergency management system work due to funding limitations. Mr. Gary made it clearly known at this meeting that he wanted to impose the same standards for response as those maintained by active military units. Such standards are not feasible for a civilian system that relies to any significant degree on volunteers.
- 8a. Mayor Reed's comments on radiological emergency response planning are always considered, paragraph 1c above explains state and federal policy and plans.
- 8b. See paragraph 1c above.
- 8c. Some spontaneous evacuations during nuclear power plant disasters must be assumed. However, unless PEHA and the NRC are willing to state publicly for the record that the 10-mile EPS is inadequate

Page 8

and that exceptions must be made for Harrisburg and other similar EPFs near large population centers, the PEMA will continue to follow NRC and FEMA guidance regarding such planning. Harrisburg believes, as commented, that they could handle their population if there was a widespread evacuation. The state concurs.

- 8d. The February 7, 1993, security incident at TMI has been investigated by the NRC and conferences were held in Harrisburg to describe the results of that investigation. PEMA formally reviewed the response by the state and the involved counties and municipalities. It is expected that our review will be released by the Governor's office sometime in July. Copies will be made available to all appropriate government agencies upon request.

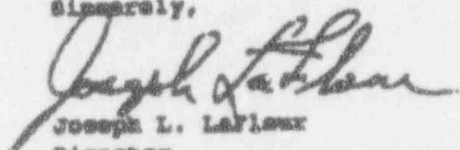
PEMA is also concerned about the February 7 security breach at TMI. We await with interest the results of the NRC consultations on design basis threat for nuclear power plants.

9. Regarding the point of disagreement between Mr. Gary and Mayor Reed. We agree with Mayor Reed. Full-scale bus drills are too costly, significantly radiosectary and unnecessary. Our positions on Mr. Gary's other points are described in detail above.

The plans to support the response to an emergency at TMI have been and are being reviewed on a periodic basis and are evaluated biennially. PEMA is well aware, and has so affirmed in every biennial exercise, that these plans provide reasonable assurance for the protection of the public health and safety. There will always be changes, corrections, revisions and improvements in this ongoing process, but the plans are essentially valid.

Mr. Gary's petition was filed in July 1993. There is in the answers to his questions and the responses to his allegations nothing that can legally or reasonably discredit the validity of the reasonable assurance that is and has been provided over the many years in the planning and exercise validation process. PEMA can affirm this to the NRC and, in turn, to Mr. Gary.

Sincerely,


Joseph L. LaFleur
Director

JLL:JGS:jjk

Enclosure

cc: Commissioner Russell L. Sheaffer
Dauphin County
Michael E. Warts, Coordinator
Dauphin County EPC
George Giangli, GPUM



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
 BOX 3321
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July 15, 1992

Mr. Robert Gary
 P. O. Box 1637
 Harrisburg, Pennsylvania 17108-1637

Dear Mr. Gary:

This letter responds to the questions/concerns that you raised about radiological emergency response planning in your letters of June 12, 17, and 29, 1992. The answers to those questions/concerns are as follows:

1. Question: Why is all of center city Harrisburg not included in the Emergency Evacuation Zone?

Response: The Emergency Evacuation Zone referred to is technically described as the Plume Exposure Pathway Emergency Planning Zone (EPZ). Federal studies indicate significant radiation exposures from a nuclear power station will be limited to within 10 miles of the facility. For this reason, detailed plans are in place to manage the needed protective action against exposure in that area. In the event people need to be protected in areas beyond 10 miles, these actions will be extended as far as they are needed. The emergency response organization within 10 miles can be extended as conditions warrant. Indeed, Pennsylvania maintains the most conservative evacuation policy for nuclear power plant accidents in the United States. While other "nuclear utility states" evacuate in sectors, the policy during both the Thornburgh and Casey administrations requires evacuating 360 degrees of the entire approximate 10 mile EPZ.

2. Question: Why does PEMA not maintain a file of letters of intent from resource providers?

Response: Letters of intent, mutual aid agreements, etc. are negotiated and maintained by the risk counties where the resources are to be used. Both the Federal Emergency Management Agency and PEMA have recently begun to place more emphasis on such documentation to further refine our plans. This effort will continue, along with a number of other plan refinements well into the next fiscal year.

In this regard, it should be understood that planning for nuclear power plant off site safety, like any other form of emergency operations planning, never ends. Such plans are living documents, maintained in loose leaf binders, and are constantly being refined, added to, or changed; because, situations and conditions in the environment addressed by the plans change. These changes range from simple name and telephone number revisions to new techniques and methods of performing response and recovery

Mr. Robert Gary
 July 18, 1998
 Page 3

operations that have been gleaned from studies and exercises. In a practical sense, one can say that no plan for anticipated operations is ever complete. Further, planning is time consuming, labor intensive work that requires the cooperative participation of federal, state, county and municipal levels of government. We in FEMA work very hard to maintain continuous and effective communications with the planning jurisdictions in the Commonwealth. This does not mean that at any given time some elements of a plan will not need to be updated.

3. Question: Why have the two regional warehouses cited in Title 38 have not been established?

Response: The short answer is that funds have not been allocated by the legislature for this purpose, even though the requirement is in the law. This is not unusual, particularly for capital expenditures. Large projects inserted into law often fall victim to the prioritization of finite resources. The more thoughtful response is that such expensive facilities are ill advised, since FEMA has stock piles of various emergency supplies at other departmental facilities such as Torrance State Hospital, Pike Center, and other locations.

4. Question: Why not use trains and aircraft to evacuate?

Response: First, as explained above, the evacuation of Harrisburg is not necessary. Secondly, the fastest methods of evacuation in the time available are private automobiles and buses. Evacuation of sizeable populations by train and aircraft is a far more complicated and time consuming operation to plan and execute than using automobiles and buses, to say nothing of the prohibitive costs involved. C-141 aircraft are operated only by the Air Force. They are not, as your letter suggests, also found in the Army, Navy and Marine Corps. These planes, of limited number, are deployed world-wide on a daily basis. To marshal sufficient aircraft to effect an evacuation would take days, not hours, and only after the Declaration of Emergency by the President. The possibility of the Department of Defense participating in such an evacuation mission is highly unlikely. Even then, the use of Capital City Airport would be impossible because that airport, like Harrisburg International, is within the Flood Exposure Pathway EPT of TMI. Even if sufficient beddown space at Capital City were available, and it is not, facilities for operating C-141s from this airfield (including length of runways) are inadequate. Your suggestion that C-141s could stage out of the Hershey airport (identified as Hagle airport on air navigation charts) won't work. The field is woefully inadequate in all categories including its short runway of 1900 feet. C-141s require runways well in excess of 3000 feet for safe operations. Suffice to say that mass population evacuations by aircraft and trains would far exceed the evacuation time estimates we now have for automobiles and buses.

5. Question: Why are census figures in the plans not updated every year?

Mr. Robert Gary
July 15, 1992
Page 3

Response: In the past, we have used regional population estimates for updating planning figures. The 1990 census showed these estimates to be very inaccurate and actually painted a false picture — usually predicting steady growth when in fact the populations held constant or declined. More importantly, they did not realistically capture the demographic shifts within the Commonwealth. The 1990 census figures are in hand and are being factored into all of our planning.

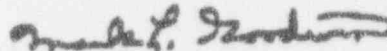
6. **Question:** How are the fees collected under Sections 7120(c) and (d) of the Emergency Management Services Code (35 Pa. C.S. §7101 et seq.) expanded?

Response: All of the fees collected under those two sections are used by PEMA to carry out the many radiological emergency response preparedness and planning functions and duties that are placed upon the Agency by Section 7120(b) of the Code. This includes the payment of salaries and benefits for those PEMA employees who are directly involved in carrying out those radiological emergency response and planning activities.

Thank you for your expressed interest in the above discussed radiological emergency response planning issues.

lac

Sincerely,



Mark L. Goodwin
Chief Counsel

MLG:djs (Tel: 717-783-8130)

cc: Joseph L. LaFleur

Original



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 15, 1994

Docket No. 50-289

LICENSEE: GPU Nuclear Corporation

FACILITY: Three Mile Island Nuclear Station, Unit 1 (TMI-1)

SUBJECT: SUMMARY OF FEBRUARY 2, 1994, MEETING WITH ROBERT GARY REGARDING HIS
10 CFR 2.206 PETITION TO POWER DOWN TMI-1

On Wednesday, February 2, 1994, a public meeting was held at the U.S. Nuclear Regulatory Commission (NRC) offices located at One White Flint North, Rockville, Maryland with Mr. Robert Gary, a representative of the Pennsylvania Institute for Clean Air (PICA). The purpose of the meeting was to allow Mr. Gary to provide any final information to the NRC staff regarding his petition, filed under 10 CFR 2.206, to "power down" the TMI-1 nuclear power plant because of alleged deficiencies in the Dauphin County (Pennsylvania) Radiological Emergency Response Plan (RERP). Enclosure 1 is the list of participants at the meeting. Enclosure 2 is a package of various documents distributed to the participants by Mr. Gary during the meeting. Enclosure 3 is a transcript of the meeting.

The subject petition was filed on July 10, 1992. As required, the NRC requested assistance from the Federal Emergency Management Agency (FEMA) to evaluate the allegations made in the petition. FEMA completed their evaluation in December 1993 and forwarded a report with the results on December 16, 1993. The NRC staff sent a copy of the FEMA report to Mr. Gary and other interested parties on January 4, 1994, to encourage openness in the 2.206 process, even as its own evaluation of the FEMA report was just beginning. The staff is in the final stages of developing a recommended director's decision in response to Mr. Gary's petition and the subsequent FEMA investigation.

Mr. Gary opened the meeting on February 2 with a presentation regarding the issues he considers to be important insofar as offsite emergency planning and preparedness surrounding the TMI-1 facility. He stated the three principal issues he wanted to address were the size and shape of the emergency planning zone (EPZ) around the TMI-1 facility, particularly as it affects the City of Harrisburg, the military, and the money (associated with emergency planning in the Harrisburg area). None of the issues raised pertain to the onsite emergency plan at the facility itself, which is developed by the TMI-1 licensee, GPU Nuclear Corporation, and approved by the NRC. The text of Mr. Gary's presentation can be found on pages 3 through 9 of Enclosure 2.

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Following Mr. Gary's presentation, there was a brief question and answer period (see Enclosure 3). One question asked was what the term "power down" means as stated in the petition. Mr. Gary stated that it did not necessarily mean to shut down and cool down the reactor but could mean operation at a very reduced power level, including the hot standby mode (reactor critical at less than 2% of full power).

Following the question and answer period, Mr. Gary presented some closing remarks and the meeting was then adjourned.



Ronald W. Hernan, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. List of Attendees
2. Documents distributed
by Mr. Gary
3. Transcript

cc w/enclosures:
See next page

Three Mile Island Nuclear Station,
Unit 1

cc w/enclosures:

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O&M Director, TMI-1
GPU Nuclear Corporation
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Middletown, Pennsylvania 17057

Michael Laggart
Manager, Licensing
GPU Nuclear Corporation
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Jack S. Wetmore
TMI Licensing Manager
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Chairman
Board of County Commissioners
of Dauphin County
Dauphin County Courthouse
Harrisburg, Pennsylvania 17120

Chairman
Board of Supervisors
of Londonderry Township
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Middletown, Pennsylvania 17057

Mr. Joseph LaFluer, Director
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Michele G. Evans
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Regional Administrator, Region I
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Rockville, Maryland 20852

William Dornsife, Acting Director
Bureau of Radiation Protection
Pennsylvania Department of
Environmental Resources
Post Office Box 2063
Harrisburg, Pennsylvania 17120

Mr. T. Gary Broughton, Vice President
and Director - TMI-1
GPU Nuclear Corporation
Post Office Box 480
Middletown, Pennsylvania 17057

Robert Gary
Pennsylvania Institute
for Clean Air
2211 Washington Avenue (#301)
Silver Spring, MD 20910

LIST OF ATTENDEES
 FEBRUARY 2, 1994 MEETING WITH ROBERT GARY
 REGARDING A 2.206 PETITION TO SHUT TMI-1 DOWN

TITLE	AFFILIATION	TITLE
Ronald W. Hernan	NRC/NRR/PDI-4	Senior Project Manager
Robert Gary	PICA	Senior Researcher
Ralph DeSantis	GPUN	Public Affairs Manager
Jeffery Grisewood	GPUN	TMI Lead Offsite Emergency Planner
Dennis V. Hassler	GPUN	TMI Licensing Engineer
Alan Nelson	NUMARC	Senior Project Manager
Falk Kantor	NRC/NRR/PEPB	Acting Branch Chief, PEPB
Giovanna Longo	OGC/NRC	Trial Attorney
Scott Boynton	NRR/PEPB	EP Specialist
Steven Aoukaitis	FEMA-Region III	RAC Chairman
Megs Hepler	FEMA Headquarters	Director, Exercises Division
Stan Wentz	FEMA Headquarters	Team Leader, Exercises Division
Elaine I. Chan	FEMA/OGC	Legal Counsel, Program Law
John Price	FEMA-Region III	REP, Tech. Hazards Program
Jerry Lambert	PEMA	TMI Offsite Planner
Robert Pollard	UCS	Nuclear Safety Engineer
Mark Goodwin	PEMA	Legal Counsel
John Kopeck	NRC	Public Affairs
John F. Stolz	NRC/NRR/DRPE	Director, PD I-4
Michael Blood	Associated Press	Reporter



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 25, 1994

Docket No. 50-289

MEMORANDUM FOR: Michael L. Boyle, Acting Director
Project Directorate I-4
Division of Reactor Projects - I/II

FROM: Ronald W. Hernan, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II

SUBJECT: FORTHCOMING MEETING WITH ROBERT GARY REGARDING HIS
10 CFR 2.206 PETITION TO SHUT DOWN THREE MILE ISLAND NUCLEAR
STATION, UNIT 1

DATE & TIME: Wednesday, February 2, 1994
1:30 pm - 3:30 pm

LOCATION: U.S. Nuclear Regulatory Commission
One White Flint North, Room 4 B 13
11555 Rockville Pike
Rockville, Maryland 20852

PURPOSE: To receive information from Robert Gary regarding his
petition (on behalf of the Pennsylvania Institute for Clean
Air (PICA)) to shut down Three Mile Island Nuclear Station,
Unit 1 because of deficiencies in the Dauphin County, PA
emergency plan. This meeting is being held at Mr. Gary's
request.

PARTICIPANTS*: NRC PICA

Ronald Hernan, NRR	Robert Gary
Falk Kantor, NRR	
Rich Emch, NRR	<u>FEMA</u>
Scott Beynton, NRR	
Giovanna Longo	Megs Hepler
	Stan Wentz

Ronald W. Hernan

Ronald W. Hernan, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

CONTACT:
R. Hernan, NRR
504-2010

*Meetings between NRC technical staff and applicants or licensees are open for interested members of the public, petitioners, intervenors, or other parties to attend as observers pursuant to "Open Meeting Statement of NRC Staff Policy," 43 Federal Register 28058, 6/28/78.

Three Mile Island Nuclear Station,
Unit No. 1

cc:

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Robert Gary
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Silver Spring, MD 20910



2211 Washington Avenue (#301), Silver Spring, MD 20910
Tele: (301) 587-7147

Comments at NRC Public Meeting, Feb 2, 1994, by Robert Gary,
Senior Researcher, for The Pennsylvania Institute for Clean Air

I appreciate the opportunity to make a few comments at this public meeting on behalf of PICA, The Pennsylvania Institute for Clean Air. We have three issues to address today, the EPZ, the Military, and the Money. All the other matters raised by PICA are either dependent on these three main issues or they have already been satisfactorily dealt with and don't require further discussion.

To begin the discussion on the EPZ issue, I want to talk a little bit about the way that PEMA conceives of emergency preparedness. Mr. LaFleur says in paragraph 7 g of his letter, "In the event that people need to be protected in areas beyond 10 miles, these actions will be extended as far as they are needed. The emergency response organization within 10 miles can be extended as conditions warrant."

The suggestion is that the EPZ would be extended as needed in an emergency. It is PICA's position that such an extension is impossible. In an emergency, there is no time to extend the EPZ. Any plan to evacuate Harrisburg needs to be made now before the emergency, not in its midst. Any plan that included the evacuation of Harrisburg would be 1000 buses short not 50 buses short. The reason that PEMA has enough buses is because they are dealing with the toy problem of the EPZ which only includes 10% of Harrisburg. If we agree that emergency preparedness means making plans in advance, not in the middle of an emergency, then if we were to make plans now for the evacuation of Harrisburg, we would either have to find another 1000 buses or use military trucks.

If there's serious radiation within the EPZ, Harrisburg will evacuate. The issue is whether PEMA, or the Military will be there with a plan, with trucks, with tents, with kitchens, first aid stations and field commanders. In California, after the recent earthquake, it took four days for the National Guard to set up tent cities and field kitchens. There was no plan. In Harrisburg, if there's no plan, we can't wait four days for a military response. Without a plan people will have to evacuate without the assistance of the military, and they will do so, as best they can, as they did in 1979.

The delay in evacuating people in 1979, caused 50 deaths in the exposed population according to the testimony of this Senior Researcher in the U.S. Congress in 1985. My point is that when it's time to move people, it's too late to start figuring out how to do it. The RERP should contain evacuation plans for a Contingent Planning Area (CPA) north of the present EPZ and to include Harrisburg. The information should be specific with authentic operational data and directions. It probably will need to include military trucks since we know that even with the very sparsely populated EPZ that misses 90% of Harrisburg, they are already 50 buses short.

The RERP should not contain, as it does now, extensive recitations of jurisdictional responsibilities and descriptions of tables of organization and how intergovernmental agencies interrelate. It should be cut to no more than 100 pages. It should be tabbed, waterproofed, color-coded, and set in large type. It should be arranged so that the most junior person in the official chain of emergency command, with no executive guidance, could give appropriate orders and make the emergency response process happen by the numbers, by the book, according to the plan. Junior people, and everyone in the chain should be drilled for their ability to run a response out of the book. The present RERP passes the weight test, and it may have some public relations value, but it is missing many of the critical elements of a plan, which PEMA says are in the SOP's or would be made up on the spot.

To illustrate one could examine paragraph 1c of Mr. LaFleur's letter in which we see the general tenor of PEMA's idea of emergency preparedness. He's talking there about Guard units and he says, "Their specific tasks will be determined when the units become available and the needs of the County EMA have been solidified in light of events as they unfold." In other words, PEMA will administer the emergency response on a *ex tempore* basis, figuring out what to do as the situation develops. This is really the opposite of emergency preparedness. If there's one thing we do know in the limited experience we have it is that you can't plan how you are going to respond to an emergency in the midst of the emergency. People who try either find themselves inundated by data, paralysed by possibilities, or galvanized into actions that turn out to be mistakes.

Now as we turn to the second main topic, the use of military trucks, we can stay in that same paragraph 1c of Mr. LaFleur's letter and we find that, "The Guard is equipped with ... combat support vehicles ... that do not lend themselves to the safe and orderly movement of civilians" PICA disagrees with this point, this point is wrong in our opinion. Whether it's right or wrong, PEMA has no expertise in this area, and there's no indication that it has done any study of this point. In Bosnia military trucks have been used to transport civilians, not once but hundreds of times. There has been no report of people being hurt as a result. If there's a problem in the use of military trucks, that can be studied. DOD or the Guard can let us know whether an extra piece of equipment is needed to help civilians get on and off a military truck, or if there are techniques that would permit one person to help another in this evolution. Similarly, if there are problems maintaining civilians in a safe arrangement while the truck is moving, we would want to know what distinguishes civilians from military personnel in this regard, and what options there are to deal with the safety factor. A peremptory statement by PEMA is not convincing on this point. A due diligence inquiry is required and PICA suggests that after such an inquiry it would be found military trucks can indeed be used for civilians.

In the same paragraph (1c), Mr. LaFleur finds that a plan would not have to include a list of Guard equipment that could be deployed, since that too could be figured out in the midst of the emergency.

The third main issue is the issue of the money. \$500,000 just doesn't seem like enough money for all nuclear emergency preparedness for the entire Commonwealth of Pennsylvania. We know from paragraph 1(b) of Mr. LaFleur's letter that, "The revenues from the 9-1-1 line charges currently provide \$52,000,000 per year to support public safety within the state. PICA offers that information only as a rough gauge of levels of expenditure for public safety in Pennsylvania. If we figure that maybe 10% of what the 9-1-1 line charges provide might be an appropriate amount for nuclear emergency preparedness, that would give us a budget of about \$5,000,000 statewide, which would mean an assessment of \$1,000,000 per site, instead of \$100,000 as presently done.

PEMA says that Senator Schumaker, a member of the Republican Party, doesn't want to burden the rate payers. PEMA tells us that the utilities say they don't want to burden the stockholders. FEMA says that PEMA has taken reasonable steps to acquire additional resources. It appears to PICA that PEMA has taken no energetic steps to acquire appropriate resources, recognizing that the organization is headed up by the Lieutenant Governor of the State who has been personally aware of PICA's concerns since October of 1992.

Many other issues are tied to the money question. There's no second warehouse because there's no money for it. There are almost no unscheduled drills because the participants are volunteers because there's no money to pay them (see LaFleur letter paragraph 7h and 9).

PICA would like to look at some of the options to deal with the three main issues in a second, but before turning away from Mr. LaFleur's letter there's a point that needs to be addressed. In paragraph 8c the suggestion is made that, "Harrisburg believes that they could handle their population if there was a widespread evacuation." This is totally false. It would take a five minute call to Mayor Reed to verify what PICA says here. Or we can look at some correspondence. In his letter of June 24, 1992, the Mayor says that there will not be sufficient available resources for any evacuation activities beyond the 10 mile radius unless the NRC adjusts the evacuation boundary. In his letter of July 20, 1992, the Mayor says a state of emergency would necessitate a mass evacuation for which sufficient resources would not be immediately available. In his letter of September 23, 1992 the Mayor says the Dauphin County Plan needs to be improved, particularly in the area of identifying currently available transportation resources. We support your view that military vehicles, of which there are plenty in the immediate Harrisburg area be part of the Dauphin County Plan. In his letter of December 28, 1992, the Mayor says that the fire chief is writing the CO's of the military bases and trying to get use of the vehicles -- he says their availability would be critical to the mass movement of thousands of people. Even Representative Gekas is happy to pass the idea along to the Secretary of Defense on PICA's behalf. Finally, in his letter of February 8, 1993 the Mayor says that in light of the non-cooperation of FEMA and the NRC in extending the EPZ, Harrisburg has identified sufficient resources to accomplish an evacuation but Harrisburg's plan is not officially recognized by the County or the State or the Federal Government.

Under these circumstances it is hardly fair for Mr. LaFleur to say that Harrisburg believes they could handle their population if there was a widespread evacuation. Mayor Reed has tried to identify resources to fill the gap but he believes no such thing as Mr. LaFleur suggests. Identification of resources is one thing; an integrated emergency preparedness plan is another. When we built nuclear power plants it wasn't with the idea that Mayor s would go out and try to identify resources. It was with the idea that there was going to be emergency preparedness plans. The heroism of Mayor Reed cannot be used by Mr. LaFleur as a shield to deflect justified observations of Mr. LaFleur's own negligence.

Now to examine some options.

On the EPZ issue, the option that PICA suggests is that the NRC declare the existence of a Contingency Planning Area (CPA) to the north of the present EPZ and to include Harrisburg. The beauty of this option is that you don't have to extend the EPZ itself. You can make your own rules for what kinds of plans need to be done for a CPA. If there are other places in the country where CPA's are appropriate, they can be handled on a case by case basis.

The CPA approach allows you to do a layered official evacuation. When its time to declare an official evacuation of Harrisburg, you will have something to work with, you won't be making it up on the spot in the midst of an emergency.

If you have to evacuate the CPA, you will need the military trucks. They are far better in some of the small streets of Harrisburg anyway than the very bulky passenger buses. You would have to assume that streets might be blocked by stalled privately owned vehicles. Military trucks with plenty of clearance and heavy suspensions could get around blockages by going up on sidewalks, as big passenger buses could not.

We feel that you could use a CPA approach in response to our 2.206 Petition. A rulemaking is not required. This is a contingency planning area -- it is a decision to make additional plans, it doesn't take anything away from anybody, it doesn't affect anybody's rights, except perhaps the right to life of the people who live in Harrisburg. There's not the sort of due process issue that would make a rulemaking necessary.

On the military issue, PICA would suggest the following option. Military trucks would only be needed if the CPA had to be evacuated, but if they were needed they would be needed to evacuate the CPA. Mr. LaFleur is already 50 buses short and his plan only touches 10% of Harrisburg. The language of exactly how the Guard will be used is unclear. PEMA doesn't think that military trucks can be used to evacuate civilians. The Guard's role is: traffic control, emergency transportation (presumably of officials), emergency fuel, and clearing of roads (see page 10 of Kwiatkowski letter 16 DEC 93).

Military trucks to evacuate the CPA can't take six hours to assemble and move from their armories (LaFleur paragraph 1c) so maybe someone other than the Guard needs to provide them. There might be an Army unit at Indiantown Gap, or a unit at New Cumberland, or Mechnicksburg, or somewhere else that could respond quicker than six hours. It's possible that the Guard could respond quicker than six hours. PEMA's statement shouldn't be taken at face value unless it's backup by some kind of official statement from the Guard. The NRC wouldn't want the Department of Commerce to tell the White House what the NRC could do. You would want to speak for yourselves, and PICA thinks the

Guard should be accorded the same privilege.

Our idea of correct procedure for evacuation with military trucks starts with the fact that even with an officially declared evacuation, you can't force people on to trucks. The military trucks should be deployed to very scattered small neighborhood pickup points and they should do several in sequence until they are full and then go to a tent city somewhere beyond the plume. Since the civilian evacuees are not all going to be ready at once, the trucks just need to keep streaming through the city picking up whoever is ready and getting as many people out as want to go. There should be enough trucks so that there's a seat on a truck for everybody that needs one. This may mean that trucks have to loop back around and make a second or third pass.

If radiation levels are such that it is not acceptable to leave any military personnel in place for any purpose, then on their final pass the trucks need to pick up all deployed military personnel. PICA is operating on the premise that no matter what the radiation level it is never acceptable to force any competent adult from their home and into a truck. We also feel that protection of property takes second place to protecting the lives and health of service personnel. We also hold that verbal orders not amounting to actual force may be used to induce people onto trucks. Finally, we hold that the Commonwealth and the Federal Government is in loco parentis of all unaccompanied incompetents and minors, and they may be forced onto trucks if radiation conditions are life threatening.

The option for NRC at this point is to investigate and find out what military resources are available, what they could do, how fast they could respond, and how many people they could handle. If agreements can be made, military participation should be worked into the overall emergency preparedness plan, and most particularly for the CPA. A commitment to undertake such an investigation and, if feasible, work military resources into the plan, would be regarded by PICA as an adequate response to its 2.206 Request. Again, no rights are being taken away from anybody. There's no due process issue. A rulemaking is not required.

On the money issue, PICA proposes the following least radical option. The NRC should mandate that the TMI site will remit \$1,000,000 per year instead of \$100,000 to the Act 147 account, with this \$1,000,000 being earmarked exclusively for use for the emergency planning and protection of the people in the risk Counties surrounding the TMI site. PICA believes that \$5,000,000 is the right figure for the entire Commonwealth, and that any reasonable survey of County Executives and Mayors would support that view.

We would be very pleased if the NRC adopted a stronger option and federalized the collection and distribution of these funds based on a recognition that the Commonwealth at this time is structurally and politically unprepared to take any step that might displease big business. If private industry is so strong in a state that the offices and Agencies of the state become its instrumentalities contrary to the public interest, then insofar as the NRC has responsibilities to safeguard the citizens, the issue may be federalized and dealt with by federal mandate.

Somewhere between the utility, PEMA, and the Pennsylvania Legislature, there seems to be a lack of ability to run TMI-1 in a manner that is consistent with public safety. FEMA has had two years to investigate this and come to appropriate conclusions. Mayor Reed in his letter of January 19, 1994 to Senator Wofford indicates, in the most official way possible, that the NRC should do a de novo investigation of the critical points.

We feel that this would be acceptable under the rules requiring that FEMA get first bite at the apple. The NRC should contact the appropriate military authorities, find out about military trucks, examine the idea of a contingent planning area, and inquire into the money issue in a meaningful way.

We think a de novo investigation of the critical points could be done by the NRC in 90 days. But whatever time it takes, the NRC should order a power down of TMI-1 during the pendency of the investigation. Time has been on the side of the utility, PEMA and the Legislature for two years. This time has been used to do nothing of significance. If they have time on their side for the next 20 years, they will do nothing for that long.

But if time were not on their side, we would see action. We would see a utility anxious to get a good plan in place, anxious to pay for it, anxious to help organize it. We would see PEMA discovering the possibility of many things that were thought impossible before. And we would see a Legislature ready and willing to pass any appropriate law to stave off federalization of safety funding or a broader federalization of nuclear regulation in Pennsylvania. Shifting the time burden would cause a lot of inertia to disappear. No substantive changes can be made in preparedness unless that inertia is overcome. The People need a good plan, unless the NRC steps in they are not going to get one.

Consistent with the Mayor's letter to PICA of January 19, 1994, we say that if we can't get a de novo investigation by the NRC on the three critical points, and a Contingency Planning Area defined for Harrisburg and completed with a meaningful plan, then you will force PICA to take this pen and call for a Congressional Investigation to include the Harrisburg issue, similar issues nationwide, and the NRC's ability to respond to incoming information and willingness to perform its role as a guarantor of public safety.



OFFICE OF THE MAYOR

REVEREND DR. MARTIN LUTHER KING, JR.
CITY GOVERNMENT CENTER
HARRISBURG, PENNSYLVANIA 17101-1678

STEPHEN R. REED
MAYOR

June 24, 1992

Mr. Robert Gary, Esquire
PO Box 1637
Harrisburg, PA 17105-1637

Dear Mr. Gary:

This is to acknowledge your three items of recent correspondence. As you now know, I have followed-up on my offer to nominate you to the Governor's Office for appointment as a non-voting member of the Pennsylvania Emergency Management Counsel. I am hopeful that the Governor would see fit to formally make your appointment as I believe you would bring an important perspective and objective analysis to the affairs of the Pennsylvania Emergency Management Agency.

We appreciate your having provided the three copies of your treatise on cost-effective ways to comply with the new Clean Air Act. I have given these copies to our three senior city governmental officials with direct responsibility for the operation of our waste-to-energy facilities. Since your writings encompass the very latest in technological information, this is timely and useful data for our use.

Your comments regarding the Dauphin County Emergency Management Plan are well taken, particularly concerning the point that the imaginary ten-mile radius line, passing through the southern portion of the City of Harrisburg, would hardly save the evacuation of city residents and businesses in portions of the city north of this radius. This issue has been pursued several times with the Federal and Pennsylvania Emergency Management Agencies and, more specifically, with the Nuclear Regulatory Commission. The NRC position is that the ten-mile radius is sufficient and that for emergency management planning purposes, no plan is legally required to embrace an evacuation process or plan involving residents outside of the ten-mile radius of Three Mile Island. Obviously, any announcement for the evacuation of city residents in the southern part of Harrisburg would trigger an inevitable and immediate spontaneous evacuation of residents in nearby neighborhoods, throughout the city, as well as in neighborhoods of other communities dissected by the radius line. We are quite aware that the public transportation system and evacuation routes would be used by persons in addition to the residents of the affected ten-mile limit area. Our own planning has included this contingency even though we have been advised that such is not necessary and is essentially unrecognized as a part of Harrisburg's plan. It is clear to us that no formal effort, plan or expenditure, including the assembly of sufficient available

Mr. Robert Gary, Esquire
June 24, 1992
Page Two

resources, will occur for any evacuation activities beyond the ten-mile radius area of TMI unless and until the NRC adjusts their evacuation boundary to a radius boundary beyond ten miles.

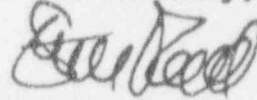
As for your suggestion that the railway system be utilized for mass evacuation out of the City, this suggestion has not only been considered but is included in some of our own contingency plans. The difficulty that arises is that rail traffic is an entirely transient enterprise and there is no certainty as to what number of passenger cars might be available at any given time on any given day. Nothing short of a gubernatorial declaration of emergency would allow the marshalling of resources from AMTRAK or other rail providers sufficient to move their cars to Harrisburg for evacuation use. This is beyond the authority of the City of Harrisburg even during a declared emergency.

Your obvious interest in the matter of emergency management is very much appreciated. I am hopeful that the Governor will see fit to make your appointment to the Pennsylvania Emergency Management Counsel which is where your good ideas and effectiveness will undoubtedly do the most good for the general public, including this city.

We wish you continued success in your good work.

With warmest personal regards, I am

Yours sincerely,



Stephen R. Reed
Mayor

SRR:kb



OFFICE OF THE MAYOR
REVEREND DR. MARTIN LUTHER KING, JR.
CITY GOVERNMENT CENTER
HARRISBURG, PENNSYLVANIA 17101-1678

STEPHEN R. REED
MAYOR

July 20, 1992

Mr. Robert Gary
Pennsylvania Institute for Clean Air
P. O. Box 1637
Harrisburg, PA 17105-1637

Dear Mr. Gary:

This is to acknowledge and thank you for your correspondence received on July 17, 1992 which recommended that the City of Harrisburg make direct arrangements with various Federal military installations in the area for the use of their trucks and other transportation vehicles as a part of our long-range evacuation planning. The City of Harrisburg has no objection to doing so and, if the commanding officers of these various facilities are so willing, this would considerably enhance and expand the availability of transportation resources for our use in the event of any mass evacuation of this city.

Therefore, the City of Harrisburg's Emergency Management Director is being instructed to make contact with the commanding officers of the Defense Distribution Depots in New Cumberland and Mechanicsburg to elicit their approval of our use of trucks and other transportation vehicles in the event of a declared state of emergency that would necessitate a mass evacuation for which sufficient other resources would not be immediately available.

Of course, if we add such vehicles to our Emergency Management Plan, such an addition must be approved by the county and state emergency management agencies. Since they have not made arrangements for these vehicles for their separate use, I do not believe that they have a basis for rejection.

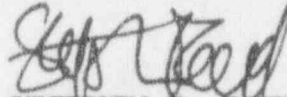
It is our hope that the Federal installations will be receptive to our request.

For your continued interest in the welfare of this city, you have this city's gratitude.

Mr. Robert Gary
July 20, 1992
Page Two

With warmest personal regards, I am

Yours sincerely,


STEPHEN R. REED
Mayor

SRR:kw

cc: Donald H. Konkle



OFFICE OF THE MAYOR
REVEREND DR. MARTIN LUTHER KING, JR.
CITY GOVERNMENT CENTER
HARRISBURG, PENNSYLVANIA 17101-1678

STEPHEN R. REED
MAYOR

September 23, 1992

Mr. Robert Gary
Pennsylvania Institute for Clean Air
PO Box 1637
Harrisburg, PA 17105-1637

Dear Mr. Gary:

This is to acknowledge and thank you for your correspondence, received several weeks ago, which included a copy of the response to you from the Nuclear Regulatory Commission.

As you know from earlier correspondence from this office, the City of Harrisburg agrees that there are a number of deficiencies in Dauphin County's Radiological Emergency Response Plan relative to several of the items which you have raised with the NRC. You have additionally and accurately pointed out information contained in the Dauphin County Plan that is no longer valid or needs to be updated. Clearly, under Federal rules, the Dauphin County Plan needs to be improved, particularly in the area of identifying currently available transportation resources. We support your view that military vehicles, of which there are plenty in the immediate Harrisburg area, be a part of the Dauphin County Plan. We know that to secure such vehicles it would be necessary for the Dauphin County Emergency Management Agency to request their use through the Pennsylvania Emergency Management Agency. Nonetheless, they should be listed as an available resource.

I have little doubt that the NRC will not grant your request to order Three Mile Island to cease the generation of electrical power until the Dauphin County Radiological Emergency Response Plan is updated. It is our hope and expectation, though, that the NRC will direct the state and county to make the corrections and additions without delay.

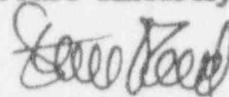
I suspect that some bureaucrats will likely not appreciate the rather detailed nature of your review of such matters. Nonetheless, we certainly know from past experience that if a radiological

Mr. Robert Gary
September 23, 1992
Page Two

emergency actually occurred, there will be no time available to redo or add to existing plans. You are correct in your belief that the Dauphin County Plan should be such that the county and the municipal entities are poised to act without delay in the event of a radiological emergency.

With warmest personal regards, I am

Yours sincerely,



Stephen R. Reed
Mayor

SRR:kb

cc: Chief Donald H. Konkle



OFFICE OF THE MAYOR
REVEREND DR. MARTIN LUTHER KING, JR.
CITY GOVERNMENT CENTER
HARRISBURG, PENNSYLVANIA 17101-1678

STEPHEN R. REED
MAYOR

December 28, 1992

Mr. Robert Gary, Esquire
c/o Jerry Caplan
705 Woodside Parkway
Silver Spring, MD 20910

Dear Mr. Gary:

This is to acknowledge and thank you for your recent correspondence.

The requested letter of endorsement and support is enclosed. With the original, I have included ten photocopies, all for your use in any manner that may advance your effort to secure Federal employment. Your pursuit of a position at the Environmental Protection Agency is one which offers prospectively the best use of your considerable talents and skills. If such employment does not come to fruition, you may also want to consider the Federal Emergency Management Agency, a Federal agency in need of some serious housecleaning. You would be the man for the job, I feel.

The latest correspondence you have had from the United States Government relative to arranging for the use of military vehicles in the event of a mass evacuation in Dauphin County has been fully noted. Dauphin County's Emergency Management Plan was not only deficient, in that it did not have updated transportation data and plans in place, but did not recognize nor include the use of military vehicles. With the plethora of military installations in this area and the rather substantial vehicular fleet owned and operated by such facilities, their availability would obviously be critical to the mass movement of thousands of persons in the event of a significant radiological or other event.

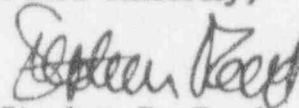
Harrisburg Fire Chief Donald H. Konkle, who is also the city's Emergency Management Director, is being instructed to write to each of the commanding officers of the several military installations in this area to make direct arrangements and commitments for the use of such vehicles, at least by the City of Harrisburg, as a part of the city's Emergency Management Plan. If Dauphin County secures the same commitments from the same military facilities, then any actual use by us of these vehicles would have to be coordinated and directed through the Dauphin County Emergency Management Office. Once such arrangements are in place, a major omission in the county's Emergency Management Plan will have been rectified, all as a direct result of your review and effort.

Mr. Robert Gary, Esquire
December 28, 1992
Page Two

We wish you continued success in all of your professional and other pursuits.

With warmest personal regards, I am

Yours sincerely,

A handwritten signature in cursive script that reads "Stephen R. Reed".

Stephen R. Reed
Mayor

SRR:kb

cc: Chief Donald H. Konkle



OFFICE OF THE MAYOR
REVEREND DR. MARTIN LUTHER KING, JR.
CITY GOVERNMENT CENTER
HARRISBURG, PENNSYLVANIA 17101-1678

STEPHEN R. REED
MAYOR

February 8, 1993

Robert Gary, Esq.
Executive Director
The Pennsylvania Institute for Clean Air
749 Silver Spring Avenue
Silver Spring, MD 20910

Dear Mr. Gary:

This is to acknowledge and thank you for your correspondence, received on February 4, 1993, which included the various items related to the Emergency Management Plan for Dauphin County and TMI's response to the same.

As earlier expressed, the City of Harrisburg remains of the strong view that the Dauphin County Emergency Management Plan must include the specific details for the use of military vehicles from the New Cumberland Army Depot and Indiantown Gap. We should also consider the inclusion of vehicles and personnel from the Mechanicsburg Ships Parts Control Center, which is the largest military installation in the region. Your points on this matter have been well taken. Like you, we also believe that training must be conducted by the several military installations so that their response capability to any major public evacuation would be both timely and prepared.

We are surprised to learn that TMI wants to remove from the RERP all of the critical operational data. This, in our view, would be a major omission. The City of Harrisburg therefore opposes the removal of such information, and our Emergency Management Director is being instructed to formally express the city's position on this matter with the Federal and Pennsylvania emergency management authorities.

As for bus drills, I can advise that a limited mobilization of transportation resources has been a part of previous city-conducted exercises. We are mindful of the fact that an evening or even a daytime activation or redeployment of busses involves potentially significant expense for overtime and extra duty for the several agencies involved. Therefore, a full mobilization of all bus resources as part of an emergency management drill would not be necessary. These busses would be reporting to a staging

Robert Gary, Esq.
February 8, 1993
Page 2

area where senior city officials would provide their further direction. We are comfortable with the current level of preparedness in this regard.

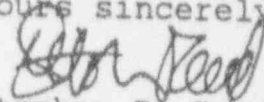
You are correct in your assessment that it makes little sense for 90% of the city's population to be excluded from the 10-mile evacuation zone around Three Mile Island. The truth is that if an evacuation began in the zone, including that portion which is south of Interstate 83 in the City of Harrisburg, contiguous areas would likewise begin an evacuation, whether requested to do so or not. We have pressed this point on multiple occasions in the past. The Nuclear Regulatory Commission and the Federal Emergency Management Agency, however, have steadfastly maintained the position that under no circumstance will they recognize or require emplacement of resources for evacuation activity beyond the 10-mile radius. For Harrisburg, therefore, we would expect to mobilize resources sufficient to evacuate not only our part of the official EPZ but areas to its north. We have sufficient identified resources in our plan to accomplish this, even though such is not officially recognized by any other level of the emergency management system.

On the matter of Three Mile Island, there was an incident at the plant on Sunday, February 7, about which you have undoubtedly heard. A civilian rammed his station wagon through the perimeter security gate and drove the same station wagon through the closed bay door of the Turbine Building, housing the on-line 800 megawatt turbine. The individual left the vehicle and hid in the basement of the building where he was found by Pennsylvania State Police and TMI security more than four hours after the incident occurred. An on-site emergency was declared during this episode. It is obvious that plant security leaves something to be desired. If this man had a carload of explosives, he would have literally been in a position to bring about significant damage to the plant and risk to the public. This is one of the most serious security breaches I have ever heard of regarding a nuclear power plant in the United States. While the city has no direct jurisdiction in the matter of plant security, we are nonetheless pursuing the matter of facility security.

Your continued interest in the welfare of this city and region is very much appreciated. I wish you well in your future pursuits.

With warmest regards, I am

Yours sincerely,


Stephen R. Reed
Mayor

cc: Chief Donald H. Konkle



Office of the Mayor
The City of Harrisburg
City Government Center
Harrisburg, PA 17101-1678

Stephen R. Reed
Mayor

January 19, 1994

The Honorable Harris Wofford, Member
United States Senate
Senate Office Building
Washington, D.C. 20001

Dear Senator Wofford:

Attached is correspondence received by the Pennsylvania Institute For Clean Air, dated January 4, 1994, from the United States Nuclear Regulatory Commission. The NRC was forwarding the comments by the Federal Emergency Management Agency to a petition filed by the Institute on the matter of various emergency planning deficiencies associated with the region surrounding Three Mile Island.

The NRC staff is currently evaluating the FEMA report.

Since some of the issues involved are not only significant to the area around Three Mile Island but regions across the country where nuclear power plants are located, it is the view of the City of Harrisburg that the Nuclear Regulatory Commission should be requested to address these issues by conducting its own independent de novo investigation.

This correspondence, therefore, serves to request that you send a letter to the NRC asking that they conduct such an independent investigation.

Your consideration of this matter is very much appreciated.

With warmest personal regards, I am

Yours sincerely,

Stephen R. Reed
Mayor

SRR/psr-j
cc: Mr. Robert Gary



Office of the Mayor

The City of Harrisburg

City Government Center

Harrisburg, PA 17101-1678

Stephen R. Reed
Mayor

January 19, 1994

Mr. Robert Gary
Senior Researcher for PICA
Pennsylvania Institute for Clean Air
2211 Washington Avenue (No. 301)
Silver Spring, MD 20910

Dear Mr. Gary:

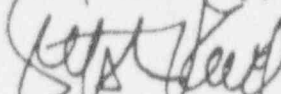
This is to acknowledge and thank you for your correspondence, which was received on January 10, 1994. Under separate cover, the City of Harrisburg has requested United States Senator Harris Wofford to ask the United States Nuclear Regulatory Commission to conduct its own independent de novo investigation of the matters contained in the earlier submitted petition to FEMA.

I am advised that these matters, specific to the area around Three Mile Island, are insufficient to trigger a Congressional investigation by the Senate Committee on Environment and Public Works. If, however, the result of an NRC investigation would indicate that emergency management planning in many or most of the regions where nuclear power plants are located is currently deficient, or if it can be proven that the NRC's attention to such matters is deficient, then I think there is a stronger case to be made for such a Congressional investigation.

Should I receive any direct response from the Senator or others on this matter, I will send you a copy.

With warmest regards, I am

Yours sincerely,


Stephen R. Reed
Mayor

SRR/psr-j

GEORGE W. GEKAS
17TH DISTRICT, PENNSYLVANIA

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEES

ADMINISTRATIVE LAW AND GOVERNMENTAL
RELATIONS—RANKING MEMBER

CRIME AND CRIMINAL JUSTICE

SELECT COMMITTEE ON INTELLIGENCE



Congress of the United States

House of Representatives

Washington, DC 20515-3817
September 22, 1992

REPLY, IF ANY, TO

- 1818 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3817
(202) 225-4316
FAX (202) 225-8440
- GOVERNOR'S PLAZA NORTH
BUILDING # 1, SUITE 302
2101 NORTH FRONT STREET
HARRISBURG, PA 17110
(717) 232-5123
FAX (717) 232-2928
- HERMAN SCHNEEBELI FEDERAL BUILDING
P.O. BOX 808
WILLIAMSPORT, PA 17703
(717) 327-8161
FAX (717) 327-8388
- SELINGROVE TWP. COUNTY
RD 8, BOX 188
SUITE L
SELINGROVE, PA 17870
(717) 743-1878
FAX (717) 743-1878

Mr. Robert Gary
PO Box 1637
Harrisburg, Pennsylvania 17105

Dear Mr. Gary:

Thank you for providing me with suggestions for better cooperation between civilian and military sectors in preparedness issues. I am more than happy to pass this idea on to the Secretary of Defense on your behalf.

Please continue to stay in touch on this or any other matter of mutual interest before the federal government. It was good to hear from you.

Very truly yours,

GEORGE W. GEKAS
Member of Congress

GWG:gj



COMMONWEALTH OF PENNSYLVANIA
LIEUTENANT GOVERNOR'S OFFICE

HARRISBURG 17120-0002
717-787-3300

MARK S. SINGEL
LIEUTENANT GOVERNOR

October 22, 1992

Mr. Robert Gary
Senior Research
The Pennsylvania Institute for Clean Air
P. O. Box 1637
Harrisburg, PA 17105-1637

Dear Mr. Gary:

I have received your recent letter and a copy of the material you sent to Senator John Shumaker concerning our radiologic preparedness in Pennsylvania and our collection and distribution of Act 147 funds.

As always, I appreciate your viewpoints.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Singel".

MARK S. SINGEL
Lieutenant Governor

MSS/jeb

cc: Joseph L. LaFleur

Additional Comment on Money Issue

A brief chronology of the money issue might be useful in understanding the position of PEMA which has been ratified by FEMA.

August 2, 1990 Mr. LaFleur sends a letter to Governor Casey saying (regarding Act 147 allocations) that although the Counties were not receiving sufficient funds under the current fee assessments, federal exercise reports have not identified any major deficiencies which cannot be remedied with the funds available as known at this time. [a curious formulation which seems to mean the counties say they need more money but with the money we have we can meet the federal requirements -- this appears to be kind of a "minimalist" approach rather than a true "adequacy" approach. This raises the question of whether section 502 (c) of the Radiation Protection Act means adequate for radiological protection, or simply adequate to meet the federal requirements as specified in Federal exercise reports].

August 26, 1991 Mr. LaFleur sends a letter to Governor Casey with the same language as the letter of the prior year -- basically saying we can get by as far as the Federal exercises are concerned with the \$500,000, even though the Counties say they are not receiving enough money to cover their needs.

June 17, 1992 Robert Gary writes to Mark Goodwin, Chief Counsel for PEMA asking if \$500,000 per year isn't a rather small amount for all radiological preparedness in Pennsylvania. This letter points out that Mr. Bill Wertz the Dauphin County Emergency Operations Center Chief said the average was only \$1000 for per County for Act 147 allocations. The letter asks that Robert Gary be permitted to come in and look at the books.

June 29, 1992 Robert Gary writes again to Mark Goodwin asking if PEMA believes \$500,000 per year is a reasonable amount for radiological preparedness in Pennsylvania to pay for the actual needs of the 33 pertinent Counties.

June 30, 1992 Permission is granted by PEMA for Robert Gary to come in and look at the books for Act 147 allocations. Mr. Gary goes to PEMA finds the book but is not permitted to copy the page on which the allocations are listed. If memory serves the allocation for Dauphin County is in the \$40,000 to \$50,000 range and there are several other risk Counties in that range. All other Counties are far below that.

July 15, 1992 Mr. Goodwin writes back to Robert Gary, but on the money issue only addressing the question of how the fees collected under sections 7320(c) and (d) of the Emergency Management Services Code are expended. He says they are expended on salaries and benefits including salaries and benefits of PEMA employees who do radiological emergency response and planning activities.

August 28, 1992 Mr. LaFleur sends a letter to Governor Casey. Again he says that the Counties say they need more money, but Pennsylvania can get past the Federal exercises without adding money. But now, new language is added. Mr. LaFleur says that costs are going up, PEMA needs to keep pace with rising costs, perhaps there should be an increase in Act 147 funding. PEMA therefore is going to "consider" forwarding a "recommendation" that the levy under Act 147 be "reviewed" and the utilities are going to participate in the review. [again we are dealing with very curious language -- Mr. LaFleur seems to be making a gesture and yet the gesture is so small that it is hard to imagine how he could do less -- we are going to begin considering doing some thinking about a review in which the utilities will have input -- this sounds like something will result in cash money sometime in the next decade or two.]

October 2, 1992 Mr. LaFleur and Mr. Gary meet in the office of State Senator Shumaker who states forcefully that he would not place a burden on the ratepayers of Pennsylvania to increase Act 147 allocations above \$500,000 per year.

July 12, 1993 Mr. LaFleur reveals in point 7 e and f of his letter that, "The utilities have stated they are reluctant to provide more stockholder or rate payer funds to PEMA [this is truly remarkable; a corporation says it wants its shareholders to have the money not the Counties who are trying to meet emergency preparedness goals and are short of money for that purpose -- nothing is done -- PEMA wrings its hands and goes back to its desk -- if the shareholders can't spare it perhaps the citizens can do without that preparedness].

December 16, 1993 Mr. Dennis Kwiatkowski writes a letter to Mr. Frank Congel (copy to Rep Gekas) saying, "FEMA believes that PEMA has taken reasonable steps to acquire additional resources."

February 2, 1994 PICA plans to comment on the above series of events as follows. PEMA did nothing to get more than \$500,000 per year for two years before Robert Gary started making noise about the issue. In fact, PEMA wrote letters to the Governor suggesting that all the Federal tests could be passed without increasing the allocation even though the Counties said they didn't have enough money. When the issue was joined and PEMA had no other option but to respond in some manner, they responded in the weakest imaginable way talking about planning to consider doing a review and surveying the utilities for their opinions. When the utilities apparently said they didn't want to deprive their shareholders to increase the allocation, PEMA sent letters through channels and let it go. According to FEMA this constitutes "reasonable steps". PICA disagrees very strongly. FEMA's finding is unacceptable by any rational standard and constitutes one more point to suggest that nothing short of a de novo investigation by the NRC is needed before any fair or reasoned determination can be made on PICA's 2.206 Request.

87-37



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
P.O. BOX 3321
HARRISBURG, PENNSYLVANIA 17105-3321



DATE : August 2, 1990

SUBJECT: Annual Report on the Radiation Protection Act 147-1984 for
Fiscal Year 1989-90.

TO : The Honorable Robert P. Casey
Governor

The Honorable Mark S. Singel
Lt. Governor, President of the Senate &
Chairman, PA Emergency Management Council

Honorable Robert W. O'Donnell
Speaker of the House of Representatives

Honorable Robert C. Jubelirer
President Pro Tempore of the Senate

FROM : Joseph L. LaFleur
Director

This report, covering 1989-90 activity and 1990-91 proposals, is submitted in accordance with Section 503.(c) of the Radiation Protection Act 147-1984. The regulations implementing this Act were published in the Pennsylvania Bulletin on August 3, 1985, and they appear in Title 4 Pa Code, Chapters 116 and 117.

JLL-RFB:alt (Tel: 3-8150)

Enclosure

Adequacy of Fees

Section 502(c) of the Radiation Protection Act requires that this Agency include in this report an analysis of the adequacy of the fees established under the terms of the Act. In the previous year's report, we noted that some Act 147 counties had stated that they were not receiving sufficient funds under the current fee assessments to cover the unmet needs of their risk municipalities, school districts and volunteer agencies. Upon investigation, the Agency did not receive data to support these positions. No such requests or documents were received in the past year. Federal exercise reports have not identified any major deficiencies which cannot be remedied with the funds available as known at this time.

The new federal plans on high level waste shipment will require an improved radiological training program over the next decade. These matters are being studied carefully. If and when changes are justified, appropriate proposals will be offered.

As previously reported, federal requirements related to potential high level waste shipments to Nevada, low level shipments to a Pennsylvania location, and other shipments to the newly constructed New Mexico facility, may ultimately result in a determination that Radiation Transportation Emergency Response Fund fee levels are inadequate. These transportation-related fees are generated only at the time of shipment. Although there continues to be a balance available, funding for the training and equipment needed to be prepared for and respond to transportation incidents is now authorized for counties, municipalities and volunteer agencies only on a reimbursement basis, which in our view unnecessarily constrains those entities who either do not have the money available, do not have the capability to deliver the desired program or are unwilling to allocate funds in advance. The aforementioned balance continues to exist primarily for these reasons. Therefore, the Agency is drafting proposed rules and regulations to afford greater flexibility in this regard and to facilitate development of the required capability for the significantly increasing shipments anticipated later this decade.



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
P.O. BOX 3321
HARRISBURG, PENNSYLVANIA 17105-3321



DATE : August 26, 1991

SUBJECT : Annual Report on the Radiation Protection Act 1984-147 for
Fiscal Year 1990-91.

TO : The Honorable Robert P. Casey
Governor

The Honorable Mark S. Singel
Lt. Governor, President of the Senate and
Chairman, PA Emergency Management Council

Honorable Robert W. O'Donnell
Speaker of the House of Representatives

Honorable Robert C. Jubelirer
President Pro Tempore of the Senate

FROM : Joseph L. LaFleur
Director

This report, covering 1990-91 activity and 1991-92 proposals, is submitted in accordance with Section 503.(c) of the Radiation Protection Act 1984-147. The regulations implementing this Act were published in the Pennsylvania Bulletin on August 3, 1985, and they appear in Title 4 PA Code, Chapters 116 and 117.

JLL/RFB/vbd Tel: (717) 783-8190

Enclosure

operational PEMARS capability for county EMA staff in work/field use vehicles, and emergency power capabilities at risk municipality emergency operations centers.

Adequacy of Fees

Section 502(c) of the Radiation Protection Act requires that this Agency include in this report an analysis of the adequacy of the fees established under the terms of the Act. In the previous year's report, we noted that some Act 147 counties had stated that they were not receiving sufficient funds under the current fee assessments to cover the unmet needs of their risk municipalities, school districts and volunteer agencies. Although Federal exercise reports have not identified any major deficiencies which cannot be remedied with the funds available as known at this time, some other operational concerns exist.

As in nearly every sector of the American economy, the cost of doing business for Pennsylvania counties, municipalities, school districts and emergency support volunteer organizations has increased. Since inception of the Radiation Emergency Response Fund in 1984, costs have risen for the original regulatory requirements, plus new requirements such as radiological training for hospitals and ambulance crews. The Consumer Price Index has increased 26.8% since 1984, and during that time the utilities operating nuclear power facilities have obtained 21 increases in residential electricity rates. There has been no increase in Act 147 funding.

Based on the above, the Agency is considering forwarding a recommendation that the amount of funds available for some counties and local-oriented requirements be adjusted.

Analysis of Federal requirements related to current and potential high level waste shipments to Nevada, low level shipments to a Pennsylvania location, and other shipments to the newly constructed New Mexico facility, has resulted in a determination that Radiation Transportation Emergency Response Fund fee levels require adjustment and reorientation.

file copy

Mark Goodwin, Esq.
Chief Counsel
PEMA
Room B-151
Transportation & Safety Building
Harrisburg, PA 17120

June 17, 1992

Dear Mr. Goodwin,

In accordance to your expressed wish that I forward certain of my questions to you in writing, and I understand you have my letter of last friday with the original group of questions, I would like, at this time, to add the questions that follow.

I understand from talking to Bill Wertz that the evacuation plan for Dauphin County is based on the 10 mile emergency evacuation zone. A perfect 10 mile circle around TMI just barely nicks Harrisburg, catching only a small part of Lower Paxton in its swathe. Thus the figures of 2,400 people being transportation and 50 busses being the extent of the shortfall are technically accurate. But does this make sense? If the 10 mile circle nicks a major metropolitan area, which in this case is also the state capitol, doesn't it make sense to include the entire center city area (at least) in the Dauphin County evacuation plan?

The last time we had a major accident at TMI the wind did blow from the south. If the wind is blowing from the south next time, surely you wouldn't just evacuate Lower Paxton, and leave everyone in center city Harrisburg to fall between the administrative cracks? In any event PEMA has a direct obligation to evacuate the capitol complex itself. But the rest of Harrisburg, apart from the little area within the official 10 mile circle, doesn't seem to be provided for in the Dauphin County plan. If it were, you would be more like 500 busses short, or more. My questions are, "Is this consistent with FEMA guidelines?", "Is it consistent with NRC guidelines?", and "Is it consistent with good evacuation planning in the opinion of the current administration at PEMA?"

Ltr to Mark Goodwin, Esq. dtd. June 17, 1992, Page 2.

Another point on a slightly different topic is also of interest. The March 1992 Budget and Finance Committee Performance Audit of PEMA states that Dauphin County is supposed to have 40 radiological response teams but only has 13, and it is supposed to have 100 radiological monitors but only has 35. Now these deficiencies existed at least as early as ten weeks ago. I won't suggest that PEMA had any knowledge of them prior to the Budget and Finance Committee Audit. My questions are, "What has been done?" "What are you planning to do?" and "if you are planning to correct this discrepancy, how are you going to pay for it?"

This leads me to another line of questions. I understand that Title 35 section 7320 (c) and (d) set up a fund to pay for planning and preparedness. With five nuclear sites in the Commonwealth, at \$100,000 per site, it looks like the fund would bring in about \$500,000 per year. In the opinion of the current administration of PEMA, doesn't that seem to be a very small amount for all the counties and municipalities to share for all the ingredients that go into radiological, response, planning, and preparedness?

Page 46 of the Budget and Finance Committee Audit says at line 38 that the money is used to pay for "salaries and benefits for 10 PEMA employees directly involved with radiological emergency planning and response activities." Yet when I asked Bill Wertz today in his office how that money was used, he said that it was divided up among the counties, municipalities, and townships and the average disbursement was under \$1,000. O.k. these are two very different versions of how that money is used. My question is, under the Pennsylvania Sunshine Act, are you prepared to let me examine the books of the Radiological Emergency Response Planning and Preparedness Fund established by Act 1989-85 and codified at the location cited above? If so, when can I come in?

As always, I appreciate your cooperation.

Sincerely,

/s/

Robert Gary, Esq.

file copy

Mark Goodwin, Esq.
Chief Counsel
PEMA
Room B-151
Transportation & Safety Building
Harrisburg, PA 17120

June 29, 1992

Dear Mr. Goodwin,

In accordance to your expressed wish that I forward certain of my questions to you in writing, here are some additional questions.

Let's assume that through sound argument, words fitly spoken, and sweet reason, I succeed in having all of center city Harrisburg included in the Dauphin County evacuation plan. Or that PEMA, for other reasons, comes to a recognition that all of center city Harrisburg ought to be included in the Dauphin County Plan Emergency Evacuation, and acts accordingly.

Under these circumstances, the issue for the evacuation of Harrisburg, would come down to staging areas and transportation vehicles. Now, let us assume that it is determined that the school bus plan is unsatisfactory because:

(a) There aren't enough busses to evacuation the population that must be planned for.

(b) The busses that do exist are not all stored centrally overnight. Many of them are taken home by their drivers. For these busses to report to their designated staging areas in an emergency would be impracticable in many cases because they would be moving countercurrent down streets loaded with traffic moving the other way.

(c) Relying on a single mode of transport for people without their own transport is not sound emergency planning.

Ltr. to Mark Goodwin, Esq. dtd. 29 June 92, Page 2.

(d) In the fourteen years that PEMA has been tasked with the responsibility of doing so, it has made virtually no advance arrangements with other sources of busses (such as CAT) or with other sources of transport vehicles (such as AMTRACK). This period of inactivity includes 13 years of time after the incident at TMI in March of 1979.

My first question deals with staging areas. Why not add the following staging areas to those already in existence?

(1) The Amtrack Train Station 2 blocks from the Capitol complex where there are 22 rail lines and where hundreds of passenger-capable cars could be commandeered in the event of an emergency. The ability to commandeer this rolling stock quickly and efficiently in an emergency would depend of course on making advance arrangements and giving assurances of payment to Amtrack. In fourteen years this hasn't been done, but it could be done in an afternoon.

(2) The Capitol City Airport, as a staging area for busses, traincars that are passenger-capable, and trucks from military facilities at New Cumberland, Mechanicsburg, Letterkenny and Indiantown Gap. This airport could also be a staging area for C-141's from the Army, Navy, Air Force and Marines which could be flown in from all over the East Coast.

(3) The Enola Freight Yards which are convenient to the West Shore and parts of the East Shore and which could be a staging area for passenger capable rail cars.

(4) The Hershey Airport which could be a staging area for busses from many sources and C-141's.

My second question deals with vehicles. I understand that within 20 miles of Harrisburg there are several commercial depots where hundreds of tractor-trailer trucks are stored, dispatched, and maintained. If the back doors of these trucks were fixed in the open position and a high strength netting material were put across the back (so people didn't fall out), these tractor trailers could be used to move people in an emergency. Why, aren't arrangements in the file with the private companies that control these trucks?

The third and final question in this letter contains requests for information and a request to examine documents. I understand from 35 P.S. section 7110.503 (c) that PEMA is to file reports with the Governor and General Assembly on September 1 of each year that are to include "...an analysis of the adequacy of the fees established pursuant to section 402 (c). You will recall that section 402 (c) sets a fee of \$100,000 per site, regardless of the number of power reactors per site, and since there are 5 sites in Pennsylvania right now, the Commonwealth gets \$500,000

Ltr. to Mark Goodwin, dtd. 29 June 1992, Page 3.

per year from the nuclear industry which is to pay for the radiation emergency response program in 33 counties. This \$500,000 is for the training and equipping of state and local emergency response personnel, including procurement of specialized supplies and equipment. The program shall include but not be limited to those things mentioned above. I would like to see copies of all representations made to the Governor or to the General Assembly by PEMA that are germane to the analysis of the adequacy of the fees established pursuant to section 402 (c). I would like to know if the current administration at PEMA believe at this time that \$500,000 is a reasonable amount of the nuclear industry in Pennsylvania to be paying in light of the actual needs of the 33 counties and the General Assembly's finding that the nuclear industry in the Commonwealth should bear the costs associated with preparing and implementing plans to deal with the effects of nuclear accidents or incidents (see 35 P.S. section 7110.501 entitled Declaration of Policy)?

As always, I appreciate your cooperation.

Sincerely,

/s/

Robert Gary, Esq.



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
BOX 3321
HARRISBURG, PENNSYLVANIA 17105-3321



August 28, 1992

SUBJECT: Annual Report on the Radiation Protection Act 1984-147 for Fiscal Year 1991-92

TO: The Honorable Robert P. Casey
Governor

The Honorable Mark S. Singel
Lieutenant Governor, President of the Senate
and Chairman, PA Emergency Management Council

Honorable Robert W. O'Donnell
Speaker of the House of Representatives

Honorable Robert C. Jubelirer
President Pro Tempore of the Senate

FROM: Joseph L. LaFleur
Director

This report, covering 1991-92 activity and 1992-93 proposals, is submitted in accordance with Section 503.(c) of the Radiation Protection Act 1984-147. The regulations implementing this Act were published in the Pennsylvania Bulletin on August 3, 1985, and they appear in Title 4 PA Code, Chapters 116 and 117.

JLL/CSG/cs (Tel: 717-787-1410)

Enclosure

and one of the most highly identified areas of continuing concern by federal evaluators. The Council continued the requirement that each year's grant proposal provide for appropriate and locally relevant training, including projected costs of participation in drills and exercises described in enough detail to convey to the Emergency Management Council a clear picture of each county program emphasis and schedule of training, including joint (with plant) as well as county-specific.

Program priority guidance concluded by noting that, as we continue to move our Act 147 program emphasis from acquisition of goods to training of volunteers, staff and responders, it is important that all county coordinators fulfill their overall responsibility for such programs. Even in counties where the utility or its consultants perform the majority of the training tasks, county coordinators are nevertheless responsible to monitor and ensure that needs and standards are met.

Adequacy of Fees

Section 502(c) of the Radiation Protection Act requires that this Agency include in this report an analysis of the adequacy of the fees established under the terms of the Act. Some Act 147 counties continue to state that they are not receiving sufficient funds under the current fee assessments to cover the unmet needs of their risk municipalities, school districts and volunteer agencies. Although Federal exercise reports have not identified any major deficiencies which cannot be remedied with the funds available as known at this time, some other operational concerns exist which require fiscal address.

The increased costs of training, maintenance and services for Pennsylvania counties, municipalities, school districts and emergency support volunteer organizations reflects other sectors of the American economy. Since inception of the Radiation Emergency Response Fund in 1984, costs have risen for the original regulatory requirements, plus new requirements such as radiological training for hospitals and ambulance crews. The Consumer Price Index has increased 34.9% since 1984, and during that time the four utilities operating nuclear power facilities have obtained 12 base rate increases in residential electricity base rates. There has been no corresponding increase in Act 147 funding.

To maintain some semblance of pace with the cost of doing business and supporting the population at risk, the Agency is considering forwarding a recommendation that a review of the Act 147 nuclear levy per power plant be initiated. Pennsylvania utilities have indicated a willingness to participate in a review of the levy.

Analysis of Federal requirements related to current and potential high level waste shipments plus the increased emphasis of the Hazardous Materials Uniform Transportation Safety Act have resulted in a determination that Radiation Transportation Emergency Response Fund fee levels also require adjustment and reorientation. The Agency submitted proposed rules and regulations to afford counties, municipalities and volunteer agencies greater flexibility in requesting funding for training and equipment necessary to respond to transportation incidents.

file copy

Dr. Ivan Selin
Chairman NRC
Nuclear Regulatory Commission
Washington, DC 20555

January 6, 1994

Dear Dr. Selin,

FEMA has completed their review of PICA's 10 CFR 2.206 Request. Before the NRC decides whether or not to modify the Licensee's license based on the facts that have been revealed through that investigation, PICA requests your attention to its comment on the FEMA review.

Page 1	No Comment
Page 2	No Comment
Page 3	No Comment
Page 4	No Comment

Page 5 Comment follows:

PEMA's response is wrong. Military vehicles could be activated much faster than the busses and much more reliably. It makes no difference to PICA whether it is the Army National Guard (PAARNG) or any other part of the military. We think they should be a front line force fully integrated into the emergency evacuation plan at the County level. If PAARNG can't respond in less than six hours, some military unit should be found that can respond within an hour. PICA believes that before accepting PEMA's ideas on this point, the NRC should obtain a certificate from PAARNG stating that they couldn't respond in less than six hours. PICA requests to see the certificate. The NRC should also confirm that there are no other military forces of any kind that could contribute to an emergency evacuation of Harrisburg.

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A certificate from Admiral Bobby Inman would be appropriate evidence to indicate that DOD has absolutely no forces that could help in any way in less than six hours, no trucks, no personnel, no logistics, no shelters, no iodine, no cots, no blankets, no field kitchens, no medical assistance, nothing. I think Secretary Inman would be happy to confirm PEMA's position if it's really true. DOD knows where its forces are and what they can do, and how fast they can respond. PEMA shouldn't be the source of speculations on that subject. For the cost of exchanging some business letters, you can find out from SECDEF what he can do. PICA thinks the NRC should do this before they make a final ruling on PICA's 2.206 Petition.

Page 6: Comment follows:

FEMA says that PEMA should be more accurate in its RERP about the role of PAARNG. Apart from this, FEMA accepts PEMA's response which amounts to a statement. "That's how we do things here." PICA knows how PEMA does things. It's not enough to say "that's how we do things", it is not a response, it makes the 2.206 process seem meaningless. The reason that PICA asked that military trucks be used is because PICA wants to make a change in how things are done. PEMA says "No! no changes." FEMA says "O.k. just make sure the plan accurately states PAARNG's role" -- which is close to nil. This appears to be dissembling. They don't know whether military forces could be brought to bear. They never investigated to find out. They never asked anybody that might know. NRC should take up the issue before making a final ruling on PICA's 2.206 Petition.

Page 7: No Comment

Page 8 No Comment

Page 9 No Comment

Page 10 Comment follows:

Expensive facilities are "ill-advised" even though they are called for by the law. PICA feels that the other legislators who passed the law should be informed about PEMA's decision to ignore it. There were many permissions and licenses that were given in Pennsylvania based on that law being carried out as it was written. When it is decided that it's too expensive to do that all those permissions and licenses should be re-examined, including the license to operate TMI Unit 1. Otherwise we just depart from the idea of government by consent of the governed. What we have is government by quiet cost accounting executive decisions in the well insulated and well secured premises of PEMA. That's a whole different kind of government than the people of Pennsylvania think they have.

That issue aside, where are the affidavits from Torrence State Hospital and Pike Center. When was the last time anybody checked to make sure PEMA's idea about the stockpiles is right? PICA requests that an NRC inspector be dispatched without any delay at all to go look at those stockpiles, and inventory them, and prepare a certificate stating that they amount in location, quantity, quality, and emergency availability to the equivalent of the warehouse that isn't there. With that certificate in hand, NRC can make a reasonable decision, weighing costs and benefits and strict compliance with the law versus functional equivalence. To make a decision on this point without its own due diligence inquiry would be an abdication by the NRC of Commission Level Basic Responsibilities. PICA's position on what should happen if the NRC can't or won't implement its commission is already of record and won't be repeated here.

Page 11

Response follows:

Insufficient justification is in the eye of the beholder. PEMA's "response" amounts to saying "That's the way we do things here" or "We are right and PICA is wrong." It's not really a response at all. Who in the counties or the cities was asked if they need more money for nuclear emergency preparedness? Was Mayor Reed asked? Were any of the affected mayors in Pennsylvania asked? Were any of the County Executives asked? Were there accountants at PEMA that figured out that \$500,000 was an appropriate amount for all nuclear preparedness all over Pennsylvania. Where is their study? What are their names? Let's see the study. Does anybody besides PEMA think that \$500,000 is the right amount of money to do the task? Who else thinks that? Let's see their names.

PICA thinks the NRC has to exercise some independent judgement here. The NRC knows the size of the task. The NRC could do a survey to find out how people in official positions feel about their needs and the resources available to meet them. Why not start with Mayor Reed?

On the 10 mile EPZ concept, again PEMA says, "That's the way we do things here." and that is the gravamen of its "response". The issue of whether the people of Harrisburg would evacuate, as they did in 1979, is not discussed. The issue of whether it would be better for their evacuation to be a planned evacuation rather than an unplanned one is not discussed. The issue of how people without privately owned vehicles would evacuate from a much more populous area than the current EPZ is not addressed. PICA says the EPZ should be 20 miles. So does the Mayor of Harrisburg. PEMA says 10 miles is the way we do things here. The discussion is childish. There's no dialogue, no real responsiveness.

If FEMA and NRC staff members get Congressman Gekas aside in an ex parte meeting to which PICA is not invited, and where all kinds of very official people from the federal government are, it would not surprise anybody if you could get him to see things your way. PICA doesn't know that he does or that he doesn't. PICA knows that it wasn't invited to the meeting, its views weren't presented, the Congressman had no access to anything except the bare fact of PICA's Request. The use of Congressman Gekas' name is not appropriate unless some statement of his position accompanies the appearance of his name. Apart from its ex parte, and in PICA's view unfair, quality the recitation of the meeting with Rep. Gekas is makeweight and adds nothing to the argument about the size of the EPZ one way or the other. If he wants to appear on the docket with a comment, PICA would be glad to know what he thinks, and so would his constituents in Harrisburg.

PEMA believes that it is not possible to apply military standards to a civilian system so it does unannounced drills once every six years, the last one being in 1991. The unacceptability of this position appears on its face. It's almost too ludicrous to comment on. Again, essentially the answer amounts to saying, "That's the way we do things here." and then FEMA chimes in with, "Yes, that's the way they do things there."

PICA feels that if NRC lets them do things that way there, it is a breach of faith with the Congress of the United States. There would never have been nuclear power in the U.S. if the Congress knew in 1953 that military standards were not going to be met. The whole nuclear program of civilian power stations was based on witness after witness who came in and said it was all going to be just like the nuclear Navy, shipshape, airtight, military standards of preparedness right down the line. And now we find it's too expensive. Now we find we can afford to do it once every six years. Now that the permission is out of the bag to have an AEC and then an NRC and to build 72 reactors and operate them, now that that's all in place, the safety measures are too expensive, too inconvenient -- unnecessary according to PEMA -- PEMA! where were they at the creation? when the solemn promises were made? when the covenants were drawn up with Senator Pastore? What right do they have to mess with stuff they had no part in making, and apparently have no appreciation for? The consent of the People of the United States, based on hundreds of hours of testimony presented to their representatives in Congress assembled was based on the idea that no measures would be spared, no safeguards overlooked, in protecting the civilian populations of this country. Whatever experience the military had would be applied. Imagine a nuclear aircraft carrier or submarine where they conducted unannounced drills every six years. PICA says if

the government backslides on its promises then the People withdraw their consent based on those promises. If you are not ready to give us security, then close those nukes.

Page 14

Comment follows:

The results of the May 19, 1993 TMI exercise are presented and it is stated that no deficiencies were identified. But Ronald Hernon told PICA on October 7, 1993 that TMI was cited in December 1992 or February 1993, during its Annual Security Check, based on taking too long to mobilize during a security event. It's easy to pick out one piece of information and then use that to suggest that the plant is in great shape. TMI has a very poor track record by any standard. A careful review of any substantial portion of its record over the past 15 years will reveal this. To cite one exercise is misleading. PICA is not misled. We don't think the NRC is either.

Because of the reasons stated in the comments above, PICA respectfully requests that the NRC do its own independent investigation of all the facts pertinent to PICA's comments. We think that a lot of progress has been made over the past two years, and many issues have been laid to rest. We are satisfied that the civilian bus companies are properly listed now. We are satisfied that the statistics are going to be brought up to date. We are satisfied that the RERP will be more accurate. But we are not satisfied on the issues we've commented on here. We don't think that PEMA or FEMA is being evasive or misleading, but we think they have refused to do a meaningful investigation in several key areas and they have been peremptory in the content of their answers "That's the way we do things here".

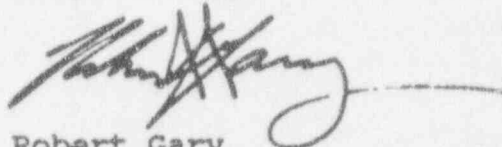
The whole idea of the 2.206 Request is "We want you to think of some new ways of doing things -- we know how you do them and we don't think they're good enough". Such a Request can be meaningfully answered by saying "Here, Look, we have investigated how we do things, considered the feasibility of the alternatives you suggest, and the way we are doing them is the best way because x, y, and z."

How could FEMA be ready to do such an investigation when it had to handle a major flood in the midwest? How could Mr. LaFleur do such an investigation when he says in point 6b of his letter that he is frustrated to have to respond to PICA's position with a formal response at all? He apparently feels that PICA's Petition should have gone directly into the trashcan and so much for government responsiveness, so much for the consent of the People, so much for due process. The imperial officials who really don't think they should have to respond are what makes the whole nuclear game very dangerous. We have a small a cozy group of privileged persons, and their ideas are what's important, they decide for all of us how things will be. That wasn't part of the

covenant either. It's not the way the NRC has treated PICA's Request -- so far.

PICA wants its comments, as here stated, integrated by the Commissioners into their final action decisions concerning how the 10 CFR 2.206, including subsequently submitted points, is responded to. On the points raised in the comments, PICA requests that NRC do its own de novo investigations, the requirements of law giving initial jurisdiction to FEMA having been met. Specifically we want an inquiry to DOD about using military vehicles -- is it possible?, what would be the response time?, how many people could be moved?, what other services could be provided?

Respectfully,

A handwritten signature in black ink, appearing to read "Robert Gary", with a long horizontal line extending to the right.

Robert Gary
Senior Researcher
for PICA
The Pennsylvania Institute
for Clean Air



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 4, 1994

Mr. Robert Gary
Pennsylvania Institute for Clean Air
2211 Washington Avenue (No. 301)
Silver Spring, Maryland 20910

Dear Mr. Gary:

The purpose of this letter is to provide you, as well as other interested parties, a copy of the report received from the Federal Emergency Management Agency (FEMA) on December 16, 1993. The report addresses the issues raised in your Petition filed with the U.S. Nuclear Regulatory Commission (NRC) on July 10, 1992, under the provisions of 10 CFR 2.206.

The NRC staff is currently evaluating FEMA's report and preparing a proposed decision by the Director, Office of Nuclear Reactor Regulation, in response to your Petition. I expect this decision will be made and our response prepared and issued within the next several weeks.

Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Hernan".

Ronald W. Hernan, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc: See next page

~~9401100229~~

Mr. Robert Gary

cc w/enclosure:

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Dauphin County Courthouse
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Chairman
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Federal Emergency Management Agency

Washington, D.C. 20472

DEC 16 1993

Mr. Frank J. Congel, Director
Division of Radiation Safety
and Safeguards
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Congel:

This letter responds to your memorandum dated July 22, 1992, requesting the Federal Emergency Management Agency's (FEMA) assistance in responding to concerns expressed in the July 10, 1992, 10 CFR 2.206 petition submitted by Mr. Robert Gary of The Pennsylvania Institute for Clear Air to the Chairman of the U.S. Nuclear Regulatory Commission (NRC). Mr. Gary's petition questioned the adequacy of offsite emergency planning and preparedness in the Dauphin County portion of the Three Mile Island Nuclear Station emergency planning zone (EPZ). Specifically, Mr. Gary's petition cited a number of concerns regarding the Dauphin County Radiological Emergency Response Plan (RERP) which, in his opinion, render the plan "essentially non-operational." These concerns can be classified under the following three major areas:

1. The Dauphin County emergency operations center (EOC) failed to maintain letters of intent for the county's transportation providers.
2. The Dauphin County RERP lists out-of-date names and telephone numbers for the bus providers and lacks after-hours telephone numbers for those providers.
3. The Pennsylvania Emergency Management Agency (PEMA) and the Dauphin County RERPs fail to provide for the use of military vehicles in the event of a radiological emergency.

Major Areas of Concern

Summarized below for each of the three major areas of concern is (1) PEMA's response to each concern as delineated in its letter dated July 12, 1993, from Mr. Joseph L. LaFleur, Director, PEMA, to Mr. Robert J. Adamcik, Chief, Natural and Technological Hazards Division, FEMA Region III, and (2) FEMA's analysis of PEMA's response to the identified concerns and applicable portions of the February 1993 Dauphin County plan. A copy of PEMA's letter dated July 12, 1993, is attached.

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1. The Dauphin County EOC failed to maintain letters of intent for the county's transportation providers.

PEMA's Response: PEMA has begun to place more emphasis on such documentation and to obtain letters of intent, in the form of Statements of Understanding (SOU), from its resource providers. PEMA's letter dated July 12, 1993, states that: "The letters of intent are valid commitments of that intent, although they are not, nor do they purport to be legal or legally enforceable documents which provide a guarantee of resources. With or without the letters of agreement, the resources will be available as previously demonstrated in numerous emergencies and exercises throughout the state."

FEMA's Analysis: PEMA has provided FEMA with SOUs dated September 1992 and October 1992 between Dauphin County and the three bus transportation providers. FEMA's review of these SOUs indicates that they meet the requirement of demonstrating the providers' intent to respond to emergencies. However, some refinement of these SOUs will be necessary for them to fully satisfy the recommendations outlined in the FEMA Office of General Counsel's April 30, 1993, memorandum entitled "Legal Opinion on Letters of Agreement."

FEMA is currently in the process of developing new policies and guidance based on the FEMA General Counsel's recommendations regarding the required content of letters of agreement, SOUs, etc. Subsequent to the issuance of the new policies and guidance, it will be transmitted to the FEMA Regions for coordination with and implementation by the States. The adequacy of all individual State and local governments' letters of agreement, SOUs, etc. would then be evaluated by FEMA to determine their compliance with the updated policy and guidance relative to the content of these documents. Under the General Counsel's current recommendations, future letters of agreement, SOUs, etc. at all commercial nuclear power plant sites across the Nation would generally need to:

- o State that the transportation provider will make the vehicles, with drivers, available for drills, exercises, and radiological emergencies.
- o Specify that drivers will be provided with appropriate emergency response training.
- o Contain information on the location of the transportation resources and 24-hour points of contact for notification and mobilization.

FEMA's analysis of the Dauphin County SOUs also identified some minor discrepancies, which PEMA intends to correct, between the plan and the SOUs and also identified some language which needs clarification. These discrepancies and areas needing clarification are as follows:

- o The names of the bus companies shown on the SOUs do not correspond to the bus companies named on page E-9-5 of the February 1993 Dauphin County plan. For example, Capitol Trailways, one of the bus companies named in the plan, is shown as Capitol Bus Company on the SOU. PEMA indicates that the bus company names have changed and that the appropriate changes will be made during the annual plan review and update of the SOUs so that the bus company names shown in the plan are consistent with those shown on the SOUs.

Under FEMA GM-PR-1, Policy on NUREG-0654/FEMA-REP-1 and 44 CFR 350 Periodic Requirements, October 1, 1985, State and local governments are required to review; update, as necessary and appropriate; and verify through the Annual Letter of Certification that the existing emergency response plans and Standard Operating Procedures (SOP), including SOUs, are current and reflect any plan revisions required to correct plan-related issues and inadequacies identified by FEMA at REP exercises and drills. FEMA will review the updated plans and SOPs, including SOUs, as soon as they are received to ensure that the above mentioned changes have been made and that they are consistent.

- o The SOUs do not indicate the average capacity of the buses which would be made available to the county. PEMA states that the SOUs will be changed to reflect the average capacity of the buses at the time of the SOU's annual update in 1993. FEMA will review the updated SOUs to verify this information.
- o The SOUs state that "transportation resources identified" will be updated annually under separate cover. This statement raises two basic issues that PEMA will need to address in the next SOU update.
 - (a) First, exactly what type of information is reflected by the "transportation resources identified" number? Does this number reflect the total number of buses owned by the bus company or the number of buses which would be made available to the county to meet identified transportation needs in the event of a radiological emergency at Three Mile Island? Realistically, it should reflect the latter number to facilitate the

county's accurate determination of its unmet needs, if any, for transportation resources. If that is the case, then the term "transportation resources identified" should be changed to "transportation resources available."

- (b) Second, it is not clear what is meant by the statement that "transportation resources identified" will be updated annually under separate cover. The method for updating this information needs to be clarified by PEMA. Regardless of how the information is updated, the information reflected in the plan should always be consistent with what is shown in the SOUs.

FEMA will continue to work with PEMA to (a) refine the SOUs in keeping with the recommendations of FEMA's Office of General Counsel and any future policies and guidance and (b) ensure, through the annual plan review and update of the SOUs, that the information presented in the SOUs is clear and consistent with that reflected in the current Dauphin County plan.

2. The Dauphin County RERP lists out-of-date names and telephone numbers for the bus providers and lacks after-hours telephone numbers for those providers.

PEMA's Response: PEMA has revised the Dauphin County RERP as of February 1993. PEMA updated the contact names and telephone numbers for bus providers. Since telephone numbers are not needed or intended to be shown in the county plan, PEMA moved this information to the SOPs for the applicable county staff persons.

FEMA's Analysis: Prior to the May 19, 1993, Three Mile Island exercise, FEMA Region III telephoned the three bus providers listed for Dauphin County and verified the contact names and telephone numbers, including off-hours numbers. Region III subsequently reviewed this information in the SOPs and verified its accuracy. In addition, during the May 1993 exercise, the Dauphin County transportation staff members were observed making actual telephone calls to the three bus companies--Capitol Trailways, Schlegel, and Capitol Area Transit. The staff ascertained the number of buses available from these companies and notified the municipalities that their unmet needs would be met. According to the plan, 56 buses would be needed to fill the municipalities' unmet needs, in addition to the 96 buses already available from county resources. PEMA was apprised of the county's unmet need of 56 buses and supplied (simulated) 56 buses from State resources--the D. R. Fisher, Rohrer, and Manson bus companies.

FEMA will continue to check the accuracy of this information during its annual review of the Dauphin County plan, SOPs, and SOUs and during the Three Mile Island biennial REP exercises.

3. The PEMA and the Dauphin County RERPs fail to provide for the use of military vehicles in the event of a radiological emergency.

PEMA's Response: Pennsylvania's emergency response plans do not rely upon military vehicles for the initial response during an emergency, because to do so would be more time-consuming than the process currently outlined in existing emergency response plans. Rather, the Pennsylvania Army National Guard (PAARNG) is used to support counties on a contingency basis for radiological and all other emergencies. PEMA's letter dated July 12, 1993, provides the following detailed information regarding the State and counties' acquisition and utilization of the PAARNG resources in the event of an emergency:

"The Pennsylvania Army National Guard (PAARNG) provides a battalion to assist each risk and support county. Each county plan, available at FEMA, has an appendix which includes the OPLAN appropriate for that county. Dauphin County happens to be supported by one battalion with backup as necessary by a second specified battalion. The units are directed to forward assembly areas (to be determined at notification plus two hours). It takes the units six hours to assemble and be prepared to move from their armories. Because the National Guard is not a first response organization, more definitive missions are not assigned, because they are secondary support systems in case of overload and manpower support for routine activity. Their specific tasks will be determined when the units become available and the needs of the county EMA have become solidified in light of the events as they unfold. The National Guard missions in support of civil authority are contingency oriented. The Guard is equipped with combat, combat support and combat service support vehicles and aircraft that do not lend themselves to the safe and orderly movement of civilians. For these reasons, the Commonwealth does not plan to use National Guard trucks to evacuate civilians. We have identified more than enough civilian bus assets to accomplish that task for the portion of the population that may not have a method of personal transportation.

The reasons for not using National Guard assets for evacuation were explained in person to Mr. Gary in an October 2, 1992 meeting with Senator Shumaker, of the Pennsylvania General Assembly, and Commissioner Sheaffer, Chairman of the Dauphin County Board of Commissioners. We further disabused him of the idea that the Army depots in the state had 'acres and acres of trucks' available for use in evacuations. The facts are that the military depots do not have assigned to them Table of Organization and Equipment truck companies. The depots rely primarily on commercial haulers and, occasionally, U.S. Army Reserve truck companies using flat bed trailers during their annual summer training. To provide a list of National Guard equipment that could possibly be deployed in the event of an evacuation at TMI is not necessary, because these assets would be called up as needed and could include very little or large portions of the PAARNG inventory, if they were appropriate which is doubtful. Such guess work would not improve the plan, nor would it approach any definable level of accuracy. The entire assets of state government are available in an emergency."

FEMA's Analysis: According to PEMA, the Dauphin County RERP and the computerized data base maintained at the State identify sufficient non-military sources of emergency transportation to meet the expected evacuation transportation needs of Dauphin County residents without calling upon the PAARNG. The State RERP and the February 1993 Dauphin County RERP specify that the PAARNG may provide assistance, such as emergency transportation, to the county in the event of a radiological emergency on an as-needed, mission basis. However, during the May 19, 1993, exercise, PEMA requested the PAARNG to provide as many ambulances as possible in response to a plan-identified Dauphin County unmet need of 203 ambulances. The PAARNG supplied (simulated) 60 ambulances. However, since PEMA's concept of operations does not rely on the PAARNG as a first response organization, the unmet ambulance need will be pursued as an issue with PEMA.

In view of (a) PEMA's statements that the PAARNG is not a first response organization, but rather a secondary or contingency-oriented responder, and that the Commonwealth does not plan to use PAARNG trucks to evacuate civilians and (b) the fact that the current RERPs imply a more direct role for the PAARNG, the current State and county RERPs should be reviewed and modified, as appropriate, to more clearly define the exact role of the PAARNG. PEMA will be requested

to address this issue during the next annual plan review to ensure that the plans clearly and accurately reflect the Commonwealth of Pennsylvania's concept of emergency operations relative to the use of the PAARNG.

Additional 10 CFR 2.206 Petition Questions

In addition to the three major areas of concern raised in the initial 10 CFR 2.206 petition, a number of questions were raised by Mr. Gary in subsequent correspondence with the NRC dated December 2, 1992; January 15, 1993; and February 14, 1993. This correspondence was forwarded to FEMA Headquarters for inclusion in its response to Mr. Gary's 2.206 petition. In reviewing FEMA Region III and PEMA's responses to Mr. Gary's additional concerns, FEMA Headquarters consolidated these concerns into nine questions. These questions are listed below. Information regarding PEMA's response to these questions, along with FEMA's analysis of PEMA's response and of applicable portions of the February 1993 Dauphin County RERP, is provided below each question in the same format used above for the three major areas of concern identified in the original 10 CFR 2.206 petition.

1. Why are we 50 school buses short in Dauphin County and what does this mean for the affected residents?

PEMA's Response: The unmet needs of the county can readily be supplied by assets identified from providers maintained in the computerized data banks in the State EOC. To engage in justifying the changing unmet needs with resources available to the State would place all concerned in an endless numbers chase. The provisions for fulfilling current unmet needs are part of the State EOC SOPs and are demonstrated and evaluated by FEMA during biennial REP exercises.

FEMA's Analysis: The February 1993 Dauphin County plan reflects an overall unmet county need for 56 buses. The county plan states that unmet county needs will be reported to PEMA. The State plan requires the Pennsylvania Department of Transportation to develop and maintain an inventory of statewide transportation assets for use in evacuating the risk counties. PEMA states that information about transportation providers is maintained in the computerized data banks at the State EOC and that the procedures for meeting the unmet county needs are part of the State and county SOPs. During the May 19, 1993, biennial REP exercise, the procedures for reporting and meeting the unmet county transportation needs were exercised. During this exercise, Dauphin County submitted a request for 56 buses to the State and the State responded to the county's request by identifying 56 buses which were

available from three bus companies maintained in the State's inventory of transportation assets.

2. What are the telephone numbers of the commanding and/or duty officers who would be called to activate the evacuation trucks? Where in the Dauphin County RERP can this information be found? Which military units are tasked with supplying vehicles for evacuation? Are designated drivers and company commanders identified by name? What type of briefings have these personnel received? Have specific trucks been designated for use in evacuating Harrisburg or other Dauphin County jurisdictions? Have staging area locations and evacuation routes for these trucks been delineated on Dauphin County maps?

PEMA's Response: Since the Pennsylvania plans rely entirely upon civilian vehicles for evacuation in the event of a radiological emergency, and military vehicles are only used if the PAARNG has been activated and evacuation assistance is specifically requested, it is not necessary or appropriate for the Dauphin County plan to include the type of information requested above.

FEMA's Analysis: FEMA agrees with PEMA's position. As stated above, PEMA will be requested to more clearly define the exact role of the PAARNG in the next plan review and update.

3. Has a mechanism been set up to coordinate the activation and use of the PAARNG with local officials?

PEMA's Response: The information is in the PAARNG's SOPs for all emergencies.

FEMA's Analysis: Two sections of the State RERP--"Department of Military Affairs (DMA)" on pages E-21 and E-22 and Appendix 13, "Military Support,"--also contain information on the use of the PAARNG, on an "as needed basis," in radiological emergencies. However, information pertaining to the specific mechanisms for requesting the PAARNG's assistance is not clearly presented in these plan sections. Essentially, the State plan outlines two different procedures to be followed when a county requests the PAARNG's assistance, but fails to clearly identify the circumstances triggering each procedure.

In addition to the State plan's lack of clearly differentiated procedures for processing county requests for PAARNG assistance, the plan does not indicate, upon the Governor's ordering of the PAARNG to State active duty, whether (a) the PAARNG is activated for, and battalions are deployed to, all risk counties, even if they have not

requested PAARNG assistance, or (b) a battalion is deployed to a risk county only after it has submitted its initial request for PAARNG assistance. If option (a) is correct, then there could be a situation where a risk county's battalion is already in place and that risk county's initial request for assistance would be directed to the battalion through the county's PAARNG representative, rather than to the State through the county DMA liaison officer. This portion of the State plan needs to be revised to clearly outline the procedures to be followed in activating the PAARNG and processing county requests for PAARNG assistance.

Appendix 8 of the Dauphin county plan outlines the role of the PAARNG in radiological emergencies and contains a copy of the PAARNG plan, entitled "OPLAN 3-109 IN, Operation Nuke II - Dauphin County." This plan describes the PAARNG's procedures for mobilizing and executing support to Dauphin County in the event of an incident at Three Mile Island. However, the county plan does not indicate the procedure to be followed by the county when requesting PAARNG assistance. The Dauphin County plan also specifies that, after PAARNG activation, the PAARNG will provide direct support to the county and send liaison personnel to the county EOC. Although the State plan, page E-22, specifies that the State DMA Emergency Preparedness Liaison Officer will supply a DMA representative to the risk counties to coordinate requests for PAARNG assistance, the Dauphin County plan does not specify that the State will provide a DMA representative, describe the role of this representative, or distinguish between the functions of the DMA representative and the PAARNG liaison personnel.

The county plan should be revised to specify:

- o The procedures for processing the county's initial request for PAARNG assistance and requests for assistance after the PAARNG has been activated.
 - o That DMA and PAARNG representatives will be deployed to the county EOC, the entity responsible for their deployment, the circumstances under which they will be deployed, and their functions at the county EOC.
4. Are there any maps which indicate that the PAARNG will be activated for evacuation purposes, rather than for peace-keeping purposes?

PEMA's Response: The information is in the PAARNG's SOPs for all emergencies.

FEMA's Analysis: Information concerning the missions for which the PAARNG can be activated is also found in

Appendix 8 of the February 1993 Dauphin County plan. Appendix 8 states that, once the Governor has ordered the PAARNG to State active duty, the PAARNG will provide direct support to the county to perform a variety of radiological emergency response missions as a supplement to the county's resources. Most of these missions, such as traffic control, emergency transportation, emergency fuel on evacuation routes, and emergency clearing of roads, are evacuation-related, not peace-keeping missions. A specific PAARNG battalion (3rd Battalion, 109th Infantry) and a back-up PAARNG battalion are assigned to Dauphin County for these potential missions.

5. What is PEMA doing to supervise the counties and to ensure that they are in compliance with standard procedures for emergency readiness? Is PEMA in violation of its founding statute (Title 35, Pennsylvania Consolidated Statutes, Section 101) which calls for PEMA to backstop the counties and build two warehouses and stock them with emergency supplies?

PEMA's Response: During an October 2, 1992, meeting attended by Mr. Gary; Senator Shumaker of the Pennsylvania General Assembly; Commissioner Sheaffer, Chairman of the Dauphin County Board of Commissioners; and Mr. Joseph LaFleur, Director, PEMA, the level of supervision by PEMA of the counties and PEMA's actions to provide supplies and equipment to the counties during emergencies were discussed with Mr. Gary. In addition, PEMA's General Counsel, in a July 15, 1992, letter to Mr. Gary, responded to Mr. Gary's specific earlier question as to why the two regional warehouses cited in Title 35 have not been established by stating that (a) the legislature has not allocated funds for this purpose, even though the requirement is in the law, and (b) such expensive facilities are ill-advised, since PEMA has stockpiles of emergency supplies at other departmental facilities, such as Torrence State Hospital and Pike Center.

PEMA's Analysis: PEMA agrees with PEMA's position. A copy of the letter from PEMA's General Counsel dated July 15, 1992, is attached.

6. Are there deficiencies in the county plans, similar to the failure to maintain current information on bus company contacts and their telephone numbers, which PEMA does not know about? If there might be such deficiencies, what steps are being taken to review these plans for adequacy?

PEMA's Response: The cycle of plan reviews and updates was explained to Mr. Gary at the October 2, 1992, meeting. The plans are viewed as "living documents" which are never considered finished and are changed as the need arises.

FEMA's Analysis: FEMA's review of the February 1993 Dauphin County plan's provisions for emergency transportation identified omissions and discrepancies with respect to the plan's transportation and ambulance resource numbers. FEMA will continue to review the annual plan revisions to identify areas of required and recommended plan improvements. In addition, FEMA will thoroughly review all the Three Mile Island plans, including the Dauphin County plan, when they are submitted by the Governor of Pennsylvania for the formal 44 CFR 350 plan review and approval.

7. Why has PEMA not been more aggressive in seeking resources from the Pennsylvania General Assembly? In order to assist the counties in planning for and executing evacuation logistics, why does PEMA not obtain more resources from the General Assembly or the nuclear licensees and make distributions of these resources to the counties?

PEMA's Response: At the October 2, 1992, meeting, Mr. LaFleur explained to Mr. Gary that there is insufficient justification from the counties to ask the utility rate payers to assume the additional \$5,000,000 in costs advocated by Mr. Gary to support county radiological emergency response activities. Pennsylvania's Senator Shumaker strongly stated that he could not and would not place such a burden on rate payers when Pennsylvania was in the throes of a serious economic recession. PEMA has requested, both through State government channels and from the utilities, more funds to meet the costs of the REP Program. However, the utilities have stated that they are reluctant to provide more stockholder or rate payer funds to PEMA.

FEMA's Analysis: FEMA believes that PEMA has taken reasonable steps to acquire additional resources.

8. Is a strictly delineated 10-mile emergency planning zone reasonable for Three Mile Island, considering that a highly populated area, the capitol city of Harrisburg, is just outside the 10-mile limit and is, therefore, excluded from PEMA's evacuation plans?

PEMA's Response: The 10-mile EPZ concept is based upon NRC and Environmental Protection Agency studies which indicate that the area affected by significant radiation exposures from a nuclear power plant accident would be limited to an area within 10 miles of the plant. The emergency response organization within 10 miles of Three Mile Island can be extended beyond 10 miles if conditions warrant. Also, Pennsylvania already maintains the most conservative evacuation policy--360' of the entire 10-mile EPZ--within

the United States. PEMA's letter dated July 12, 1993, states that "...unless FEMA and the NRC are willing to state publicly for the record that the 10-mile EPZ is inadequate and that exceptions must be made for Harrisburg and other similar EPZs near large population centers, the PEMA will continue to follow NRC and FEMA guidance regarding such planning. Harrisburg believes...that they could handle their population if there was a widespread evacuation. The state concurs."

FEMA's Analysis: FEMA agrees with PEMA's interpretation of the guidance governing the size of the 10-mile EPZ. It should be noted, however, that Steven R. Reed, Mayor of Harrisburg, indicated in a February 8, 1993, letter to Mr. Gary that contiguous areas to the 10-mile EPZ in the City of Harrisburg would also begin to evacuate, if the 10-mile EPZ was evacuated due to a radiological emergency at Three Mile Island. The Mayor also noted in his letter that the City of Harrisburg has identified and would be able to mobilize sufficient resources to support the evacuation of both Harrisburg's portion of the 10-mile EPZ and the contiguous areas of Harrisburg to the north. In his January 15, 1993, memorandum to the NRC, Mr. Gary stated that he found PEMA's position of following NRC/FEMA guidance, instead of taking the initiative and including the entire City of Harrisburg in the 10-mile EPZ and RERPs, to be unacceptable. During a December 1, 1993, meeting of FEMA and NRC staff members with Congressman George W. Gekas of Pennsylvania's 17th District, which includes the Three Mile Island site, Mr. Robert A. Erickson and Mr. Falk Kantor from the NRC's Emergency Preparedness Branch discussed the technical basis and rationale for the establishment of the 10-mile EPZ requirement in NRC regulations.

9. What standard does PEMA seek to meet in its emergency preparedness drills? Are the drills purporting to test the equipment or the emergency responders? If the drills are to test the responders, then they should be unannounced and held at various times of the day and night and, therefore, more closely approximate an actual emergency event.

PEMA's Response: During the October 2, 1992, meeting, PEMA explained to Mr. Gary that, due to funding limitations, Pennsylvania relies heavily on volunteers to staff the county and municipal EOCs and schedules the biennial REP exercises in the late afternoon to accommodate these volunteers. Although the volunteers would be willing to respond to an actual emergency at any time, they cannot afford to leave their regularly scheduled work activities for an exercise. Mr. Gary made it clear at the October 2, 1992, meeting that he wanted to impose upon the radiological emergency response program the same response standards as

those maintained by active military units. PEMA believes that it is not feasible to apply military standards to a civilian system which relies significantly upon volunteers.

FEMA's Analysis: FEMA agrees with PEMA's position. It should be noted that under FEMA-REP-14, Radiological Emergency Preparedness Exercise Manual, September 1991, all offsite response organizations (ORO) are required to demonstrate their emergency response capabilities in an unannounced mode (Objective 32 - Unannounced Exercise or Drill) and in an off-hours mode (Objective 33 - Off-Hours Exercise or Drill) once every six years through an unannounced and off-hours exercise or drill. Off-hours exercises or drills require OROs to demonstrate the capability to respond between the hours of 6:00 p.m. and 4:00 a.m. on weekdays or any hours on weekends. The unannounced and off-hours objectives were most recently demonstrated at Three Mile Island on June 26, 1991.

Subsequent to the filing of the 10 CFR 2.206 petition, Mr. Gary raised two additional issues during a telephone conversation with the NRC. Although these issues are not considered by the NRC to be a part of the original 10 CFR 2.206 petition, they were addressed by PEMA in its overall response to the 10 CFR 2.206 petition. The two issues and PEMA's responses are presented below:

1. The population numbers in the Dauphin County plan do not reflect current (1990 Census data) population figures.

The February 1993 Dauphin County plan contains 1990 Census population data.

2. Evacuation time estimates have not been revised since the early 1980s.

A new evacuation time estimate study is being prepared by the licensee's contractor. A draft has been completed and the final study should be completed by mid-1994. The new evacuation time estimates will be included in the 1994 update of the Three Mile Island plans and procedures.

Recognizing that (1) RERPs are dynamic, living documents which are always being changed and updated through the annual review process to reflect changes in the EPZ, emergency management policies, and organizational relationships and (2) PEMA is actively engaged in the development and refinement of RERPs for all of its sites in compliance with established FEMA/NRC planning standards, FEMA believes that the offsite emergency planning issues identified by Mr. Gary in the 10 CFR 2.206 petition are being satisfactorily addressed. This assessment is based on PEMA's response to the specific issues raised and its continuing

efforts to refine the plans and correct plan inconsistencies and inadequacies as well as on FEMA's review of the plans and supporting materials. Based on the factors listed below, FEMA concludes that the offsite radiological emergency response plans and preparedness for the Three Mile Island Nuclear Station are adequate to provide reasonable assurance that appropriate measures can be taken offsite to protect the public health and safety in the event of a radiological emergency at Three Mile Island. The factors are:

1. PEMA's continuing efforts in the development, revision, and refinement of the Three Mile Island RERP.
2. FEMA's review of the concerns identified in the 10 CFR 2.206 petition and related correspondence and PEMA's response to those concerns.
3. The results of the May 19, 1993, Three Mile Island exercise as presented below:
 - o There were no Deficiencies identified at the exercise.
 - o The draft exercise report, received at Headquarters on August 27, 1993, identified 40 Areas Requiring Corrective Action (ARCA), six Planning Issues, and three Areas Recommended for Improvement (ARFI). Four ARCAs and one Planning Issue were identified for Dauphin County and one ARFI was identified for the Dauphin County Mass Care, Monitoring, and Decontamination Center. These issues did not pertain to the concerns raised by Mr. Gary in his petition.
 - o Headquarters is in the process of reviewing and providing comments on this 340-page, draft exercise report. Headquarters' comments will identify several additional State/Dauphin County ARCAs and Planning Issues pertaining to procedures used by the State and county to fill unmet evacuation transportation needs. The exercise performance also indicated some areas in which the plans and procedures for this process need clarification. The revision of these plans and procedures will improve the State and county's ability to respond to, and verify the resolution of, unmet needs.

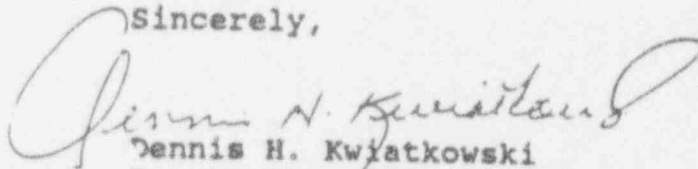
The State has also received a copy of the draft exercise report and has responded to the inadequacies identified in the report. FEMA Region III will monitor the State and local governments' correction of all exercise inadequacies.

In closing, FEMA reiterates that it will continue to closely review the offsite plans and SOPs, including SOUs, for Three Mile

Island. Appropriate technical assistance will also be provided to FEMA to ensure that the necessary revisions and updates are made in a consistent, timely, and orderly manner.

Should you have any questions regarding the foregoing material and attachments or require further information, please call Mr. Joseph A. Moreland, Director, Exercises Division, at (202) 646-3544.

Sincerely,



Dennis H. Kwiatkowski
Deputy Associate Director
Preparedness, Training, and
Exercises Directorate

Attachments

cc: Congressman George W. Gekas
FEMA Region III



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
BOX 3321
HARRISBURG, PENNSYLVANIA 17105-3321



July 12, 1993

Mr. Robert J. Adamcik
Chief, Natural and Technological
Hazards Division
Federal Emergency Management Agency,
Region III
Liberty Square Building (Second Floor)
105 South Seventh Street
Philadelphia, PA 19106

Dear Mr. Adamcik:

..... responds to your letter of April 30, 1993, regarding Mr. Gary's 10 CFR 2.206 petition about offsite Radiological Emergency Response Planning issues for Three Mile Island Nuclear Station.

Perhaps FEMA headquarters could have been more selective in requesting information. The breadth of the information net went far beyond the issues of interest or those which have been previously addressed by the Pennsylvania Emergency Management Agency to the Federal Emergency Management Agency. Much of Mr. Gary's April 12, 1993, memorandum does not pertain to Robert Gary's petition (see Federal Register Vol. 57, No. 157 Thursday, August 13, 1992, pgs. 36415-36416). I will indicate where the issues raised have already been addressed either to FEMA or to Mr. Gary directly. The following comments are keyed to the paragraphs beginning on page three of Mr. Krimm's April 12, 1993, memorandum to Acting Regional Director Thomas.

- 1a. The recapitulation of Dauphin County transportation resource needs is found on page E-9-14 of Annex E, Radiological Emergency Response Procedures to Nuclear Power Plant Incidents, Dauphin County Emergency Operations Plan, which has been provided to FEMA III. These numbers change as the plan is periodically updated. The unmet needs of the county can readily be supplied by assets identified from providers maintained in the computerized data banks in the State Emergency Operations Center. To engage in justifying the changing unmet needs with resources available to the state would place all concerned in an endless numbers chase. The provisions for filling current unmet needs are part of the State EOC Standing Operating Procedures and are demonstrated under FEMA evaluation during biennial exercises. The May 1993 TMI exercise provided good demonstration of this fact. FEMA's exercise records for the unmet need for ambulances is a good example for the petitioner.
- 1b. Not all ambulance services operate 24 hours per day, hence via referral, they correctly have the caller talk to "9-1-1" in the case of an emergency. The county, however, has the radio pager number of the person on call for each ambulance company for

24-hour recall purposes. The statement that "The significance of and rationale for certain ambulance service calls being referred to 911 should be ascertained and appropriate explanatory narrative and/or modifications incorporated into the plans. All revised plans materials should be provided to FEMA Region III and Headquarters for review," does not acknowledge the common practices used all over the U.S.

There is nothing terribly new or esoteric about the use of pagers to summon emergency response personnel. FEMA is aware of many such technologies for emergency response.

Additionally, the assertion that referral of calls for non-24 hour emergency services to 9-1-1 "is unacceptable" is specious and without merit. Pennsylvania has been embarked on a program for several years to expand 9-1-1 coverage throughout the Commonwealth. Eight million of the nearly 12 million citizens in the state are served by 9-1-1. This involves 30 counties, three municipalities, and one regional system. Experience has proven that pagers controlled by centralized county (9-1-1) dispatchers provides an extremely rapid alert and notification system that represents the state of the art. The revenues from 9-1-1 line charges currently provide \$52,000,000 per year to support public safety within the state. We have no intention of abandoning a common national practice of employing modern and efficient alert systems. This is not a part of the 2.206 petition.

- 1c. In my November 4, 1992 letter to Region III, I explained that "Reliance upon military resources for the initial response during an emergency would be more time consuming than the current system." The Department of Military Affairs (DMA) provides liaison personnel to the State EOC and the risk and support county EMAs. The Pennsylvania Army National Guard (PAARNG) provides a battalion to assist each risk and support county. Each county plan, available at FEMA, has an appendix which includes the OPLAN appropriate for that county. Dauphin County happens to be supported by one primary battalion with backup as necessary by a second specified battalion. The units are directed to forward assembly areas (to be determined at notification plus two hours). It takes the units six hours to assemble and be prepared to move from their armories. Because the National Guard is not a first response organization, more definitive missions are not assigned, because they are secondary support systems in case of overload and manpower support for routine activity. Their specific tasks will be determined when the units become available and the needs of the county EMA have become solidified in light of the events as they unfold. The National Guard missions in support of civil authority are contingency oriented. The Guard is equipped with combat, combat support and combat service support vehicles and aircraft that do not lend themselves to the safe and orderly movement of civilians. For these reasons, the Commonwealth does not plan to

use National Guard trucks to evacuate civilians. We have identified more than enough civilian bus assets to accomplish that task for the portion of the population that may not have a method of personal transportation.

The reasons for not using National Guard assets for evacuation were explained in person to Mr. Gary in an October 2, 1992 meeting with Senator Shumaker, of the Pennsylvania General Assembly, and Commissioner Sheaffer, Chairman of the Dauphin County Board of Commissioners. We further disabused him of the idea that the Army depots in the state had "acres and acres of trucks" available for use in evacuations. The facts are that the military depots do not have assigned to them Table of Organization and Equipment (TO&E) truck companies. The depots rely primarily on commercial haulers and, occasionally, U.S. Army Reserve truck companies using flat bed trailers during their annual summer training. To provide a list of National Guard equipment that could possibly be deployed in the event of an evacuation at TMI is not necessary, because these assets would be called up as needed and could include very little or large portions of the PAARNG inventory, if they were appropriate which is doubtful. Such guess work would not improve the plan, nor would it approach any definable measure of accuracy. The entire assets of state government are available in an emergency.

Because of their purposely limited nuclear power plant mission orientation, full training schedule and turnover rate, PAARNG soldiers need not receive "civilian radiological" training beyond that provided in their Army annual training program.

- 2a. The substance in the letters of intent, statements of understanding or similar documents is valid. The names of the bus companies have changed and will be revised in the plan as well as the letters during the periodic reviews. The correct names now are: Heginz Valley Lines, Inc. (formerly Schlegel Transportation Service); Capital Bus Company (Capital Trailways is the corporate name); and Capital Area Transit Bus Company (vice Capital Area Transit).
- 2b. The letters of intent do indicate the number of buses each company would make available. The letters of intent will be changed to reflect the average capacity of those busses by their annual update.
- 2c. There is no specific training provided for bus drivers, nor is there any required in NUREG-0654 FEMA-REP-1. Bus drivers departing the EPI during an evacuation are a part of the general public, which also receives no specific training. Dosimetry will not be issued to bus drivers, because they will not be reentering the EPI and they are not emergency workers.

The April 16, 1992, FEMA Headquarters memorandum subject: Sample Letters of Agreement for Transmittal to the Pennsylvania Emergency Management Agency (PEMA) in Connection with the Susquehanna Steam Electric Station Offsite Radiological Emergency Response Plan Review, that was transmitted to PEMA by the Region III letter of May 1, 1992, contained 17 examples of letters of agreement that were to assist the PEMA "... in preparing pertinent letters of agreement for inclusion in the offsite radiological emergency response plans, site-specific to the Susquehanna Steam Electric Station (SSES)." Only two of these examples made the vaguest references to training. None of them used the language prescribed by the FEMA Headquarters April 12, 1991, memorandum to Region III to wit:

- "Review of the SOUs indicates that there is no reference to the training of bus drivers in regard to dealing with emergency response situations."
- "... the drivers should be trained and educated about the nature of radiological emergencies, the proper use of dosimetry, etc."
- "... the SOUs should contain a statement that the company agrees to cooperate with the utility and State and local governments by allowing its drivers adequate time to participate in pertinent radiological response training and exercise-related activities required under NUREG-0654/FEMA-REP-1, Revision 1, and outlined in Three Mile Island's State and Radiological emergency response plans." (Note that the State and local plans for TMI do not outline driver training as described above.)

As we have discussed on several occasions, Pennsylvania is clearly being reviewed at a higher standard than other "nuclear states" that is unnecessary, but most important, does not apply in the case of Dauphin County bus assets.

- 2d. The letters of intent are valid commitments of that intent, although they are not, nor do they purport to be legal or legally enforceable documents which provide a guarantee of resources. With or without letters of agreement, the resources will be available as previously demonstrated in numerous emergencies and exercises throughout the state.

As described in paragraph 2c above, the FEMA Headquarters prescriptive language in paragraph 2d does not appear in any of the sample SOUs provided to wit: "The language in the SOU should reflect the provider's understanding that (A) adequate vehicles and drivers are available to meet the resources enumerated in the SOU and (b) drivers are fully aware of and understand their individual responsibility to drive a bus, if required, to facilitate an evacuation of Dauphin County in the event of a radiological emergency at Three Mile Island." Again, the topic FEMA is researching is not germane.

- 3a. There is neither reason nor intention to add phone numbers to the various pages of the County Radiological Procedures. The phone numbers are available in SOPs used by the respective county staff persons. In addition, as mentioned in paragraph 1b above, the county has the ability to tone page all ambulance organizations. This issue was not raised in Mr. Gary's 10 CFR 2.206 petition as described in the Federal Register of August 13, 1992.
- 3b. The items listed in this paragraph constitute administrative updates that are being addressed and will be cleared up at the next annually required update. Again, this issue was not raised in the 2.206 petition.
- 3c. This will be clarified at the next plan update.
- 3d. It is not necessary to label pages E-7-11 and E-9-3 through E-9-5 to "... indicate clearly that the information reflected on these pages pertains to Dauphin County." Since the pages are in the Dauphin County Plan and list specific Dauphin County unique organizations, to what other county could they possibly be referring? This is a matter of style that surely can be left to the county's discretion.
- 3e. Your planning suggestions, while not a part of the 2.206 petition, are appreciated and will be considered at the next plan update.
4. You correctly noted that these items are not a part of the 2.206 petition. For your information, 1990 population data is reflected in the current February 1993 Dauphin County Annex E (for example see E-10-2). As the 1990 census data is produced by the U.S. Census Bureau and provided to the Penn State Data Center, the information is processed and provided to the county for inclusion in the subsequent update of the plan and procedures. The Evacuation Time Estimate is being prepared by the power plant contractor. The process began in July 1992 and is estimated to be completed in August 1993. The new numbers will be included in the next regularly scheduled update of the plans and procedures as per normal practice.
5. Mr. Gary's questions are not relevant to the 2.206 petition. Even more pertinent to the proceedings is the fact that they are irrelevant to the current plans for the evacuation of the TMI plume exposure pathway emergency planning zone. As stated earlier (see para 1c above), the Commonwealth does not need to include the PAARNG in the way sought by Mr. Gary since it is not germane. The questions in paragraph 5, answered above, are in the SOPs of PAARNG for all emergencies or do not apply.
- 6a. There is no red tape factor that prevents the inclusion of PAARNG in PEMA's plan for evacuation in the event of a radiological emergency. As explained in paragraph 1c above, the use of Army trucks for evacuating civilians is a poor option, even if

available, when we can obtain more than enough civilian buses to do the job.

- 6b. The PAARNG is used to support counties on a contingency basis for radiological and all emergencies (see paragraph 1c). We will not entertain inventing such dubious missions for the National Guard just to keep military bases open. Mr. Gary makes suspect his often claimed military expertise if he thinks using Army trucks for the unlikely evacuation of the TMI EPI would influence any congressional action to save military bases in Pennsylvania. There is ample rationale relating to military operations to preserve our installations if Congress is so inclined. I would note here that it is frustrating to receive such blatantly ill conceived schemes for a formal response when this is not part of the Base Realignment and Closure Committee criteria nor would it affect the President's decisions to be forwarded to Congress.
- 7a. At the October 2, 1992, meeting in Senator Shumaker's office (see paragraph 1c), the level of supervision by FEMA of the counties was discussed thoroughly. Similarly, our actions to provide supplies and equipment to the counties during emergencies were explained to Mr. Gary. Further, specific information about emergency supply warehouses in response to a question posed earlier by Mr. Gary was provided to him in a July 15, 1992, letter from the FEMA Chief Counsel (see enclosure). As anyone with intergovernmental relations experience knows, each level of government (state from federal, county from state, etc.) likes to "do their own thing". Counties often do not want the limited oversight provided by state. Should this be the desire of NRC and FEMA, FEMA will comply and provide more oversight.
- 7b. At the same October 2, 1992, meeting, the cycle of plan reviews and updates was explained to Mr. Gary. We explained that plans are living documents, kept loose leaf in three ring binders and changed as the need arises. Further, we explained that a plan is never considered "finished"; because as the planning elements and environment change, the plan is amended to reflect those changes.
- 7c. The reasons for not using military trucks for evacuation are described in detail above.
- 7d. During the October 2, 1992, meeting with Mr. Gary, Senator Shumaker and Commissioner Sheaffer, I explained to Mr. Gary that, in our current situation, there was insufficient justification from the counties to ask the utility rate payers to assume the additional \$5,000,000 Mr. Gary advocated in levied costs through Act 147 to support county radiological emergency response activities. Senator Shumaker forcefully stated that he could not and would not place such a burden on the rate payers when Pennsylvania was in the throes of a serious economic recession. Commissioner Sheaffer agreed. The utilities have stated they are reluctant to provide more stockholder or rate

payer funds to PEMA. PEMA has requested, both through state government channels and from the utilities, more funds to meet the increasing costs of the radiological emergency preparedness program.

- 7g. The answer to this question was provided to Mr. Gary in the PEMA Chief Counsel's letter of July 15, 1992, as follows:

"Federal studies indicate significant radiation exposures from a nuclear power station will be limited to within 10 miles of the facility. For this reason, detailed plans are in place to manage the needed protective action against exposure in that area. In the event people need to be protected in areas beyond 10 miles, these actions will be extended as far as they are needed. The emergency response organization within 10 miles can be extended as conditions warrant. Indeed, Pennsylvania maintains the most conservative evacuation policy for nuclear power plants within the United States. While other "nuclear states" evacuate in sectors, the policy during both the Thornburgh and Casey administrations requires evacuating 360 degrees of the entire approximate 10 mile EPE."

This answer was elaborated upon in person with Mr. Gary during the October 2, 1992, meeting. It is discouraging to note that the NRC, a major player with EPA in the development of the 10 mile plume exposure pathway emergency planning zone, referred this question to the Commonwealth of Pennsylvania for an answer.

- 7h. This question was also addressed in the October 2, 1992, meeting. It was explained to Mr. Gary that nuclear power plant biennial exercises were scheduled in the late afternoon hours to accommodate the hundreds of volunteers who staff many of the county and municipal EOC staff and emergency response positions. These volunteers are willing to respond to a true emergency at any time, but they cannot afford to leave their regular employment during business hours just for drills. As you know, Pennsylvania is heavily dependent upon volunteers to make the emergency management system work due to funding limitations. Mr. Gary made it clearly known at this meeting that he wanted to impose the same standards for response as those maintained by active military units. Such standards are not feasible for a civilian system that relies to any significant degree on volunteers.
- 8a. Mayor Reed's comments on radiological emergency response planning are always considered, paragraph 1c above explains state and federal policy and plans.
- 8b. See paragraph 1c above.
- 8c. Some spontaneous evacuations during nuclear power plant disasters must be assumed. However, unless PEMA and the NRC are willing to state publicly for the record that the 10-mile EPE is inadequate

and that exceptions must be made for Harrisburg and other similar EPIs near large population centers, the PEMA will continue to follow NRC and FEMA guidance regarding such planning. Harrisburg believes, as commented, that they could handle their population if there was a widespread evacuation. The state concurs.

- 8d. The February 7, 1993, security incident at TMI has been investigated by the NRC and conferences were held in Harrisburg to describe the results of that investigation. PEMA formally reviewed the response by the state and the involved counties and municipalities. It is expected that our review will be released by the Governor's office sometime in July. Copies will be made available to all appropriate government agencies upon request.

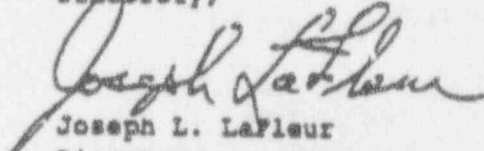
PEMA is also concerned about the February 7 security breach at TMI. We await with interest the results of the NRC consultations on design basis threat for nuclear power plants.

9. Regarding the point of disagreement between Mr. Gary and Mayor Reed. We agree with Mayor Reed. Full-scale bus drills are too costly, significantly rudimentary and unnecessary. Our positions on Mr. Gary's other points are described in detail above.

The plans to support the response to an emergency at TMI have been and are being reviewed on a periodic basis and are evaluated biennially. PEMA is well aware, and has so affirmed in every biennial exercise, that these plans provide reasonable assurance for the protection of the public health and safety. There will always be changes, corrections, revisions and improvements in this ongoing process, but the plans are essentially valid.

Mr. Gary's petition was filed in July 1992. There is in the answers to his questions and the responses to his allegations nothing that can legally or reasonably discredit the validity of the reasonable assurance that is and has been provided over the many years in the planning and exercise validation process. PEMA can affirm this to the NRC and, in turn, to Mr. Gary.

Sincerely,


Joseph L. LaFleur
Director

JLL:JCJ:jjk

Enclosure

cc: Commissioner Russell L. Sheaffer
Dauphin County
Michael E. Wertz, Coordinator
Dauphin County EMA
George Gianqi, GPUM



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
BOX 3321
HARRISBURG, PENNSYLVANIA 17105-3321



July 15, 1992

Mr. Robert Gary
P. O. Box 1637
Harrisburg, Pennsylvania 17105-1637

Dear Mr. Gary:

This letter responds to the questions/concerns that you raised about radiological emergency response planning in your letters of June 12, 17, and 29, 1992. The answers to those questions/concerns are as follows:

1. Question: Why is all of center city Harrisburg not included in the Emergency Evacuation Zone?

Response: The Emergency Evacuation Zone referred to is technically described as the Plume Exposure Pathway Emergency Planning Zone (PEPZ). Federal studies indicate significant radiation exposures from a nuclear power station will be limited to within 10 miles of the facility. For this reason, detailed plans are in place to manage the needed protective action against exposures in that area. In the event people need to be protected in areas beyond 10 miles, these actions will be extended as far as they are needed. The emergency response organization within 10 miles can be extended as conditions warrant. Indeed, Pennsylvania maintains the most conservative evacuation policy for nuclear power plant accidents in the United States. While other "nuclear utility states" evacuate in sectors, the policy during both the Thornburgh and Casey administrations requires evacuating 360 degrees of the entire approximate 10 mile PEPZ.

2. Question: Why does FEMA not maintain a file of letters of intent from resource providers?

Response: Letters of intent, mutual aid agreements, etc. are negotiated and maintained by the risk counties where the resources are to be used. Both the Federal Emergency Management Agency and FEMA have recently begun to place more emphasis on such documentation to further refine our plans. This effort will continue, along with a number of other plan refinements well into the next fiscal year.

In this regard, it should be understood that planning for nuclear power plant off site safety, like any other form of emergency operations planning, never ends. Such plans are living documents, maintained in loose leaf binders, and are constantly being refined, added to, or changed; because, situations and conditions in the environment addressed by the plans change. These changes range from simple name and telephone number revisions to new techniques and methods of performing response and recovery

operations that have been gleaned from studies and exercises. In a practical sense, one can say that no plan for anticipated operations is ever complete. Further, planning is time consuming, labor intensive work that requires the cooperative participation of federal, state, county and municipal levels of government. We in FEMA work very hard to maintain continuous and effective communications with the planning jurisdictions in the Commonwealth. This does not mean that at any given time some elements of a plan will not need to be updated.

3. Question: Why have the two regional warehouses cited in Title 35 have not been established?

Response: The short answer is that funds have not been allocated by the legislature for this purpose, even though the requirement is in the law. This is not unusual, particularly for capital expenditures. Large projects inserted into law often fall victim to the prioritization of finite resources. The more thoughtful response is that such expensive facilities are ill advised, since FEMA has stock piles of various emergency supplies at other departmental facilities such as Torrance State Hospital, Pike Center, and other locations.

4. Question: Why not use trains and aircraft to evacuate?

Response: First, as explained above, the evacuation of Harrisburg is not necessary. Secondly, the fastest methods of evacuation in the time available are private automobiles and busses. Evacuation of sizeable populations by train and aircraft is a far more complicated and time consuming operation to plan and execute than using automobiles and busses, to say nothing of the prohibitive costs involved. C-141 aircraft are operated only by the Air Force. They are not, as your letter suggests, also found in the Army, Navy and Marine Corps. These planes, of limited number, are deployed world-wide on a daily basis. To marshal sufficient aircraft to effect an evacuation would take days, not hours, and only after the Declaration of Emergency by the President. The possibility of the Department of Defense participating in such an evacuation mission is highly unlikely. Even then, the use of Capital City Airport would be impossible because that Airport, like Harrisburg International, is within the Plume Exposure Pathway EPZ of TMI. Even if sufficient beddown space at Capital City were available, and it is not, facilities for operating C-141s from this airfield (including length of runways) are inadequate. Your suggestion that C-141s could stage out of the Hershey airport (identified as Reigle airport on air navigation charts) won't work. The field is woefully inadequate in all categories including its short runway of 1500 feet. C-141s require runways well in excess of 5000 feet for safe operations. Suffice to say that mass population evacuations by aircraft and trains would far exceed the evacuation time estimates we now have for automobiles and busses.

5. Question: Why are census figures in the plans not updated every year?

Response: In the past, we have used regional population estimates for updating planning figures. The 1990 census showed these estimates to be very inaccurate and actually painted a false picture -- usually predicting steady growth when in fact the populations held constant or declined. More importantly, they did not realistically capture the demographic shifts within the Commonwealth. The 1990 census figures are in hand and are being factored into all of our planning.

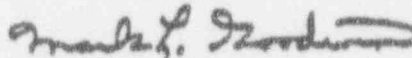
6. Question: How are the fees collected under Sections 7320(c) and (d) of the Emergency Management Services Code (35 Pa. C.S. §7101 et seq.) expended?

Response: All of the fees collected under those two sections are used by PEMA to carry out the many radiological emergency response preparedness and planning functions and duties that are placed upon the Agency by Section 7320(b) of the Code. This includes the payment of salaries and benefits for those PEMA employees who are directly involved in carrying out those radiological emergency response and planning activities.

Thank you for your expressed interest in the above discussed radiological emergency response planning issues.

JAC

Sincerely,



Mark L. Goodwin
Chief Counsel

MLG:djs (Tel: 717-783-8150)

cc: Joseph L. LaFleur