

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE DIRECTOR, OFFICE OF NUCLEAR REACTOR REGULATION

In the Matter of	)	
	)	
GPU NUCLEAR CORPORATION	)	Docket No. 50-289
	)	(10 C.F.R. § 2.206)
(Three Mile Island Nuclear Station,	)	
Unit 1)	)	

AFFIDAVIT OF GEORGE J. GIANGI

County of Orange	)	
	)	ss.
State of Florida	)	

1. I am currently employed by GPU Nuclear Corporation, a wholly-owned subsidiary of General Public Utilities Corporation, as Corporate Manager of Emergency Preparedness with responsibility for both Three Mile Island Nuclear Station ("TMI") and Oyster Creek Nuclear Generating Station (a position I have held since 1984). From 1980 to 1984, I supervised the emergency preparedness program at TMI.

2. Before joining GPU Nuclear, I was employed by Public Service Electric and Gas at the Salem nuclear plant as Health Physics and Chemistry Senior Supervisor and, before that, by General Electric as a Chemistry and Radiological Controls Instructor and Power Plant Auditor at the Knolls Atomic Power Laboratory. I have a Bachelor of Science degree from Syracuse University and a Master of Science degree from Rensselaer Polytechnic Institute in nuclear/environmental chemistry.

134

3. Emergency preparedness personnel at GPU Nuclear Corporation actively cultivate an ongoing professional relationship with the Pennsylvania Emergency Management Agency ("PEMA") and with emergency management officials in the counties within the plume and ingestion Emergency Planning Zones for TMI. We are in frequent contact with PEMA and the various county emergency management agencies (including the Dauphin County Emergency Management Agency), and work closely with them coordinating onsite and offsite plans and procedures for response in the event of a radiological emergency. We also collaborate with PEMA and the counties in planning and conducting periodic drills and exercises of emergency plans, in accordance with applicable federal regulations.

4. This affidavit reflects information provided to emergency preparedness personnel at GPU Nuclear Corporation by PEMA and by the Dauphin County Emergency Management Agency. The purpose of my affidavit is to respond to the July 10, 1992 letter of Robert Gary requesting action by the U.S. Nuclear Regulatory Commission pursuant to 10 C.F.R. § 2.206. Specifically, this affidavit will address (1) Mr. Gary's concerns about letters of agreement for the use of buses in the event of an evacuation; (2) Mr. Gary's allegations regarding the accuracy of emergency plan listings of contacts and 24-hour phone numbers for bus companies; and (3) Mr. Gary's assertions concerning the Commonwealth's role

in emergency response and his proposal for the use of military vehicles for evacuation transportation.

Availability of Buses/Letters of Agreement

5. The Dauphin County Emergency Management Agency has identified three bus companies in the county which would be available to provide transportation for persons in the county requiring transportation assistance in the event of a radiological emergency evacuation -- the Capital Area Transit Bus Company ("CAT"), the Capitol Bus Company ("Capitol Trailways") and Hegins Valley Lines, Inc. Bus Company ("Schlegel").

6. All three of these transportation providers have been and remain committed to supporting emergency operations in Dauphin County. This commitment has been consistently demonstrated through the process of the biennial radiological emergency preparedness exercises conducted for the Three Mile Island plant in accordance with the Nuclear Regulatory Commission's emergency preparedness regulations.

7. During each biennial exercise, the Federal Emergency Management Agency ("FEMA") specifically evaluates Dauphin County's implementation of its transportation procedures, to verify the County's ability to provide evacuation transportation for those in need. FEMA has consistently approved the County's performance in this area.

8. FEMA's final report on the 1991 exercise (dated October 1, 1992) states at page 56:

The ability and resources necessary to implement appropriate protective actions for the impacted permanent and transient plume EPZ population (including transit-dependent persons, special needs populations, handicapped persons and institutionalized persons) was adequately demonstrated.

No corrective actions of any type were required.

9. Similarly, FEMA's August 29, 1990 report on the 1989 exercise provided, at page 46:

[T]he ability and resources necessary to implement appropriate protective actions for the impacted permanent and transient plume EPZ population (including transit-dependent persons, special needs populations, handicapped persons and institutionalized persons) was adequately demonstrated.

The report continued:

The County EOC Transportation Coordinator confirmed the transport needs of the municipalities and verified the availability of buses \* \* \* by actual phone contacts with the various bus companies \* \* \*.

Again, no corrective actions whatsoever were required.

10. This same capability has been regularly demonstrated in other biennial exercises. For example, FEMA's November 4, 1988 report on the 1987 exercise confirmed (at page 9) that "[a]ctual calls were placed to transportation resource companies" to verify the availability of resources. And, at page 38 of its March 14,



1986 report, FEMA verified that "[t]he transportation coordinator contacted bus and ambulance companies as listed on available resource inventories" during the course of the 1985 exercise. In short, the history of biennial exercises leaves room for no doubt that the identified bus companies were and are aware of their commitments to supply transportation resources for Dauphin County in the event of evacuation and were and are prepared to meet those commitments.

11. Dauphin County has recently memorialized the commitments of the three bus companies by letters of agreement. Specifically, a 1985 letter of agreement with the Capitol Bus Company<sup>1/</sup> has been updated by a Statement of Understanding with the Board of Dauphin County Commissioners, dated September 16, 1992 (attached here as Exhibit A). Similar Statements of Understanding have been obtained from Capital Area Transit Bus Company and Hegins Valley Lines, Inc. Bus Company (attached here as Exhibits B and C).

#### Phone Lists

12. The Dauphin County Radiological Emergency Response Procedures to Nuclear Power Plant Incidents ("the Dauphin County Emergency Plan") provides for quarterly updating of contact names

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<sup>1/</sup> Mr. Gary mistakenly identifies the 1985 letter of agreement as one with Capital Area Transit Company. See Gary Petition at 1. In fact, that letter of agreement was with the Capitol Bus Company.

and phone numbers in implementing procedures. The Dauphin County Transportation Coordinator's TMI Implementing Procedure reflects the correct contacts and 24-hour phone numbers for Capital Area Transit Bus Company, Capitol Bus Company and Kegins Valley Lines, Inc. Bus Company. The Dauphin County Emergency Plan is presently being revised to delete the names and phone numbers of contact persons at transportation providers. In the future, consistent with industry practice, this information will be included only in the Transportation Coordinator's Implementing Procedure. It is these types of Implementing Procedures -- and not the Emergency Plan itself -- which emergency response personnel refer to in the event of an actual emergency.

#### Use of Military Vehicles

13. PEMA's role in response to a radiological emergency extends well beyond responsibility for communications and coordination, to include overall oversight and command of emergency operations. PEMA coordinates the entire Commonwealth response, including that of the Department of Environmental Resources' Bureau of Radiation Protection and the Emergency Preparedness Liaison Officers (representing the secretaries and heads of 34 Commonwealth departments and agencies, including the Department of Military Affairs).

14. Under the Commonwealth's concept of emergency operations, any resource needs which cannot be met with resources from

within Dauphin County would be referred to PEMA, which would supply the necessary resources from its network of contacts throughout the state. Because resources from other sources could be made available more quickly, PEMA does not presently contemplate the need to rely on military vehicles for evacuation transportation. However, PEMA has both the authority and the ability to use military vehicles should the need arise. Through the Liaison Officer for the Commonwealth's Department of Military Affairs, PEMA has access to all military resources within the state, which could be brought to bear as required to respond to an emergency and to protect public health and safety. Moreover, the Department of Military Affairs provides a Liaison Officer to each county Emergency Management Agency (including Dauphin County) for support and coordination in emergencies. In addition, a battalion of the Pennsylvania Army National Guard has been pre-assigned to each risk and support county (including Dauphin County), for activation by the Governor if necessary in the event of a radiological emergency. These roles are outlined in the Department of Military Affairs Operations Plan NUKE II, and include support to emergency management agency officials in areas such as traffic control, transportation, supply of emergency fuel, emergency clearing of roads and support for evacuation. Each county plan has an appendix which includes the Department of Military Affairs' Operations Plan specific to that county. Indeed, Attachment A to Appendix B to the Dauphin County Plan -- the

Department of Military Affairs Plan -- expressly provides for military transportation support for an evacuation, if necessary.

#### Conclusion

15. Measures have been taken to ensure that up-to-date letters of agreement are maintained with emergency support organizations that might be called upon to provide transportation in the event of an evacuation due to a radiological emergency. By letter dated July 23, 1992 (a model of which is attached here as Exhibit D), PEMA emphasized to all risk and support counties in the Commonwealth the need to maintain current letters of agreement with emergency support organizations. And, more specifically, Dauphin County's most recent agreements with its three bus providers expressly provide for updating on an annual basis. Moreover, Dauphin County has reinforced the importance of quarterly verification of contacts and phone numbers of emergency resource providers as listed in emergency plan Implementing Procedures.

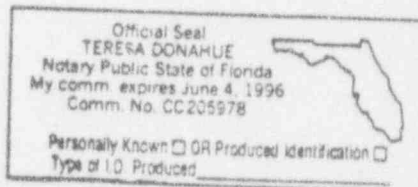
16. Emergency planning is a continuing process, and it is continuing at TMI. Indeed, the process will continue throughout the life of the plant. Potential enhancements to preparedness -- whether they are initially proposed by the Commonwealth, the counties, FEMA, NRC, GPU Nuclear or members of the public -- are evaluated and, if appropriate, implemented on an ongoing basis.

It does not follow, however, that TMI-1 must sit idle. Comprehensive plans and procedures are in place for response to a radiological emergency at TMI-1. The necessary facilities and equipment have been identified. State and local personnel have been trained and exercised in implementing the plans and procedures, and have proven their proficiency. In short, there is reasonable assurance that adequate protective measures can and will be taken to protect public health and safety in the event of a radiological emergency at TMI-1.

George J. Giangli  
George J. Giangli

Sworn to and subscribed before me  
this 18<sup>th</sup> day of December, 1992.

Terese Donahue  
Notary Public



My Commission expires June 4, 1996

0201/423dar.92

MICHAEL E. WERTZ  
Director EMA

MARTYN R. NEVIL  
Assistant Director

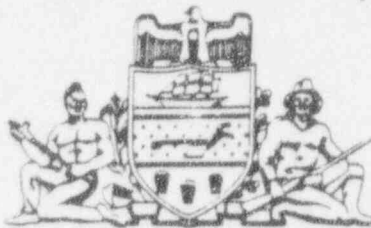
(717) 238-1693

DAUPHIN COUNTY

Exhibit A

Commissioners  
RUSSELL L. SHEAFFER, Chairman  
SALLY S. KLEIN  
ANTHONY M. PETRUCCI

# EMERGENCY MANAGEMENT AGENCY



COMMUNICATIONS \* CIVIL DEFENSE \* EMERGENCY PLANNING  
VETERANS MEMORIAL BUILDING \* 112 MARKET STREET, BASEMENT \* HARRISBURG, PENNSYLVANIA

## STATEMENT OF UNDERSTANDING

Capitol Bus Company will respond in support of a disaster situation under the direction of the Governor or the Dauphin County Commissioners through the Dauphin County Emergency Management Agency, (EMA). The scope of this support will relate to situational requirements and will include the use of available vehicular and manpower resources of this organization.

Direction and coordination of these resources provided will come under operational control of the Dauphin County Commissioners through the designated Dauphin County Emergency Management Transportation Coordinator or the Emergency Management Agency Director. The Transportation Coordinator will establish specific priorities for the use of resources in response to the situation at hand and as specified in the Dauphin County Emergency Operations Plan.

Capitol Bus Company will encourage and solicit its employees to continue to perform their duties in the event of an emergency or disaster as defined under the Emergency Management Services Code, or Title 35, Pennsylvania Consolidated Statutes, Section 7101-7707, 35 PA C.S. The Capitol Bus Company will support this program consistent with the rules and regulations of the United States, the Commonwealth of Pennsylvania and the Pennsylvania Department of Transportation, as well as all state and federal laws and regulations. The contractual responsibilities to participating municipalities and limitations imposed by contract, such as insurance coverage and collective bargaining agreements shall not be adversely impacted.



PAGE 2  
STATEMENT OF UNDERSTANDING

ATTEST:

*Jeffery T. Haste*  
Jeffery T. Haste, Chief Clerk

BOARD OF DAUPHIN COUNTY COMMISSIONERS

*Russell L. Sheaffer*  
Russell L. Sheaffer, Chairman

*Sally S. Klein*  
Sally S. Klein, Vice Chairman

*Anthony M. Petrucci*  
Anthony M. Petrucci, Secretary

ATTEST:

*W. Eric LeGo*

CAPITOL BUS COMPANY

*Joshua A. Danner*  
President and General Manager

September 16, 1992

MICHAEL E. WERTZ  
Director EMA

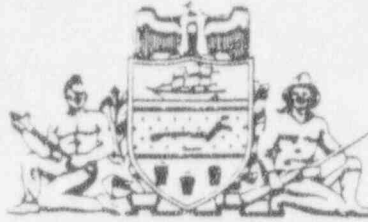
MARTYN R. NEVIL  
Assistant Director

(717) 238-1693

DAUPHIN COUNTY

Commissioners  
RUSSELL L. SHEAFFER, Chairman  
SALLY S. KLEIN  
ANTHONY M. PETRUCCI

# EMERGENCY MANAGEMENT AGENCY



COMMUNICATIONS \* CIVIL DEFENSE \* EMERGENCY PLANNING  
VETERANS MEMORIAL BUILDING \* 112 MARKET STREET, BASEMENT \* HARRISBURG, PENNSYLVANIA

TO: MICHAEL E. WERTZ

FROM: MARTYN R. NEVIL *MRN*

DATE: WEDNESDAY, OCTOBER 14, 1992

RE: CAPITOL BUS COMPANY RESOURCES

Per my conversation this date 0850 hours with Mr. Joshua Bennet the number of available busses is 20.

Mr. Bennet additionally concurred with the annual updating of this figure via telephone call and internal memo.

Should you require any additional information pertinent to this matter, please do not hesitate to inquire.

MRN/tmc

MICHAEL E. WERTZ  
Director EMA

MARTYN R. NEVIL  
Assistant Director

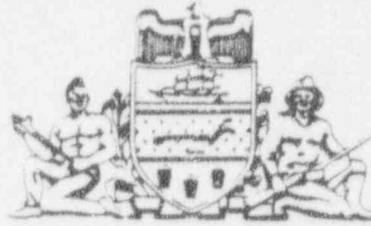
(717) 238-1693

DAUPHIN COUNTY

Exhibit B

Commissioners  
RUSSELL L. SHEAFFER, Chairman  
SALLY S. KLEIN  
ANTHONY M. PETRUCCI

# EMERGENCY MANAGEMENT AGENCY



COMMUNICATIONS \* CIVIL DEFENSE \* EMERGENCY PLANNING  
VETERANS MEMORIAL BUILDING \* 112 MARKET STREET, BASEMENT \* HARRISBURG, PENNSYLVANIA

## STATEMENT OF UNDERSTANDING

The Capital Area Transit Bus Company will respond in support of a disaster situation under the direction of the Governor or the Dauphin County Commissioners through the Dauphin County Emergency Management Agency, (EMA). The scope of this support will relate to situational requirements and will include the use of available vehicular and manpower resources of this organization.

Direction and coordination of these resources provided will come under operational control of the Dauphin County Commissioners through the designated Dauphin County Emergency Management Transportation Coordinator or the Emergency Management Agency Director. The Transportation Coordinator will establish specific priorities for the use of resources in response to the situation at hand and as specified in the Dauphin County Emergency Operations Plan.

Capital Area Transit Bus Company will encourage and solicit its employees to continue to perform their duties in the event of an emergency or disaster as defined under the Emergency Management Services Code, or Title 35, Pennsylvania Consolidated Statutes, Section 7101-7707, 35 PA C.S. The Capital Area Transit Bus Company will support this program consistent with the rules and regulations of the United States, the Commonwealth of Pennsylvania and the Pennsylvania Department of Transportation, as well as all state and federal laws and regulations. The contractual responsibilities to participating municipalities and limitations imposed by contract, such as insurance coverage and collective bargaining agreements shall not be adversely impacted.

The current number of transportation resources identified is 61. This figure will be updated annually under separate cover.

PAGE 2  
STATEMENT OF UNDERSTANDING

ATTEST:

Jeffery T. Haste  
Jeffery T. Haste, Chief Clerk

BOARD OF DAUPHIN COUNTY COMMISSIONERS

Russell L. Sheaffer  
Russell L. Sheaffer, Chairman

Sally S. Klein  
Sally S. Klein, Vice Chairman

Anthony M. Petrucci  
Anthony M. Petrucci, Secretary

ATTEST:

Shyllis Wagner

CAPITAL AREA TRANSIT BUS COMPANY

James H. Hoffer  
EXECUTIVE DIRECTOR

OCTOBER 5 1992

MICHAEL E. WERTZ  
Director EMA

MARTYN R. NEVIL  
Assistant Director

(717) 238-1693

DAUPHIN COUNTY

Exhibit C

Commissioners

RUSSELL L. SHEAFFER, Chairman

SALLY S. KLEIN

ANTHONY M. PETRUCCI

# EMERGENCY MANAGEMENT AGENCY



COMMUNICATIONS \* CIVIL DEFENSE \* EMERGENCY PLANNING  
VETERANS MEMORIAL BUILDING \* 112 MARKET STREET, BASEMENT \* HARRISBURG, PENNSYLVANIA

## STATEMENT OF UNDERSTANDING

Hegins Valley Lines, Inc. Bus Company will respond in support of a disaster situation under the direction of the Governor or the Dauphin County Commissioners through the Dauphin County Emergency Management Agency, (EMA). The scope of this support will relate to situational requirements and will include the use of available vehicular and manpower resources of this organization.

Direction and coordination of these resources provided will come under operational control of the Dauphin County Commissioners through the designated Dauphin County Emergency Management Transportation Coordinator or the Emergency Management Agency Director. The Transportation Coordinator will establish specific priorities for the use of resources in response to the situation at hand and as specified in the Dauphin County Emergency Operations Plan.

Hegins Valley Lines Inc. Bus Company will encourage and solicit its employees to continue to perform their duties in the event of an emergency or disaster as defined under the Emergency Management Services Code, or Title 35, Pennsylvania Consolidated Statutes, Section 7101-7707, 35 PA C.S. The Hegins Valley Lines Inc. Bus Company will support this program consistent with the rules and regulations of the United States, the Commonwealth of Pennsylvania and the Pennsylvania Department of Transportation, as well as all state and federal laws and regulations. The contractual responsibilities to participating municipalities and limitations imposed by contract, such as insurance coverage and collective bargaining agreements shall not be adversely impacted.

The current number of transportation resources identified is 15. This figure will be updated annually under separate cover.

PAGE 2  
STATEMENT OF UNDERSTANDING

ATTEST:

Jeffery T. Haste  
Jeffery T. Haste, Chief Clerk

BOARD OF DAUPHIN COUNTY COMMISSIONERS

Russell L. Sheaffer  
Russell L. Sheaffer, Chairman

Sally S. Klein  
Sally S. Klein, Vice Chairman

Anthony M. Petrucci  
Anthony M. Petrucci, Secretary

ATTEST:

Michael E. Wertz

HEGINS VALLEY LINES INC. BUS COMPANY

Vera H. Solberg Secretary

\_\_\_\_\_  
\_\_\_\_\_

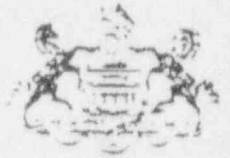




PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

BOX 3321  
HARRISBURG, PENNSYLVANIA 17105-3321

July 23, 1992



Mr. Theodore Wise  
Coordinator  
Cumberland County Office  
of Emergency Preparedness  
Cumberland Co. Prison  
1101 Claremont Road  
Carlisle, Pennsylvania 17013

Dear Mr. Wise:

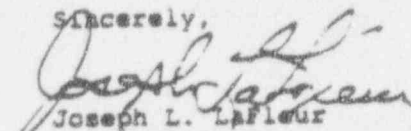
As you are aware, letters of agreement are an integral part of each county's Emergency Operations Plan for Radiological Emergency Response Procedures to Nuclear Power Plant Accidents. NUREG-0654, Part II, Paragraph A.3, requires plans to include written agreements that refer to concept of operations between governmental agencies and other support organizations that have an emergency role within Emergency Planning Zones. The need for currency of these letters of agreement is self evident both at your level and within your municipalities.

As a part of your annual review of plans, PEMA understands that keeping these letters of agreement current requires significant expenditure of energy on the part of all county Emergency Management Agency members. The Agency recognizes and appreciates the extraordinary efforts that continue.

One of our counties has recently been the subject of a letter from a public interest attorney to the Nuclear Regulatory Commission that resulted from the attorney's interpretation that certain transportation agreements in the county have not been kept current. The letter recommends that since the letters of agreement are not current and accurate, making the plan essentially non-operational, the Nuclear Regulatory Commission should direct the utility to power down the reactors until such time as a satisfactory plan is in place and workable. Even recognizing that the attorney's view of the overall planning process is limited, this case provides us all with an example of the potential impact that might occur as a result of outdated plans and reinforces the need for routine review and updating.

The county concerned has had to devote a considerable effort in providing information to PEMA for a response to FEMA and the Nuclear Regulatory Commission. You may want to make an additional evaluation of the correctness and currency of your plans and have your municipalities do the same to preclude a similar effort.

Sincerely,

  
Joseph L. LaFleur  
Director

JLL/ARS/mar

cc: Joseph L. Dougherty  
Central Area Director

(Above letter was sent to all Risk and  
Support Counties)

December 30, 1992

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE DIRECTOR, OFFICE OF NUCLEAR REACTOR REGULATION

In the Matter of )  
 )  
GPU NUCLEAR CORPORATION ) Docket No. 50-289  
 ) (10 C.F.R. § 2.206)  
(Three Mile Island Nuclear Station, )  
Unit 1) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Response To § 2.206 Petition of Robert Gary" were served this 30th day of December, 1992, by U.S. mail to those listed on the attached Service List, except that those marked with a single asterisk have been served by hand and those marked by a double asterisk have been served by express courier service.

  
\_\_\_\_\_  
Delissa A. Krogway

Service List

\*Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Stephen Lewis, Esq.  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Jenny Longo, Esq.  
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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing & Service Branch  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*\*Paul P. Giordano  
Regional Director, Region III  
Federal Emergency Management Agency  
Liberty Square Building (Second Floor)  
105 South Seventh Street  
Philadelphia, Pennsylvania 19106

\*Patricia M. Gormley, Esq.  
General Counsel  
Federal Emergency Management Agency  
500 C Street, S.W.  
Washington, D.C. 20472

Robert E. Rogan  
TMI Licensing Director  
GPU Nuclear Corporation  
P. O. Box 480  
Middletown, Pennsylvania 17057

Robert Gary, Esq.  
Pennsylvania Institute for Clean Air  
Post Office Box 1637  
Harrisburg, Pennsylvania 17105-1637

From: The Pennsylvania Institute for Clean Air, Robert Gary, Esq.,  
Senior Researcher, 749 Silver Spring Avenue, Silver  
Spring, Maryland 20910 (new Address) (301) 587-7147 (new #)

To: Mr. Ivan Sellin and Dr. Thomas Murley

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

Date: January 15, 1993

*Robert Gary for PICA*

Encl: Questions for PEMA, Annotated and Final Version

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

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

*John Haney*  
for PICA 15 JAN 93



## Questions for PEMA Annotated and Final Version

### Question 1:

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

The broader question is, "What is PEMA doing to supervise the counties and to ensure that they are in compliance with standard procedures for emergency readiness<sup>1</sup>?"

### Question 2:

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

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

- (a) Backstop the counties<sup>2</sup>

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

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



(b) build two warehouses and stock them with emergency supplies<sup>3</sup>.

### Question 3:

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

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

### Question 4

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

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

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<sup>3</sup>35 Pa.C.S. Section 7313 (19) specifically calls for PEMA itself to provide from its own stockpiles or other sources emergency supplies as might be needed in an emergency. One would imagine 5 of 10 thousand inflatable mattresses, several tens of thousands of boxes of canned rations and fresh water, half a million doses of iodine for thyroid protection, flashlights, security equipment, crowd control equipment, pain killers, sidearms, portable toilets, etc would constitute the kind of stockpiles contemplated by the General Assembly. So where are they? All the monitoring and simulating on computer terminals in the world is no substitute for these emergency supplies if we have a major emergency. What is PEMA going to say?

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

### Question 5

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

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

### Question 6

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

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

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

## Question 7

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

The broader question is whether the ten mile limit is reasonable when we are talking about a situation where the ten mile radius nicks a major metropolitan area which also happens to be the State Capitol, and where if that limit were extended by a mile or two it would take in downtown Harrisburg and pose an evacuation problem several times the size of the dealt with in the Emergency Evacuation book. If the ten mile zone is inherently unreasonable as it applies to TMI and Harrisburg, where is the record of PEMA's remonstrances with FEMA and NRC to get that fixed? Is there any evidence anywhere that PEMA has taken any initiative on this issue for the benefit of the residents of Harrisburg? Is PEMA bound by law or by logic to agree with all the positions put forth by NRC and FEMA? Can PEMA on its own account produce a coherent set of reasons why the Dauphin County evacuation plan fails to include 90% of Harrisburg<sup>6</sup>?

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<sup>6</sup>Mr. Goodwin's answer in his letter to Robert Gary dated July 15, 1992 is not what is meant by a coherent answer. There may be a thousand other places with ten mile Emergency Planning Zones (EPZ), and they may not be 360 degree zones as the TMI one is, but none of that answers the question. The question is, Why isn't Harrisburg in TMI's Emergency Planning Zone? It's not o.k. to say that NRC likes it that way, or FEMA likes it that way. Those aren't answers either. A coherent answer would require that PEMA speak in its own name, from its own logic, law, or reason, which PEMA is prepared to defend and be responsible for, and say why 90% of Harrisburg isn't in TMI's evacuation zone. The incongruity of this situation is even more poignant when one realizes that all the politicians on Capitol Hill would be evacuated by PEMA because they are specifically provided for by statute, while everyone else in downtown Harrisburg would be left to fend for themselves or participate in an unplanned evacuation (and we know what they look like). PEMA either defends the ten-mile rule or it fights it. If PEMA were well managed it would have fought this rule from the day it was imposed, or it would have used its own authority as part of the sovereign government of this Commonwealth to extend the ten-mile EPZ by a couple of miles in the northern sectors so as to include at least the downtown population of Pennsylvania's Capitol City.

## Question 8

The narrow question is whether schoolbus drills conducted in the middle of workdays when everyone involved has been put on notice ahead of time are adequate tests of emergency preparedness<sup>7</sup>.

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

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

*Hernan*

*Murphy*  
*By Taylor*  
*Sanjiv*  
*Thompson*

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-93-0145      LOGGING DATE: Feb 18 93  
ACTION OFFICE: EDO  
AUTHOR: Robert Gary  
AFFILIATION: PA (PENNSYLVANIA)  
ADDRESSEE: Chairman Selin  
LETTER DATE: Feb 14 93      FILE CODE: 2.206 MYP  
SUBJECT: Supplement to Rejoinder to Licensee's Response to  
2.206 Petition by Robert Gary of December 30, 1992  
(Docket No. 50-289)

*Copy: Cowgill*  
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*2.206 MYP*

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*TT Mater*  
*Scito*  
*JP*

ACTION: Appropriate

DISTRIBUTION: DSB

SPECIAL HANDLING: None

CONSTITUENT:

NOTES:

DATE DUE:

SIGNATURE:  
AFFILIATION:

DATE SIGNED:



# PICA

## The Pennsylvania Institute for Clean Air

749 Silver Spring Avenue, Silver Spring, MD 20910 Telephone: (301) 587-7147

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From: PICA, The Pennsylvania Institute for Clean Air  
To: Mr. Ivan Selin and Dr. Thomas Murley  
Subj: Supplement to Rejoinder to Licensee's Response to 2.206  
Petition by Robert Gary, of December 30, 1992, Docket  
Number 50-289 (10 CFR section 2.206)  
Date: February 14, 1993  
Encl: Letter dated February 8, 1993 by Mayor Stephen Reed

1. Mayor Reed's letter which is enclosed is hereby provided as a supplement to PICA's Rejoinder to the briefs on behalf of Licensee which were filed on or about December 30, 1992.
2. That brief, it will be recalled, contained, as Attachment A, an affidavit by Mr. George J. Giangli, and it is requested that the Mayor's letter now being provided, be given the same status as Mr. Giangli's affidavit.
3. The difference, of course is that Mayor Reed is an elected official who has represented the people of Harrisburg for well over a decade, has been re-elected several times, and presumably speaks for the community, as Mr. Giangli clearly does not.
4. PICA is in complete agreement with the enclosed letter by Mayor Reed, with one caveat. We feel that full-scale bus drills are appropriate and that they should be done without prior notice to participants and at random times. If you only measure readiness when everybody is standing around ready to go, you are always going to find readiness. It's like measuring radiation when you have a piece of uranium stuck on the end of your Geiger counter. The only accurate way to ascertain readiness is to make the test match the circumstances for which readiness is required.
5. The problem appears to be that this is costly and clearly it would be bad for the image of the nuclear industry to have busses and military trucks conducting drills at random times, without notice to the public to see if they are ready to be evacuated even 10% of a city like Harrisburg.



6. On the money question, Question 5 of the Questions for PEMA Annotated and Final Version, which you have on file, and which was discussed last summer with Mr. LaFleur at PICA's meeting with him, deals with this issue directly. PEMA is now beginning to consider making some plans to decide if asking the General Assembly for more money would be appropriate. PEMA needs to take action on this. They should be collecting at least \$5,000,000 per year, not \$500,000 to protect all the citizens in the Commonwealth of Pennsylvania. Not only that, they should be distributing the money to the counties and cities directly responsible for the risk areas and not spending it at PEMA Headquarters on more computer systems, security systems, and communications systems.

7. On the question of the public relations impact on the nuclear industry of genuine readiness drills, it would be fair to say that some adverse impact is inevitable. That's the price that must be paid for living in a country organized around the consent of the governed and not around secrecy and the convenience of the big fellows at the top. People if they see military vehicles rumbling through the streets a various times, may very well realize that there are consequences to living with nuclear power. They may accept those consequences or they may revise their choice to live with nuclear power. But it's up to them to decide. The issue shouldn't be pre-empted by an NRC that is overly solicitous to help industry, or by issues of cost, inconvenience, overtime, or public relations.

8. We have a fellow who has broken into the plant with his truck, and, as the Mayor points out, if that truck had been loaded with explosives, as was the truck that broke into the marine barracks in Beirut, a turbine serving an 800 megawatt nuclear power unit might have been destroyed, which might well have led to a class 9 accident. We have a fellow here in Washington who has shot several CIA employees on their way to work. The U.S. is making new transactions in the Middle East, Bosnia, Somalia, and Haiti every day. Who can say which of those transactions might produce an individual dedicated to doing great harm to this country? With the international trade in small arms and light combat systems, that currently seems to be centered in Virginia, who can say that such an individual might not obtain equipment that would be adequate to breach a containment dome and rupture the major pipes cooling a nuclear reactor. What reactor is a better target than one that is situated between the capitol of a major state and the capitol of the United States, and one that has had a history of mishaps, negligence, and security problems?

9. Under these circumstances, it is appropriate to use DOD equipment to evacuate people, certainly from the EPZ, and hopefully from the other 90% of Harrisburg as well. The use of this equipment in an emergency requires detailed plans before the fact and genuine readiness drills, which admittedly may upset some people. The deficit upsets some people -- but we don't keep it a secret. We let people be upset so they can do something about it. The whole concept of consent requires a free flow of information.

10. Sometimes the information is implicit in actions. For example, genuine readiness drills around nuclear power plants implicitly convey the information that nuclear power plants could be dangerous -- so dangerous that people would have to be evacuated from the area on an emergency basis. Letting people have this information is what honor requires. Preventing people from getting this information is contrary to ideals of democracy and to the mission of the NRC, which is distinct from the Department of Energy, because it takes the community view into account, and its not just there to promote industry.

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Sincerely,



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



## 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

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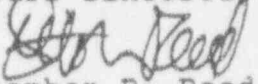
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Your continued interest in the welfare of this city and region is very much appreciated. I wish you well in your future pursuits.

With warmest regards, I am

Yours sincerely,

  
Stephen R. Reed  
Mayor

cc: Chief Donald H. Konkle



Duplicate Original for  
Dr. Murley

# PICA

## The Pennsylvania Institute for Clean Air

749 Silver Spring Avenue, Silver Spring, MD 20910 Telephone: (301) 587-7147

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From: PICA, The Pennsylvania Institute for Clean Air  
To: Mr. Ivan Selin and Dr. Thomas Murley  
Subj: Supplement to Rejoinder to Licensee's Response to 2.206  
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Letter to Mr. Ivan Selin and Dr. Murley 14 FEB 93, Page 2.

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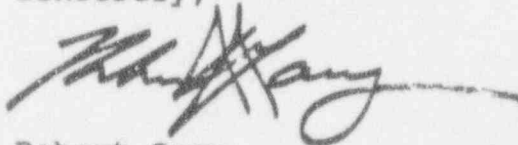
Letter to Mr. Ivan Selin and Dr. Murley, 14 FEB 93, Page 3

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Enclosure: Reed Letter 8 FEB 93



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STEPHEN R. REED  
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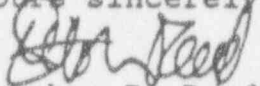
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Yours sincerely,

  
Stephen R. Reed  
Mayor

cc: Chief Donald H. Konkle

Received 7/18/93



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

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

Dear Dr. Selin,

PICA is very disappointed with the NRC because we filed an emergency 2.206 Request on July 10, 1992, NRC promised to respond shortly after June 30, 1993, and now on July 6, 1993 I find out from talking to one of NRC's senior attorneys that no FEMA hasn't actually done a report and no one knows when and if they will actually get around to it.

Dr. Murley's letter to PICA of March 10, 1993 said, "FEMA expects to report the results of its assessment to the NRC by June 30, 1993. My decision in response to your request will be made as soon as practicable following receipt of FEMA's report."

PICA feels that it would be appropriate to shift the burden of the time delay, now that a year has gone by, and NRC doesn't know when they are going to be ready to respond. It would be fair and just to grant PICA's request in part by ordering TMI to power down its reactor pending the completion of the NRC's report. Time would now be on PICA's side instead of the licensee's. If FEMA wanted to take another year, or another ten years to do its investigation, PICA wouldn't complain. The time burden should, in all equity, be shifted when the lives of a third of Pennsylvania's people are on the line because the NRC, for any reason, hasn't been able to respond, in a year's time, to an emergency 2.206 Request.

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At a minimum, if it's just politically unfeasible to close that plant no matter what is fair, then the NRC should relieve FEMA of further responsibilities in this matter. First of all FEMA is responsible in part for the deplorable conditions it is being asked to investigate. No wonder the fox can't figure out what to say about where the missing chickens went. FEMA could take decades to come up with answers to unanswerable charges of neglect, incompetence, and poor judgment.

Second, it is clear that FEMA is NRC's agent in this matter. But a principle can't divest themselves of responsibility by pawning a matter off on an inactive agent. The NRC has unitary, absolute and undelegable responsibility to ensure that all nuclear power plants that are licensed to produce power are operated in a safe manner. A viable and reasonable and sane emergency evacuation plan is part of that responsibility -- which is undelegable. An emergency evacuation plan for a power plant 10.2 miles from a major city which fails to include provisions to evacuate the people in that city, and which relies entirely on buses, and outdated plans with faulty contact numbers is not a viable, reasonable, and sane plan. The mayor of Harrisburg will support me on this -- as will the people.

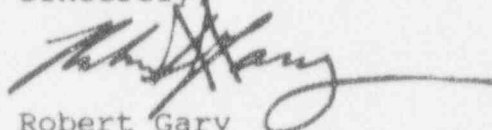
Accordingly we hereby supplement our 10 CFR Section 2.206 Request with the following two points and request that they be dealt with on an emergency basis:

(1) PICA would like the NRC to take this matter up at the Commissioners level forthwith, and to decide immediately if they will grant in part PICA's Request by shifting the time burden by powering down that plant on an interim basis.

(2) At a minimum, PICA would like the NRC to take over the investigation and complete it with dispatch.

There are lives a stake here. If that plant site has another accident tomorrow and the people from the five surrounding counties have to be told to stay where they are, like last time, because there is no feasible evacuation plan, and an evacuation order would get people killed, then it won't matter who didn't write a report or what the report might have revealed, or what fixes in the preparedness might have been made. The day of reports will be over and the day of the atom will be upon us.

Sincerely,



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



2211 Washington Avenue (#301), Silver Spring, MD 20910

Tele: (301) 587-7147 October 7, 1993

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

Dear Dr. Selin,

As you know, PICA has been waiting over a year for an answer to its 10 CFR 2.206 Request regarding emergency evacuation procedures applicable to Three Mile Island Unit 1. That facility is unique in the U.S. because of the fact that over 100,000 additional people would be taken in if the ten mile emergency evacuation zone were extended by 1 extra mile. Since these downtown Harrisburg residents would have to evacuate somehow anyway, it makes sense to take them into account in the official plans even if there is a longstanding, unexamined, national standard of ten miles for evacuation zones.

Another aspect of PICA's complaint is that the entire evacuation plan seems to be based on schoolbusses, and a few private company busses, while Harrisburg itself is one of the rail hubs of the East coast. When the official plan itself admits that it is 50 busses short, even omitting the 100,000 people in downtown Harrisburg, it is nonsense not to take trains and military trucks from New Cumberland and Indiantown Gap into account in the emergency evacuation planning process. The use of these modalities should be planned for in detail, and their use should be fully integrated into the County, State, and Federal plans for TMI-1 evacuation. They should be fully activated during emergency preparedness drills, which should be run on an unscheduled basis, the way Admiral Rickover did them, and not as mere choreographies and mummeries which make a mockery of professional standards of emergency planning, and test nothing but the radios (all the people having been warned in advance of the drill and standing around waiting for the moment that they do their part of the dance).

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There are five other major points in the complaint, all of which have been discussed at length with PEMA, and FEMA, and the NRC. We don't want to complicate your consideration of our present petition for redress of grievances by spelling out every part of our 10 CFR 2.206 Request in detail. Today we want to address the issue of the rules that govern the procedure for handling such complaints in general, and the inadequacies of that procedure arising from the way responsibilities are divided and the way the CFR's are written (i.e. their substantive content).

The NRC, following the CFR's turned our 2.206 Request over to FEMA for investigation. We think this is nonsense for two reasons. If the emergency evacuation plan is inadequate, it might be attributable to inadequate skills at FEMA, the supervising Agency. But if they were not skillful enough to avoid an inadequate plan in the first place, how do they suddenly become skillful enough to evaluate the adequacy of that same plan? The second reason it's nonsense to let FEMA do the investigation, is that our tradition of Anglo-American law going back to Magna Carta prohibits any man from being the judge in his own cause. There is a glaring conflict of interest and basis for bias in letting FEMA decide whether FEMA has done a good job, or in asking FEMA to say that FEMA has done a bad job. We've had enough whitewashes at Three Mile Island. A 2.206 Request like PICA's, should have been turned over to an independent counsel, or an independent commission appointed by the Judicial Branch. This would ensure that the allegations were addressed by a party free of bias, and able to solicit expert opinion from a variety of sources, including PICA.

Another procedural aspect, apart from the investigation of the 2.206 Request, that arises out of this case or controversy, is the fact that nobody anywhere is actually authorized to fix the problem. It won't do to have the NRC order the Licensee to stimulate better emergency evacuation planning in Dauphin County, or in the State of Pennsylvania. The Licensee has no such power, and such an initiative would be completely contrary to the Licensee's interests (narrowly construed as they always are). The NRC is not ready to power down the reactor due to inadequate evacuation plans, because technical jurisdiction falls with FEMA. FEMA is not ready to tell PEMA or the Licensee what to do because of the issues of state sovereignty, and Takings Clause-related property rights. So we have a perfect circle in which all organizations and persons are paralysed and unable to take substantive action to correct the problem.

The limit of what can be done is that the NRC can write some bureaucratic papers that embarrass FEMA, and FEMA can do that for PEMA, and PEMA can do it for Dauphin County and the Licensee. What gets lost in this process is the fact that to the citizen who dies because of overexposure to radiation from our Chernobyl waiting to happen which we call TMI-1, it doesn't make any difference which bureaucrats should have provided for his evacuation. He doesn't care about the relations between NRC and

FEMA and PEMA and Dauphin County and the Licensee. That's just so much nonsense to a man or woman or child that doesn't have a seat on a transportation mode to get away from an out of control nuclear reactor.

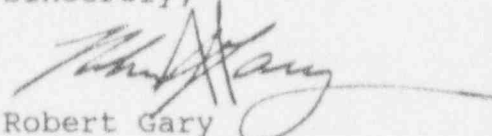
This basic fact raises the issue of whether or not there should be a Nuclear Safety Commission. Such a Commission, by its founding statute would have unitary, absolute, undelegable, indivisible authority over the safety of all persons in the U.S. from hazards arising from nuclear materials of any kind.

The NRC is composed mainly of ex Navy reactor types whose basic training and instinct is to try to "look good" rather than to actually be good. I say this as a retired Naval officer with substantial experience of the nuclear Navy. The NRC deals in units of embarrassment rather than in units of action. What they don't understand is that the executives who receive these units of embarrassment, some of whom are pasty-faced, cigar-smoking, golf-ball-hitting, dirty joke-telling, bottom line-oriented, middle-aged white males, are not easily embarrassed. They tend to respond if their plant is closed, but anything short of that is just legal fodder for their lawyers and the basis of jokes down at the club. I say this as former corporate General Counsel.

The NRC is an organization that is a captive of big business and bankrupt from the perspective of action. They are neither willing nor legally able to take unitary, absolute, undelegable, and indivisible responsibility for nuclear safety which is the only thing the taxpayers look to them for and count on them to do, and pay them billions of dollars a year to do. The NRC needs to be decommissioned and replaced by a better organization.

The Congress is composed of people who say they care about how government is run in the U.S. They are elected to do serious business on the People's behalf. They don't come to Washington just to pose and to posture and to get themselves re-elected. The lives of 600,000 people are at stake in how PICA's 2.206 Request is resolved. The NRC and FEMA have been mulling over this emergency petition for over a year. It's time for somebody to step in and just get the job done.

Sincerely,



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



# 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. Cary 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?

FEMA'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.

FEMA's Analysis: FEMA 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.

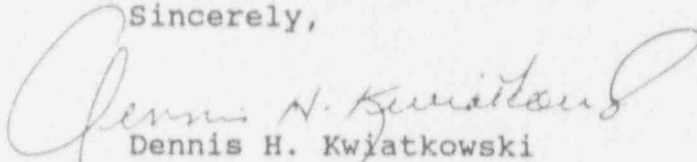
The State has also received a copy of the draft exercise report and has responded to the inadequacies identified in the report. FEMA Region III will monitor the State and local governments' correction of all exercise inadequacies.

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 PEMA 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 II  
Liberty Square Building (Second Floor)  
105 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. Krimm'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 a 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: Hegins 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 EPZ 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 EPZ 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 those examples made the vaguest references to training. None of them used the language prescribed by the FEMA Headquarters April 12, 1993, 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 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 15, 1992, 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 NRC and FEMA, PEMA 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 EPZ."

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 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 FEMA 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. FEMA 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.

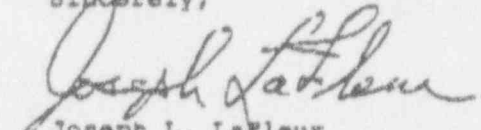
FEMA is also concerned about the February 7 security breach at TMI. We await with interest the results of the NRC consultations on design basis threat for nuclear power plants.

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. FEMA 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. FEMA 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 Giangli, GPUN



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 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



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 PEMA 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 PEMA 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 1900 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?



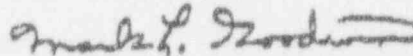
Response: In the past, we have used regional population estimates for updating planning figures. The 1990 census showed these estimates to be very inaccurate and actually painted a false picture -- usually predicting steady growth when in fact the populations held constant or declined. More importantly, 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.

Sincerely,



Mark L. Goodwin  
Chief Counsel

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

cc: Joseph L. LaFlaur