



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #541

### **Radiological Emergency Preparedness Funding (Military Affairs)**

[LFB 2009-11 Budget Summary: Page 445, #7]

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#### **CURRENT LAW**

Wisconsin state and local government officials have responsibility under the federal radiological emergency preparedness (REP) program to develop emergency response plans in relation to three nuclear power plants, two in Wisconsin (the Kewaunee Power Station and the Point Beach Nuclear Power Plant), and one in Minnesota which lies across the Mississippi River from Wisconsin (the Prairie Island Nuclear Generating Plant). Under state statute, the Wisconsin Adjutant General may assess, collect, and receive contributions for any costs incurred by state agencies to establish and maintain radiological emergency response plans related to nuclear generating facilities.

In addition, the Adjutant General may request the Department of Health Services (DHS) to inspect or provide for the inspection of shipments of radioactive waste, obtain and analyze data concerning the radiation level of shipments of radioactive waste, and issue reports concerning these shipments and radiation levels. The Adjutant General may assess, collect, and receive contributions for the costs of carrying out these activities from any person who produced the radioactive waste which is the subject of the activity for which the costs are incurred. Radioactive waste means: (a) fuel that is withdrawn from a nuclear reactor after irradiation and which is packaged and prepared for disposal; (b) highly radioactive waste resulting from reprocessing irradiated nuclear fuel including both the liquid waste which is produced directly in reprocessing and any solid material into which the liquid waste is transformed; and (c) waste material containing alpha-emitting radioactive elements having an atomic number greater than 92 in concentrations greater than 10 nanocuries per gram.

The Department of Military Affairs' (DMA) 2008-09 base year budget for the REP program at Wisconsin Emergency Management (WEM) is \$1,036,500 PR. The 2008-09 base year budget for the program at DHS is \$524,700 PR. The PR funding for the program is

negotiated annually between the state agencies and the power companies which own the nuclear power plants. Based on these negotiations the power companies provide the program revenue. State agency staff for the program is split between DMA and DHS.

## **GOVERNOR**

Provide \$400,000 PR annually for costs for the REP program under DMA and DHS.

## **DISCUSSION POINTS**

### **Background**

1. On December 7, 1979, following the Three Mile Island nuclear power plant accident, the Federal Emergency Management Agency (FEMA) assumed the lead role in offsite radiological emergency planning and preparedness activities from the U.S. Nuclear Regulatory Commission. Under the REP program, FEMA: (a) ensures that the health and safety of citizens living around commercial nuclear power plants will be adequately protected in the event of a nuclear power plant accident; and (b) informs and educates the public about radiological emergency preparedness.

2. It is the responsibility of the federal Nuclear Regulatory Commission to: (a) evaluate if nuclear power plant emergency plans are adequate to protect public health and safety; (b) evaluate if nuclear power plant emergency plans can be used by emergency response personnel and ensure the plans provide for sufficient resources and equipment during an emergency; (c) review FEMA evaluations of offsite emergency preparedness; (d) make decisions on the overall state of emergency preparedness (including issuing nuclear power plant operating licenses and taking enforcement actions); and (e) recognize FEMA as the federal agency responsible for working with state and local governments with regard to emergency preparedness for nuclear power plants.

3. It is the responsibility of FEMA to: (a) evaluate if state and local emergency plans are adequate to protect public health and safety; (b) evaluate if state and local emergency plans can be used by emergency response personnel and provide for sufficient resources and equipment during an emergency; (c) evaluate the alert and notification system for nuclear power plants, including outdoor warning sirens, as applicable; (d) assume responsibility for emergency preparedness training of state and local officials as a supplement to state, local, and utility efforts; (e) oversee the development of the coordinated response of federal agencies to a nuclear power plant radiological emergency; and (f) review the adequacy of emergency preparedness plans related to nuclear power plants, fuel facilities, and materials licensees as requested by the Nuclear Regulatory Commission.

4. Together these two federal agencies determine the two-year evaluated emergency preparedness exercise requirements for nuclear power plant operators and state and local governments.

5. State and local government officials have the responsibility of deciding and implementing the appropriate protective actions for the public during a nuclear power plant radiological emergency. They are also responsible for notifying the public to take protective actions. These decisions are to be based on the protective action recommendations by the nuclear power plant operator and their own radiological or health organizations.

6. Under emergency response plans developed by federal agencies, state and local governments, and electric utilities operating nuclear power plants, there are two emergency planning zones. One zone covers an area within a 10 mile radius of the plant. The second zone covers a broader area, usually up to a 50 mile radius from the plant, where radioactive materials could contaminate water supplies, food crops, and livestock.

7. During a December, 2007, Kewaunee nuclear power plant exercise, the state was issued a deficiency by FEMA for its field team operations. Field teams are responsible for taking radiation measurements to determine the areas that will require initial evacuation during any emergency, and to take follow-up radiation measurements as the emergency unfolds. In the exercise, a field team member did not timely evacuate and was identified to have been in the radiation plume. In addition, the laboratory used for the exercise was cited as deficient by FEMA.

8. Under 2009 AB 75, \$400,000 PR annually in unspecified funding is provided for the REP program. Based on subsequent discussions with DOA, DMA, and DHS staff, it has now been identified that the \$400,000 PR annually in recommended expenditure authority would be utilized as shown in the following table.

**Proposed Utilization of Increased Expenditure Authority for the  
Radiological Emergency Preparedness Program**

<u>Item</u>	<u>Annual Funding</u>
<b>DMA--REP Program</b>	
<i>Contract to Retain &amp; Train Two Local Hazardous Materials Teams</i>	\$50,000
<i>Training Equipment, Communications Equipment, Unanticipated Expenses</i>	
Videoteleconferencing Equipment for State & County	
Emergency Operations Centers	\$42,700
Travel Costs for WEM Staff	10,000
Computers & GIS Software	10,000
Brown County Emergency Reception Center	5,000
Brochures for Local Government	2,800
DOA Chargebacks and Dues and Subscriptions	1,500
Unanticipated Expenses	<u>50,000</u>
Subtotal	\$122,000
<i>Meeting Federal Requirements</i>	
LTEs to Complete Prep Work for Required Exercises	\$44,000
Identify & Track Required Training, Including Development of	
Training Database	25,000
Unanticipated Expenses	<u>22,000</u>
Subtotal	\$91,000
<i>Training &amp; Travel for WEM REP Staff</i>	\$7,000
<b>Total Annual DMA Funding</b>	<b>\$270,000</b>
<b>DHS--REP Program</b>	
Contingency Funding—Mobile Laboratory & Miscellaneous	\$65,000
Contingency Funding—Communications Upgrade	35,000
Transfer 0.5 Nuclear Engineering Ph.D. Position from GPR to PR	<u>30,000</u>
<b>Total Annual DHS Funding</b>	<b>\$130,000</b>
<b>Total Annual Funding</b>	<b>\$400,000</b>

**Department of Military Affairs**

9. In the past, WEM has utilized volunteers to serve in its field teams during radiological exercises. In response to training concerns identified in the December, 2007, exercise, as well as to better ensure 24 hour per day, seven day per week coverage, under this initiative WEM would utilize \$50,000 PR annually to contract with two local hazardous materials teams to provide the required field teams (\$25,000 per team). Under the contracts, the local teams would agree to provide this coverage, and the contracts would provide the local teams with the necessary funding to meet federal and state training requirements. Emergency Management staff indicates that they are currently in discussions with the Appleton/Oshkosh and Eau Claire hazardous materials teams to

serve this role.

10. Under the WEM portion of this budget recommendation, \$72,000 PR annually has been budgeted for unanticipated expenses. As the Legislature does not typically budget funding for unanticipated expenses, and as the funding for this expenditure authority would be provided by the utility companies operating the nuclear power plants through increased user fees, the Committee could consider deleting this expenditure authority. If additional expenditure authority becomes necessary during 2009-11, WEM could seek this additional expenditure authority under the Joint Finance Committee's passive review process. [Alternative 2]

11. Finally, Emergency Management staff indicates that FEMA identified a need to have video teleconferencing equipment installed in the state emergency operations center, as well as emergency operations centers in Manitowoc, Pierce, and Kewaunee Counties. While \$42,700 PR in expenditure authority will be required to purchase and install this equipment in these emergency operations centers in 2009-10, WEM staff has indicated that the ongoing funding need to maintain this equipment and pay for the necessary telephone and internet protocol lines would be \$20,000 PR annually. As a result, the Committee could consider reducing the funding for this recommendation by \$22,700 PR beginning in 2010-11. [Alternative 3]

#### **Department of Health Services**

12. In response to the FEMA deficiencies issued for the December, 2007, exercise, the state has purchased a new mobile radiological laboratory. Under the DHS portion of the recommendation, \$65,000 PR annually is set aside for contingency funding to fund such items as ongoing operation and maintenance of the mobile laboratory, satellite communications charges, fuel charges, potential upgrade costs, and other unspecified funding needs.

13. The DHS portion of the recommendation also includes \$35,000 PR annually in contingency funding for a communications upgrade. This communications upgrade involves purchasing and installing new equipment to be installed on Pierce County communications towers which will pick up, amplify, and transmit radio signals. This equipment in Pierce County is needed to permit the mobile laboratory to communicate with field teams for any exercise or emergency occurring in Pierce County. Costs that may ultimately be incurred to purchase and install this equipment are currently unknown.

14. Finally, the DHS portion of the recommendation includes \$30,000 PR annually to permit a 0.5 nuclear engineering Ph.D. position to be transferred from GPR funding to PR funding. The responsibilities of this position include: (a) providing technical consultation to state and local agency personnel involved in implementation of the state's emergency response plan for nuclear plant and other radiological incidents; (b) developing and maintaining the DHS radiological incident response plan; (c) developing, maintaining, and implementing procedures for decontamination, equipment operation and other program activities; (d) providing technical training to state and local responders; (e) participating in radiological response drills, exercises, and real events; and (f) assisting with revisions to the Wisconsin administrative code.

15. Under the DHS portion of this budget recommendation, \$100,000 PR annually has been budgeted for contingency funding. As the Legislature does not typically provide contingency funding, and as the funding for this expenditure authority would be provided by the utility companies operating the nuclear power plants through increased user fees, the Committee could consider deleting this expenditure authority. If additional expenditure authority becomes necessary during 2009-11, DHS could seek this additional expenditure authority under the Committee's passive review process. [Alternative 4]

## ALTERNATIVES

1. Approve the Governor's recommendation to provide \$400,000 PR annually for the radiological emergency preparedness program under the Departments of Military Affairs (DMA) and Health Services (DHS).

2. Delete \$72,000 PR annually for amounts budgeted to DMA for unanticipated expenses.

<b>ALT 2</b>	<b>Change to Bill</b>
	Funding
PR	- \$144,000

3. Delete \$22,700 PR in 2010-11. This expenditure authority is not needed in 2010-11 to maintain the video conferencing equipment that would be installed under this recommendation in 2009-10.

<b>ALT 3</b>	<b>Change to Bill</b>
	Funding
PR	- \$22,700

4. Delete \$100,000 PR annually for amounts budgeted to DHS for contingency funding.

<b>ALT 4</b>	<b>Change to Bill</b>
	Funding
PR	- \$200,000

5. Delete provision.

<b>ALT 5</b>	<b>Change to Bill</b>
	Funding
PR	- \$800,000

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