

From: "Fiore, Craig" <Craig.Fiore@dhs.gov>
To: "Tim McGinty" <TJM1@nrc.gov>
Date: 3/8/06 7:37AM
Subject: RE: Request: DHS Clarification on 12/19/05 FRN Comments (PRM50-79)

Tim,

You are indeed correct that pp. 6-13 of GM EV-2, which addresses the exercise and drill demonstration requirements, was superseded with the issuance of FEMA-REP-14 and FEMA-REP-15, Objective #16, "Implementation of Protective Actions - Schools". Then with the issuance of the REP Exercise Evaluation Methodology, REP-15 was rescinded effective January 1, 2002, and much of REP-14, Section C.2 became obsolete. The adoption of the EEM replaced the 34 REP-14 objectives set out in Section D, with the 6 Evaluation Areas and this was incorporated in the Interim REP Program Manual, dated August 2002. Therefore, the portions of the Interim REP Program Manual, such as Evaluation Area 3.c.2, that address the criteria for demonstrating protective action implementation for schools, supersedes those related portions contained in FEMA-REP-14.

So, upon further consideration, I agree that we should no longer reference those portions of GM-EV 2 and REP-14 that have been rescinded or superseded.

Regarding your request for clarification on the comment - "FEMA does not expect state and local governments to assume responsibility for all schools. Schools prepare their own emergency plans, and coordinate planning/exercising efforts with s/l governments)", I agree with you that the first sentence, if isolated, could be interpreted to mean that a subset of the population (in this case school children) may not be adequately accounted for in the required levels of REP planning and preparedness. Therefore, we need to cooperatively ensure that this sentence is not isolated from the very important supplemental sentence that follows it which describes how the schools/daycare center emergency planning and exercising efforts are closely coordinated and sufficiently aligned with the state/local/municipal offsite response organizations plans.

I hope this explanation provides you with the additional clarification you were seeking to obtain. Please let me know if you have any additional comments, questions or concerns on this matter. Thank you.

Craig F.

-----Original Message-----

From: Tim McGinty [mailto:TJM1@nrc.gov]

Sent: Wednesday, March 01, 2006 6:08 PM

To: Fiore, Craig

Cc: Conklin, Craig; Quinn, Vanessa; Anthony McMurtry; Eric Leeds; Nader Mamish

Subject: Request: DHS Clarification on 12/19/05 FRN Comments (PRM50-79)

Craig: In addition to my below query to ensure we properly understand the context of the comment "FEMA does not expect state and local governments to assume responsibility for all schools", I have another area that I need FEMA clarification on. Nader had a conversation with Craig Conklin this afternoon, and asked that I seek clarification from you on the below issue germane to our ongoing analysis of the FRN (including your comments):

Our 12/19/05 FRN referenced FEMA GM EV-2 (p. 6, 7 & 10) and/or FEMA-REP-14 in the Background Section, and for issues D & G.

It is our current understanding that based on the attached FRN and the DHS web-site (<http://www.fema.gov/rrr/rep/guideref.shtm>) that FEMA-REP-14 was significantly revised, with the interim guidance being used instead. Additionally, the website indicates that pages 6-13 of GM EV-2 were superseded by FEMA-REP-14, in that (primarily, for the purpose of this e-mail) sub-elements 2.C and 3.C of the interim exercise evaluation method are being used instead.

Your comments in NRC Review for issues D & G appear to validate the continued applicability of references to GM EV-2 (specifically, for pgs. 6, 7 and 10), and we are seeking your clarification. Additionally, your insights (if any) regarding our 12/19/05 FRN characterization in the Background Section ... "FEMA's regulations were further amplified by FEMA Guidance Memorandum (GM) EV-2, "Protective Actions for School Children" and FEMA-REP-14, "Radiological Emergency Preparedness Exercise Manual" would be appreciated. Would either deleting the reference to FEMA-REP-14 or pointing instead to the FRN involving the interim EEM be more appropriate?

Your help in these regards would be greatly appreciated. Our accurate

Please find attached DHS' comments on the FRN dated 12/19/05, denying the petition for necessary rulemaking changes relating to off-site planning and preparedness for daycare centers. I believe that our comments are clearly delineated as strikethrough/underlined and bold text

rewrites, inserted comments, and "track changes". We will also be submitting these comments in a letter dated today (2/28/06) from Ms. Vanessa Quinn to Mr. Anthony C. McMurray.

Thank you once again for the opportunity to review and provide our comments to this important document. Please feel free to contact me if you have any questions or concerns with any of the comments that we have provided.

Respectfully submitted,

Craig J. Fiore

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