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Richard W. Krimm
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Federal Emergency Management Agency
500 C St., SW
Washington, D.C. 20472

Dear Mr. Krimm:

SERVED APR 27 1983

As promised in the April 20 Commission meeting, we forward the following questions. The first set relates to the Westchester County bus driver problem and its effect on your assessment of preparedness at Indian Point; the second set relates to the implementation of the state plan in Rockland County.

A. Westchester County

Under Planning Standard J as described in NUREG-0654/FEMA-REP-1, Rev. 1, NRC and FEMA are to predict whether a range of protective actions reasonably could be implemented in the plume exposure pathway EPZ for emergency workers and for the public. In making its overall assessment of compliance with the planning standard (10 CFR 50.54(g), see 10 CFR 50.47(b)(10)), the NRC must assess the significance of the bus driver situation as described by FEMA for Westchester County. In doing so it would be useful to have supplemental information from FEMA concerning the above premise and the following matters of fact:

1. Do you know how many people and what segment (or segments) of the population (by age) would be dependent on buses in an emergency? Is there any information available on this question?
2. For purposes of your evaluation, how many people and what segment(s) of the population did you assume would be dependent on bus transportation in an emergency? Do the number of people and the population segment(s) so dependent in any way affect your assessment as to whether this deficiency is significant in terms of preparedness?

3. Does the plan to send children home at the alert stage lessen the number of bus drivers needed in an emergency? Did you consider this factor when you concluded that the failure to obtain a commitment from bus drivers in Westchester County was a significant deficiency?
4. In making its conclusions about the bus driver deficiency and its effect on compliance with Planning Standard J, what percentage of bus drivers did FEMA assume would actually respond in an emergency? Is this assumption based on actual responses in other emergencies?
5. At the April 20, 1983 Commission briefing, Mr. Petrone of FEMA stated that FEMA required letters of agreement with bus drivers who would respond during an emergency.
 - a. How many state and local plans have received FEMA approval to date?
 - b. Do all of the FEMA-approved plans have such agreements with bus drivers? If not, how many do? Are they part of the state or local approved plans?
6. Do you agree with the conclusion in NUREG-0396 that sheltering will be preferable to evacuation in all but the worst and rarest events? Is it your premise that preparedness is inadequate unless evacuation is possible in all scenarios? When you determined that preparedness was inadequate, did you consider whether the bus driver deficiency should be viewed in light of the preferability of sheltering to evacuation in most scenarios?

B. Rockland County

1. In assessing the degree to which New York State involvement for Rockland County's non-participation should be weighed, the NRC is understandably concerned about the interaction between Parts I.E and I.F. of NUREG-0654/ FEMA-REP-1, Rev. 1. Part I.E. explains that local plans should include mutually supportive emergency planning and preparedness arrangements by several levels of government; Part I.F states that "although the guidance indicates the criteria are applicable to one or more specific organizations, the

intention throughout has been to provide for an adequate state of emergency preparedness around the facility." Part I.F. also explains that "if weaknesses in one organization are identified, but compensated for in another organization, the reviewers can still find that an adequate state of emergency preparedness exists." The rulemaking record is replete with references to the substitution of resources of one level or agency of government for another as part of "alternative compensating measures." - To assist it in determining the adequacy of such measures under 10 CFR 50.54(s), the NRC would appreciate FEMA's supplemental views on (a) the above statements, (b) whether aside from the failure of Rockland County personnel to participate in the exercise, there were significant deficiencies in implementing emergency measures by state personnel (please be specific), and (c) an indication of FEMA's views on Rockland's commitment to respond if there were an actual emergency and on Rockland's capability to respond adequately, assuming state supervision.

2. Section 2.5.7 of the report states that due to the absence of detailed evacuation plans and procedures for Rockland County, the capability to implement actions to protect the public could not be measured against a plan. Why was the Rockland County Draft Evacuation Plan, which was implemented by New York State (NYS), not evaluated for this planning standard?
3. At the April 20, 1983 Commission Meeting, Mr. Petrone stated that if New York State intended to take over all response in Rockland County, the NYS Compensatory Plan needed to be changed to reflect this and it would be necessary for the State to have the state employees who would implement these measures in Rockland County stationed there.
 - a. Do any of the state employees who responded to the Rockland County EOC during the March 1983 exercise live or work in Rockland County? If so, what is the proportion or number of those who responded who do live or work there?
 - b. Is it a FEMA requirement that county responders (in any county) live in that particular county or within a certain distance or travel time of their response location? If so, what are your distance

or time limits? Are they applied to all plans and locales uniformly?

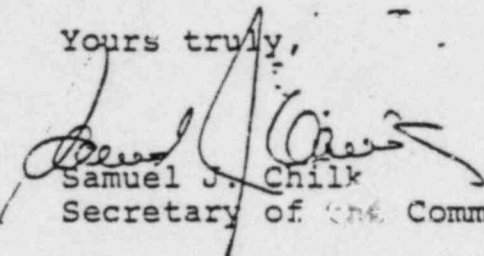
- c. Was it your intent to indicate that NYS response to Rockland County in ninety minutes or less was a deficiency? If so, then was it a significant deficiency? Is the same true for Putnam County?
- 3. In the Indian Point Post Exercise Assessment Report, Rockland and Westchester Counties are cited as significantly deficient regarding the public understanding as to their response to sirens or tone alerts. Orange County was not, despite the conclusion that most people there did not understand the meaning of the sirens. Report at 47-48. Was this deficiency in Westchester and Rockland primarily based on the failure to distribute brochures? What criteria were used?

In addition to the above questions, Commissioner Ahearne requested that we pass along to you the following questions:

- 1. Has FEMA reached the judgment that the bus drivers in Westchester County will not respond absent contractual commitments?
- 2. What are the contractual obligations FEMA would want in order to conclude that availability of bus drivers would not be a significant deficiency for Westchester County?
- 3. Such contracts would be between what parties?
- 4. What is the status of negotiating such contracts?

Thank you for your assistance in answering our questions. We have also attached Commissioner Roberts' questions.

Yours truly,


 Samuel J. Chilk
 Secretary of the Commission

cc: Commissioners

INDIAN POINT QUESTIONS

1. On April 15, the regional director of FEMA, Frank T. Petrone, issued a press release in connection with the post-exercise assessment of the Indian Point March 9 drill. The press release stated:

According to Petrone, significant progress has been made since the March 3, 1982 exercise. "However, at this time, I cannot assure that public health and safety can be protected in the ten mile emergency planning zone around Indian Point," Petrone stated.

In connection with any nuclear plant or emergency-drill, has FEMA ever given an assurance that the public health and safety can be protected? If so, cite the specific facility or drill assessment in which FEMA publicly stated its assurance that public health and safety can be protected.

Why was it necessary for the regional director to issue a press release with that specific statement?

2. Why is the June 1 date critical for distributing the brochures?
 - Are posters to notify transients required by any existing regulations?
3. FEMA states that the deficiencies in Rockland and Westchester County plans to notify transients such as those in motel rooms using methods such as posters, etc., leads to the conclusion that the Protective Response Planning Standard is not met. As a practical matter, aren't most of those persons within range of the sirens, radio or TV EBS messages? Don't you think that motel operators will notify transients in their facilities?
4. On p. 35, in your conclusion you state that your proposed regulations "necessarily implies mutually supportive emergency planning arrangements by several levels of government." That is a concept I do not disagree with; however, does this mean that each level of government must have its own plans which conforms to the "guidance of NUREG-0654"? Or does this mean that somehow the level of offsite emergency preparedness must meet the planning standards in the regulations and that "mutually supportive emergency plans" is the best way to get there?
5. On p. 35 and elsewhere in your April 14 report, you are critical of New York State for not requiring Rockland County personnel to participate in the drill. You find the State to be deficient in their compensating measures because their written procedures were not followed to the letter. Nowhere, however, do you comment on the substantive issue--that is, did the State personnel participating in the drill demonstrate that they were capable of substituting for the County personnel?

6. To what extent is your deficient finding for New York State-- Rockland County--due to shortcomings in actual performance, and to what extent is it due to the fact that procedures were not literally followed?

7. In Section 2.5 you state, with regard to Rockland County:

(a) Emergency operations facilities and resources were acceptable

(b) Alerting and notifications of staffs were acceptable

(c) Emergency operations management was good

(d) Public alerting and notification were good --

(e) Public and media relations need improvement but were not inadequate

(f) Accident assessment was good

(g) Health, medical, and exposure measures were acceptable

(h) Recovery and reentry measures were good

You then go on to say that in spite of the above acceptable factors, actions to protect the public could not be judged adequately because the State filled in for the county and carried out some actions without a plan and because bus drivers do not have radios. It appears to me that you have documented how a State can indeed fill in for a county.

8. Are there any important safety functions which you feel could not be adequately performed around Indian Point based on your knowledge of the offsite preparedness there?

9. Wouldn't you say that it is FEMA's collective experience that everyday emergency response capabilities, such as fire, police, state and local disaster resources, has been demonstrated rather well at a large number of natural and man-made disasters, often with plans far less sophisticated and developed as those in New York?

10. Is it possible that adequate preparedness can exist without detailed plans? For example, is there adequate preparedness in the area to protect the public from chlorine barge accidents?

11. Are you aware that Rockland County personnel participated in an actual evacuation involving over 100 people earlier this month in a chemical factor accident and, thus, demonstrated a capability to publicly and adequately react in an emergency?

12. What is the status of FEMA's regulations 44 CFR 350? Are they final regulations yet?

13. In a real emergency, Rockland County says that its resources would be available to the state. Given this, how do you justify criticizing the State's implementation of compensating measures during the exercise based upon unavailability of County resources? (p. 36)