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Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Chilk:

'83 MAY -5 P2:20

This is in response to your letter of April 26, 1983, concerning the Westchester County, New York, bus driver issue, the Rockland County, New York, plan issue, and the additional questions raised by Commissioners Ahearne and Roberts as a result of the recent Federal Emergency Management Agency (FEMA) briefing and status report on offsite emergency preparedness at the Indian Point Nuclear Power Station. Our responses will follow the same order as your inquiry, with each question being restated and followed by our response.

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 emergency planning zone for emergency workers and for the public. In making its overall assessment of compliance with the planning standard (10 CFR 50.54 (q), 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?

RESPONSE:

According to the county plans, the following segments of the population would be dependent on buses in an emergency:

° School children	28,573
° Hospitals, nursing homes, etc.	2,770
° General population	<u>10,838</u>
TOTAL	42,181

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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?

RESPONSE:

Approximately 42,181 individuals could be dependent upon buses, vans, etc., for evacuation. No, we are concerned with whether there is sufficient capability to carry out the evacuation. This capability is more difficult to realize with increasing numbers of people who are dependent on bus transportation.

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?

RESPONSE:

No. The new evacuation plan does not lessen the number of bus drivers needed in an emergency, it only eliminates the need for certain bus drivers to return into the emergency planning zone after the school children are evacuated.

4. In making its conclusion 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?

RESPONSE:

We have no information on what percentage of the bus drivers would or would not respond in an emergency. The previous County Executive for Westchester County and some bus drivers both had stated at the Atomic Safety and Licensing Board (ASLB) hearings that the bus drivers may not respond to evacuate the general population after the initial evacuation of school children was completed. This situation resulted in the need for written agreements to give reasonable assurance that the bus operators would respond.

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 the bus drivers? If not, how many do? Are they part of the State or local approved plans?

RESPONSE:

(a) Eighteen State site-specific plans (within 10-mile emergency planning zone) have received FEMA approval to date. Fifty-one local plans have also received an approval for a total of 69 State and local plans.

(b) The FEMA-approved plans contain agreements which commit transportation mechanisms for evacuation purposes in accordance with Planning Standard A.3 of NUREG-0654/FEMA-REP-1, Rev. 1. The specific nature of the agreements varies due to jurisdictional differences in governmental infrastructure unique to each site.

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?

RESPONSE:

While NUREG-0396 is a complicated document with some room for interpretation, FEMA is not aware of a conclusion that sheltering will be preferable to evacuation in all but the worst and rarest events. Rather, the data presented in Appendix 1 support a statement of the report (page 13) that:

For the plume exposure phase, sheltering and/or evacuation would likely be the principal immediate protective actions to be recommended to the general public within the EPZ.

Further, at Page 1-49 Appendix I, the report states:

Within five miles of the reactor, evacuation appears to be more effective in reducing the number of early health effects than sheltering, as long as the delay time and nonparticipating segment of the population are kept sufficiently small.

During the spring of 1980, FEMA chartered a study of the 12 most populated sites to determine the overall time dynamics of evacuation, and to provide a basis for the writing of Appendix 4 of NUREG-0654/FEMA-REP-1, Rev. 1. These 12 studies were reviewed and commented upon by FEMA in the report FEMA-REP-3 dated February 1981. A principal conclusion of that report, which was restated in the forwarding transmittal letter, was that basic assumptions so color the results of such studies that they are best conducted using a computerized simulation model where comparative assumptions can be tested for sensitivity of effect.

Since that day, it has been FEMA policy to consider site specific aspects of protective action recommendations as paramount over generic policies. Given the time for advanced alerting and notification, there appears to be merit in early evacuation out to two or three miles in all cases involving potential core-melt accidents. Beyond that distance, the demographics, road networks, and meteorological conditions at the time would govern the policy recommendation to be made. In coming to such a recommendation, the local officials would be best guided by prior performance of technical simulations of evacuation time dynamics on a site-specific basis which prepare decision-makers for dealing with the range of consequences implicit in the assumptions. FEMA is developing the technical capability to perform such simulations in conjunction with State and local officials, on a site-by-site basis.

Therefore, our premise is that it is not possible to make a complete judgment on preparedness unless time, distance, and the nature of the accident are considered in coming to a conclusion. Further, preparedness may be greatly enhanced by the operational simulation of planning options and is therefore, a relative judgment.

Therefore, in coming to a conclusion on the issue of the bus driver deficiency, FEMA was guided principally by the need to preserve evacuation as an option. Given a more general consensus on the nature of the accident to plan for, the bus driver issue might be given less weight, or might be given differing weight as a function of time and distance on a site-specific basis. In the absence of analyses of this level of detail, FEMA came to the only conclusion possible, namely that the lack of capability to perform evacuations, even to nominal distances, and for a small fraction of the total population of the emergency planning zone, constituted a deficiency in preparedness.

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.

RESPONSE:

(a) FEMA believes that State governments can compensate for local government, although this would not be easily done in highly populated areas. FEMA has seen no evidence that New York State is developing procedures and dedicating resources for Rockland County to go beyond the exercise capability. For official FEMA policy, see the April 18, 1983, letter from Director Giuffrida to Chairman Palladino.

(b) There were no significant deficiencies evident during the exercise in the ability of the State to implement emergency measures. The limited commitment of less than 50 State personnel was adequate for the purpose of the exercise; however, the overriding concern is the resource base to support an actual emergency in a timely manner. FEMA's finding is that the State of New York has not demonstrated that adequate personnel and resources exist and could be provided to support an actual emergency in Rockland County or that the personnel can be mobilized, dispatched, and in place in a timely manner. The State Compensatory Plan submitted to FEMA only identifies a senior management team consisting of six persons representing six State agencies that were identified to supplement county resources. FEMA does not have a plan identifying the persons and resources which would be necessary to totally compensate for failure by the county to respond.

(c) Rockland has committed that the county would respond in the event of an accident. FEMA has had no basis to evaluate the capability of Rockland County personnel to respond nor is there a county plan in place.

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?

RESPONSE:

FEMA did not receive a copy of the draft Rockland County plan until February 18, 1983, less than one month before the exercise. This plan was incomplete when furnished by the State and had not been adopted by the county. The plan was submitted with the intent that the State's senior management team would oversee the use of this plan by county emergency response personnel. However, in early March the county voted not to participate in the exercise. There was no formal submittal or request to review the incomplete draft plan by the State of New York.

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 EQC 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?

Note that Mr. Petrone's point was that if the State were to compensate for Rockland County, these employees would have to be in the Rockland County area.

RESPONSE:

(a) The only information FEMA has on the residences and employment location of the New York State employees who responded to the Rockland County emergency operating center during the March 1983 exercise is contained in the enclosed telephone listing. Individuals with an area code of 914 may live in Rockland County, however, area code 518 does not cover Rockland County, but is for the Albany area.

(b) FEMA has no requirement that county responders live in the particular county in which they would be required to respond or within a certain distance or travel time of their response location.

(c) It was not our intent to indicate that the New York State response to Rockland County in 90 minutes or less was a significant deficiency. However, we indicated in our report that delayed arrival of key State personnel who had to travel long distances as far away as Poughkeepsie, Monticello, and Albany, initially caused some confusion at the Rockland County emergency operating center. This was highlighted to demonstrate that some delays were inevitable under the compensatory set up, however these delays did not occur in the initial critical response functions. It should be noted that the Putnam County emergency operating center was fully staffed and activated within 90 minutes which was determined to be an acceptable response.

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?

→ RESPONSE:

The annual public education brochures had not been distributed in either Westchester or Rockland Counties prior to March 9, 1983. These brochures had been distributed in Orange and Putnam Counties.

The deficiencies cited in the April 14, 1983, Post Exercise Assessment Report will become significant if the public education brochures are not distributed in Westchester by June 1, 1983. This is because the following conditions exist in these counties.

* Westchester County - The transportation portion of the county plan is being revised and the public education brochure is being reviewed and revised to include these changes.

* Rockland County - As the county plan has not been completed, no public education brochure has been distributed to Rockland County residents during the last year.

Below are four questions raised by Commissioner Ahearne with the response below each question.

1. Has FEMA reached the judgment that the bus drivers in Westchester County will not respond absent contractual commitments?

RESPONSE:

In light of concerns raised by Westchester County officials and lack of agreements with bus operators, FEMA cannot assure that bus drivers will respond.

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?

RESPONSE:

FEMA wants assurances by whatever means that bus drivers would respond. Currently, there is a doubt that they will. At a minimum, FEMA would like to see letters of agreement between the bus operators and county, including a commitment of resources, i.e., buses and drivers. We would construe these letters of agreement as a commitment of bus drivers to respond in case of an emergency.

3. Such contracts would be between what parties?

RESPONSE:

Contracts of this nature would most likely be between the county and the bus company owners.

4. What is the status of negotiating such contracts?

RESPONSE:

There are no negotiations ongoing to our knowledge, however the county is engaged in negotiations for a transportation study that would also address this issue.

During the April 20, 1983, Commission meeting, Commissioner Ahearne asked that FEMA provide an estimate of the number of transients located in the emergency planning zone. Accordingly, the current transient population projection within the emergency planning zone is estimated at 87,119 people. Also, Commissioner Ahearne requested that FEMA supply him with an indication on the effectiveness of those methods being employed to notify transients. We are in the process of obtaining this information from our Regional Offices and will supply it when it becomes available in the near future.

Below are the questions raised by Commissioner Roberts with the response below each question.

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?

RESPONSE:

FEMA's role with respect to NRC's licensing process is to provide the NRC a statement as to whether or not State and local government preparedness is adequate to assure that public health and safety can be protected in the event of a nuclear power plant accident.

This statement of adequacy for offsite preparedness is made by FEMA within two contexts, the 44 CFR 350 process and interim findings. FEMA's proposed rule, 44 CFR 350, provides the Agency's policy and procedures for 44 CFR 350 determinations of approval or disapproval per our review and evaluation of State and local government emergency response plans, their participation in exercises, and the conduct of public meetings.

Section 350.12 of our rule provides the procedures whereby the FEMA Associate Director makes the determination of adequacy of State and local government preparedness based on the FEMA Regional Director's review and evaluation. The Associate Director's determination is based on two criteria:

That State and local government planning and preparedness:

1. "Are adequate to protect the health and safety of the public living in the vicinity of the nuclear power facility by providing reasonable assurance (underlining added for emphasis) that appropriate measures can and will be taken offsite in the event of a radiological emergency; and
2. "Are capable of being implemented...." [350.12(b)(1)(2)].

As of April 1983, FEMA had made determinations of adequacy and given 44 CFR 350 approvals with statements provided to the NRC asserting that State and local government preparedness provides reasonable assurance that public health and safety can be protected in the event of a power plant accident for these States and facilities:

<u>Facilities</u>	<u>States</u>
Sequoyah	Tennessee
Farley	Alabama & Georgia
Hatch	Georgia
McGuire	North Carolina
Summer	South Carolina
Robinson	South Carolina
Arkansas	Arkansas
Fort St. Vrain	Colorado
Brunswick	North Carolina
LaSalle	Illinois
Palisades	Michigan
Trojan	Oregon & Washington
Dresden	Illinois
Surry	Virginia
North Anna	Virginia
Oconee	South Carolina

In addition to these 44 CFR 350 approvals, FEMA also provides interim findings to the NRC on the adequacy of offsite State and local government plans and preparedness within the context of the NRC-FEMA Memorandum of Understanding (December 16, 1980, 45 FR 82713). Interim findings are based on emergency response plans and/or exercises. A

statement of "reasonable assurance" is also provided in interim findings similar to such statements in the 44 CFR 350 approvals. Interim findings are provided routinely per request from the NRC for their licensing proceedings for commercial nuclear power plants.

Finally, statements of "reasonable assurance" are also made in the FEMA Regional Director's review and evaluation of exercises in which the licensee, State, and local governments participate. The intent of such statements in this context is that the exercises demonstrate the capability of State and local governments to implement their plans and preparedness.

1. Why was it necessary for the Regional Director to issue a press release with that specific statement?

RESPONSE:

FEMA Regional Directors have authority to issue press releases that relate to activities and organizations for which they are responsible within their Regions. There is no requirement that press releases be made on the results of joint exercises at commercial nuclear power plants.

2. Why is the June 1 date critical for distributing the brochure?

- o Are posters to notify transients required by any existing regulations?

RESPONSE:

Planning Standard G.1. of NUREG-0654, FEMA REP-1, Rev. 1. requires an annual dissemination of information to the public. Brochures have been the means used to accomplish this dissemination around Indian Point. For purpose of consistency with the exercise requirement (1 year and 3 months), FEMA has chosen this to mean a distribution of the brochures must be accomplished within 15 months of the previous one, or June 1, 1983.

While posters are not specifically required by NUREG-0654, they are mentioned as one of the methods to inform the public.

Planning Standard G.2. of NUREG-0654 states, "The public information program shall provide the permanent and transient adult population within the plume exposure emergency planning zone an adequate opportunity to become aware of the information annually. Signs or other measures (e.g., decals, posted notices or other means, placed in hotels, motels, gasoline stations and phone booths) shall also be used"

During the 120-day clock period, the Public Information Officer (PIO) Task Force comprised of the State, counties and utilities determined that posters would be an appropriate method to disseminate information to any transient population.

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?

RESPONSE:

FEMA does not at this time conclude that Planning Standard G of NUREG-0654 is significantly deficient. Our statement is that if the brochures are not printed and distributed in Westchester County by June 1, 1983 then the FEMA evaluation would be one of a significant deficiency.

FEMA hopes that all people in the EPZ would be able to hear the sirens if they are sounded and would recognize the need to turn to the EBS station for important emergency information. However, based on the spot checks at the March 9, 1983 exercise, the public appears generally not to understand the meaning of the sirens, nor did they know that they were to listen to EBS.

Motel operators and their employees would, we believe, notify their guests of an accident at Indian Point. However, FEMA is concerned that written material is not available at hotels and motels to provide appropriate information to the operators or guests if an emergency or accident occurs. The posters have been printed and are being distributed for display. State and county efforts are ongoing.

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?

RESPONSE:

Each level of government (State and local) should develop mutually supportive emergency response plans which conform to the guidance in NUREG-0654/FEMA-REP-1, Rev. 1. Notwithstanding this basic principle, in cases where the State claims to have compensated for the absence of a local plan in a State site-specific plan, FEMA will evaluate and pass judgment on the adequacy of such a plan. The requirement for State and local government plans is based on both NRC and FEMA rules, specifically 10 CFR 50.47, Appendix E and 44 CFR 350.5, respectively.

This means that both levels of government (State and local) should develop emergency response plans that conform to the planning standards and related criteria in NUREG-0654/FEMA-REP-1, Rev. 1, and that this is the best way we have found to assure that there are mutually supportive plans among offsite responding organizations. As stated above, it is not the only way that adequate offsite preparedness could be achieved. FEMA believes that a State

could, in selective and carefully arranged situations, provide for the shortcomings of local planning and preparedness measures. In the Indian Point March 9, 1983, exercise, for example, it was not that FEMA departed from this principle in regard to Rockland County participation but rather that the State did not adequately demonstrate compensatory measures by dedicating resources that go beyond one-time exercise capability.

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 County personnel?

RESPONSE:

The brief written procedures that FEMA has reviewed as compensating measures for Rockland County provided only for the State to supplement County resources (management team) not supersede or substitute for them. FEMA agrees that the State generally performed well at the exercise in their management team capacity. However, FEMA has not seen any evidence that the State has the resources necessary, stationed locally, to substitute for those of Rockland County in responding to an accident in a timely fashion. More emergency workers would be required to respond to an actual accident than to participate in an exercise.

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?

RESPONSE:

The deficiency in Rockland County is due to the failure of the State procedures to identify sufficient resources needed to supersede the county's non-participation. The county has stated that it would respond to an actual incident. However, FEMA has not received or reviewed a plan acceptable to the county nor has FEMA been able to evaluate the county's capability to implement an acceptable plan.

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.

RESPONSE:

All of the above items were acceptable based on observations at the exercise. However, FEMA recognizes that the situation in Rockland County is unique, in that emergency workers are to be furnished by the State and are not necessarily drawn from the locally available emergency response organizations. In order to ensure that personnel are available in adequate quantity and can respond in a timely manner, the plan must identify where its State personnel will come from and how they will be mobilized in a timely manner. In that the State has never developed a plan addressing a complete takeover of Rockland County's emergency response function, FEMA cannot determine whether the public health and safety is adequately protected.

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?

RESPONSE:

FEMA has serious reservations about the ability of Rockland County and/or the State without county participation to respond to an actual accident and the ability of Westchester County to evacuate transit dependent individuals.

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?

RESPONSE:

FEMA's collective knowledge of and extensive experience with State and local government planning and response activities and programs for all types of disasters and emergencies clearly supports the assertion that preparedness exists for a wide-range of contingencies. However, in many communities, this preparedness is focused on more or less "traditional" and visible hazards, such as flooding, fires, or more recently, chemical spills. Through its wide-range of emergency management programs, FEMA has found that sophisticated technical information is in fact extremely

useful to the mitigation of and response to "everyday" emergencies involving these hazards. Many of FEMA's more hazard-specific programs (e.g., the National Flood Insurance Program, Dam Safety Program, etc.) provide just this kind of technical information. If State and local governments need this kind of technical support in dealing with "traditional" hazards, it is logical to provide it in connection with a radiological hazard where the technical aspects are generally much less known at the local level. Without added planning and preparedness efforts, the unique technical response problems which occur because of the radiological hazards in a nuclear power plant accident allow only partial transfer of a community's "everyday" emergency response capability to such an accident.

The President's Commission on the Accident at Three Mile Island (known as the Kemeny Commission) studied the planning, preparedness, and response capabilities that were exhibited in the Three Mile Island incident. The Commission's study revealed that a significant shortcoming demonstrated in this accident was the inability of the offsite response organizations to effectively cope with a power plant accident.

This finding is summarized in the Kemeny Commission report (pp. 15-16) as follows:

We found an almost total lack of detailed plans in the local communities around Three Mile Island. It is one of the many ironies of this event that the most relevant planning by local authorities took place during the accident. In an accident in which prompt defensive steps are necessary within a matter of hours, insufficient advance planning could prove extremely dangerous.

It is FEMA's position, therefore, that while State and local governments have repeatedly demonstrated an inherent preparedness for many types of contingencies, this level of preparedness is not considered sufficient for coping with accidents at nuclear power plants. Planning and preparedness for a power plant accident must demonstrate both sufficient attention to technical detail as well as the comprehensive planning aspects to assure adequate preparedness are represented by the criteria in NUREG-0654/FEMA-REP-1, Rev. 1, which are jointly approved by both agencies.

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?

RESPONSE:

Since questions 9 and 10 are related, the response to this question will essentially highlight the central assertions presented in our previous response.

FEMA is knowledgeable about State and local emergency planning capabilities and can assert from our experience that an inherent level of preparedness exists with State and local governments for many types of contingencies. However, the degree to which this level of preparedness is determined to be adequate is more often than not directly related to the extent which detailed preplanning was accomplished.

To determine the level of detail needed for planning for a specific type of emergency, it is necessary to carefully examine the risks, response actions and response organizations associated with this emergency in order to determine the level and extent of planning and preparedness needed.

Our answer to question 9 addresses the level and extent of planning and preparedness needed for nuclear power plant accidents and supports the need for detailed planning and preparedness for such accidents as reflected in our joint (NRC-FEMA) guidance, NUREG-0654/FEMA-REP-1, Rev. 1. We believe the degree of detail needed for these accidents, as reflected in our guidance, is commensurate with the risks, necessary response organizations and inter-relationships of the participating organizations.

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

RESPONSE:

FEMA was aware of Rockland County's ability to evacuate over 100 people a short time ago. However, we do have serious reservations about the County's ability to evacuate up to as many as 100,000 people without a plan, and without trained emergency response personnel on their role in this plan.

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

RESPONSE:

FEMA's rule, 44 CFR 350, has been published twice (June 24, 1980, and August 19, 1982) in proposed form. While 44 CFR 350 is a proposed rule, it has served as the basis for FEMA policy and procedures for the review and approval of State and local emergency plans and preparedness for coping with the offsite effects of commercial nuclear power plant accidents.

Language for the final rule has been drafted taking into account the comments on the August 19, 1982, version. It cannot be published in final form until the Commission acts on a staff proposal for a relaxation of the frequency of joint exercises by a change to 10 CFR 50. Since it is essential that the language of the NRC and FEMA rules on this subject be essentially the same, FEMA will determine its course of action for finalizing 44 CFR 350 after the Commission makes its decision.

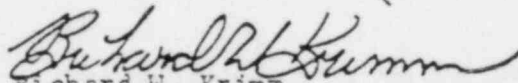
13. In a real emergency, Rockland County says that its resources would be available to the state. Given this, how do you justify criticizing the State's implementation of compensating measures during the exercise based upon unavailability of County resources? (p. 36)

RESPONSES:

See responses to Questions 6 and 7.

Please contact me at 287-0176 if you have any questions regarding the above.

Sincerely,



Richard W. Krimm

Assistant Associate Director
Office of Natural and Technological
Hazards

Enclosures:

1. Palladino Letter
2. Telephone Listing