

**MEETING MINUTES FROM THE
NUCLEAR SAFETY SUB COMMITTEE
TECHNICAL TASK FORCE ON POTASSIUM IODIDE**

JANUARY 16, 2002

Mr. Feeney opened the meeting with introductions and reported that the State is moving ahead and will be re-examining its KI policy. On January 15, 2002, the Governor received a letter from the NRC stating that the NRC is going forward and will be purchasing KI for those States interested in providing KI to members of the general public within their 10-mile EPZs. Westchester and Rockland have previously expressed an interest to the State in participating in a KI program. The NRC stated that it would entertain requests from interested parties on a first come, first served basis. The State would have a problem with this approach, particularly if there were not enough KI available at the time of our request to satisfy the expected needs of New York State.

Dr. Rinawi stated that the FDA has found that KI is safe and effective. Trigger levels for the proper administration of KI have been identified. Children are the most sensitive to the effects of radioactive iodide and also require a smaller dose of KI than an adult. Recommended doses are given in the FDA guidance.

Dr. Salame distributed 2 Public Information draft fact sheets for comment:

- ◆ Potassium Iodide-General Information
- ◆ Prophylactic use of Potassium Iodide in Radiological Emergencies-Information for Physicians

Mr. Jones said that if the counties desire, they should go ahead and begin planning for the methodology of distribution of KI to the general public. The State will take the lead, but all county plans as well as the State plan will need to be revised. The utility companies are supportive of the plan for distribution of KI, and the idea that State/Counties should consider KI as a protective measure option. Dr. Rimawi stated that State DOH agrees with the FDA and that the existing State DOH Policy, which limits the distribution of KI to emergency workers and some institutionalized populations will need to be revised.

Mr. Feeney reported that SEMO is going forward through the Governor's Office to the NRC requesting participation in the KI program. Mr. Greene and Ms. Meisenzahl asked questions relative to funding. The current NRC plan is to support an initial distribution of limited quantities of KI. Mr. Feeney stated that we couldn't address specific long term funding issues at this time.

Dr. Rimawi responded to an expiration date question concerning the FDA requiring some type of expiration date on all pharmaceuticals. State DOH will be looking at issues regarding a reasonable expiration date. If stored properly, KI should remain in usable form for a long time.

Dr. Salame stated that we need to focus on the major planning issues before us, including:

- ◆ Legal Authority
- ◆ Stockpiling vs. Pre-Distribution
- ◆ Quantity needed
- ◆ School implementation/Parental notification
- ◆ Alert and Notification procedures
- ◆ Public Information

Mr. Bergmann referred to FEMA guidance which states that the State must complete and submit revised plans and procedures, public information materials, and prescribed emergency instructions to the public by the end of the calendar year in which the State submits an application for the receipt of KI.

Dr. Salame continued by suggesting that the counties distribute the DOH fact sheets to their respective Health Departments for comment. State DOH will coordinate with each local DOH for any needed revisions to the Public Information fact sheets.

Mr. Sutton reported that Westchester County is under considerable pressure to implement a KI program. Information needs to be included in the new public information brochures that are distributed annually to the general public within the 10-mile EPZ. The State needs to get a good template together which the Counties can utilize as they develop their own individual programs.

Distribution of KI to school children will present a challenge. Some parents will authorize the school to administer KI, while others may not. Parental approval, dosages, and distribution methodology within the school are some of the issues that need to be addressed. It may be more effective and expedient to evacuate 600 school children vs. trying to administer 600 doses of KI.

Mr. Sutton continued that if Westchester school districts want KI within their schools, the County would work with them. Mr. Grosjean suggested that we need to get the State Education Department (SED) involved. Dr. Rimawi said that schools would take their cues from SED.

Utilization of a pharmacy network was suggested. Although pharmacies don't normally stock supplies of KI, the Task Force needs to contact pharmacy representatives to determine if they were willing to participate. Limiting availability to within the 10-mile EPZ was discussed, as was a voucher system for pre-distribution?

Distribution of KI at Reception Centers was discussed as was the proper instructions and necessary documentation that need to be available with each dose. Small businesses and other transients within the EPZ were discussed. People will need guidance. The State and Counties have to be prepared to provide it.

Public Education and Public Information will play crucial roles in the development of an effective KI program. It will take time to revise all of the materials that need to be revised.

All counties envision some type of pre-distribution. We will also have to make arrangements for emergency distribution during an event. The question of distribution location such as Reception Centers, Town Halls, and Health Clinics were discussed. Mr. Greely referred to a dry ice distribution fiasco that occurred in Rockland County as an example of potential distribution problems.

Mr. Kraus said that inclusion of KI in the National Pharmaceutical Stockpile was eliminated due to the lack of timelines of administration, among other factors.

A number of other issues were discussed, including liability, publication of instructions in multiple languages and notification of the general public to take KI.

The question of how much KI do we need to request from the NRC was discussed. Massachusetts supposedly doubled the number of EPZ residents in figuring their KI quantity request.

There will probably be a combination pre-distribution/stockpiling program in place within each County. Mr. Feeney is requesting a letter from each County that they are interested in participating in the KI program. Westchester County stated that they do not want to be the receptor for KI. They will refer receiving sites to the State.

Details on all of the above will have to be adequately addressed in plan revisions within the next year. More guidance will be solicited from State DOH, DOL and SED.

Next meeting on February 28, 2002 @ SEMO @ 10:00a.m.



Andrew J. Spano
County Executive

Patrick T. Kelly
Commissioner

Anthony W. Sutton, Deputy Commissioner
Acting Director OEM

Department of Emergency Services
Office of Emergency Management

William A. Murphy
Deputy Director

February 3, 2003

Mr. James Baranski
New York State Emergency Management Office
1220 Washington Avenue Building 22, Suite 101
Albany, New York 12226-2251

Re: Potassium Iodide

Dear Mr. Baranski,

I am writing to inquire about the status of my request for a joint meeting with SEMO, FEMA, NRC and County representatives to discuss guidelines for including KI in our emergency plans. I made the request during the Power Pool meeting in Albany on January 15th, and have not yet heard from you.

As you know the deadline for including KI in our planning process is rapidly approaching. If you recall, I requested this meeting, quite frankly because the Counties feel we have little or no direction as to what FEMA wants to see concerning KI for the public in our plans. At present we feel we are in a, "you develop something, and we will tell you if it works" mode concerning this most critical planning process. The 4 Indian Point Planning Counties agree that we need input from both FEMA and the NRC to be successful in satisfying planning requirements. I know from personal experience in this area, that the NRC can help tremendously in this planning process by sharing their vision concerning KI. We could save much planning time that could be better spent on other aspects of IP planning if such a meeting were convened.

Can you please let me know the status of my request?

Sincerely,

Anthony W. Sutton
Deputy Commissioner

cc: J. Picciano, FEMA
P. Milligan, NRC
R. Albanese, Four County Coordinator



Andrew J. Spano
County Executive

February 14, 2002

Indian Point Position Statement

There have been several news media reports as to my comments and position on Indian Point...some accurate and some not. In addition, some of the major points I have tried to make to reporters never see print. To clarify the issue, I would like to make you aware of my position, in my own words, unedited.

I would prefer that Indian Point be closed. It never should have been built in such a highly populated area in the first place. However, the situation is more complicated than that. If there is to be meaningful debate on the issue, and I believe there must be, certain items have to be addressed. The debate should not be an over-simplification of one issue: destroy the credibility of the 'evacuation plan' and then the plant would be closed. This is simply not the case.

As I have said numerous times, whether the plant is open or closed, it still poses a number of risks so there must be a workable Radiological Emergency Preparedness Plan. The reality is this: regardless of all the rhetoric, the plant will not close tomorrow or next week or next month. But heaven forbid, you could have a situation tomorrow or next week or next month that we would need to respond to. So the bottom line is, we need the best plan we can put together. And that is where my focus has been and will continue to be.

While we have continually worked to improve the plan even before September 11th, the events of that day have caused us to view the plan in a different light. We have met with school officials, transportation representatives, emergency responders, the medical community, police and government officials and security experts to enhance the plan. Many changes are being made regarding school relocation and parental pick-up, route changes and traffic counts, 'shadow evacuation' (beyond the 10 mile zone) and the distribution of KI just to name a few. While we have been hearing from the stakeholders, we also want to hear from the public with constructive suggestions. That's why we announced a new website last week so that anyone can give us comments on specific ways to improve the plan.

I feel very strongly that the response plan should not be used as a vehicle to close the plant. Neither should one assume that because I am concentrating on improving the plan, that I am in favor of the plant's continued operation. Just as I am opposed to the millennium pipeline, I would be just as vehemently opposed if a nuclear power plant wanted to be built in this county today.

Office of the County Executive

Michaelian Office Building
White Plains, New York 10601

Telephone: (914)995-2900 E-mail: ceo@westchestergov.com

Indian Point Statement


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It would be far more productive, since we need a plan whether the plant is open or closed, for critics to work with me—to stand with me—to improve the plan. So far, it is unfortunate, but this has not been the case.

I said at the onset that closing the plant or keeping it open is a very complicated issue. I am not aware that anyone has studied it in the depth it needs. For example, since only the NRC has the authority to close the plant (unless Entergy decides on its own to shut down) under what conditions would the NRC make the decision. Would the country's other nuclear plants be affected? What would happen to the energy supply locally and regionally and how would the closing effect rates for Westchester residents? Entergy paid millions of dollars to buy these plants, would the company have to be compensated? If so, by whom? What would happen to the village, town and school tax base? How much more in taxes would residents have to pay? What about jobs for Entergy's over 1500 employees? How would decommissioning take place? What kind of decommissioning plan is needed and how long would it take to design and start to implement it? What happens to the spent fuel rods? Can the plant be converted to a different method of providing energy? What is involved and how long would the process take? Does the process begin before, during or after decommissioning? Would more gas pipelines be needed?

These are questions that must be addressed. The responsible thing to do is to educate ourselves and our residents, without scare tactics or political grandstanding so that we as a county can make an informed decision on the future of Indian Point. Not only should we know and understand all the safety issues and impacts, but also the economic, financial, environmental as well as the energy impacts from either closing Indian Point or keeping it open.

Let's work together, while we improve the plan to also answer these questions.



Andrew J. Spanio
County Executive

Facts About Potassium Iodide (KI)

Potassium Iodide is a simple mineral salt that can be helpful in preventing thyroid cancer in the event of a nuclear accident that releases radioactive iodine into the environment.

Why is there interest in KI today?

Growing concerns about the possibility of nuclear power facilities being targeted by terrorists have raised public interest in personal protective measures. Nuclear power facility accidents can result in the release of radioactive iodine and other radioactive substances. Although KI may help in protecting you from the absorption of radioactive iodine into your thyroid, the best method of total protection in the event of a situation that would call for KI is to evacuate the area. Evacuation not only protects you from exposure to radioactive iodine, but also provides protection from all other radioactivity that could possibly be released during a nuclear emergency.

How effective is the use of KI?

Potassium Iodide (KI) when taken no earlier than 24 hours before, or very shortly after exposure to radioactive iodine, is effective in reducing its absorption by the thyroid gland. KI is used to "flood" the thyroid with safe iodine, to prevent any radioactive iodine from being absorbed by the gland. This may reduce the risk of thyroid cancer in individuals who inhale or ingest radioactive iodine. KI does not protect any part of the body, other than the thyroid. Children in particular have been demonstrated to benefit from taking KI when exposed to radioactive iodine.

Is KI safe for everybody?

Persons with known iodine sensitivity or shellfish allergies should avoid KI. People with thyroid disorders should consult their physician and be treated with caution, especially if dosing extends beyond a few days.

If exposure to radioactive iodine from a nuclear accident is imminent, pregnant women should be given KI for their own protection and for that of the fetus. Repeat dosing with KI of pregnant women or women who are breastfeeding should be avoided.

What are the recommended doses of KI?

The recommended dose of KI is based on age, exposure, and pregnancy and lactation status. Consult the package label and your physician for proper dosage for you and members of your family. Do not take more KI than directed or more often than directed. Taking more KI will not offer better protection and may result in a greater chance of side effects. Do not take KI in advance of instructions to do so.

How will I know if the use of KI is indicated in an emergency?

The use of KI is only indicated in emergencies where the public is likely to be exposed to radioactive iodine. The State and County Health Departments monitor all radiation emergencies and will immediately notify the public if KI should be taken to prevent a radiation dose to the thyroid. The health department will make this known through public announcements, through the media, through the emergency alert system and through the website at www.westchestergov.com. When it is no longer necessary to take KI, that information will be widely publicized as well.

Where is KI available?

Currently, KI is available in a limited number of pharmacies in New York State. Some formulations of KI may be purchased without a doctor's prescription. It also may be purchased over the Internet or in retail outlets without a prescription. Please consult your doctor to receive proper dosing information for each individual planning to take KI.

For more information about Potassium Iodide (KI), call the Health Department at (914) 813-5000 or visit the Health Department's website at www.westchestergov.com/health.

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Westchester County
Potassium Iodide Policy

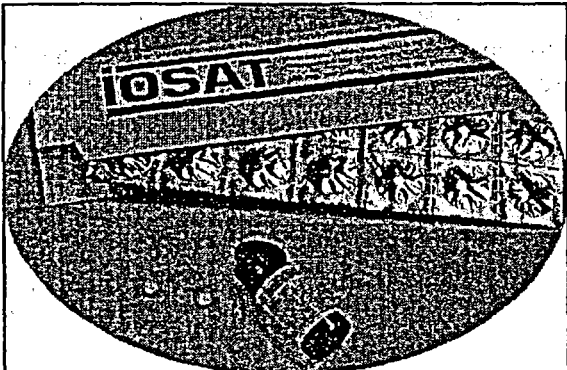
K I

Department of Emergency Services
Department of Health

Potassium Iodide (KI)

- Simple salt, similar to table salt, supplied in 130mg tablets, 5 year shelf life
- Taken up by thyroid gland
- Safe & effective way to prevent radioiodine uptake. "Blocks the gland with good iodine"
- Thyroid protection only...no impact on the uptake of other radioactive materials...provides no protection against external irradiation of any kind.

2/13/2002 WESTCHESTER KI PLAN DRAFT 2



2/13/2002 WESTCHESTER KI PLAN DRAFT 3

History

- Always had Potassium Iodide (KI) for emergency workers & institutionalized individuals
- Nuclear Regulatory Commission (NRC) petitioned by an individual in November 1995 to make KI available to public
- NRC referred to Food & Drug Administration (FDA) to study

2/13/2002

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Recent Changes

- December 2001 FDA recommends KI be "considered" says "the use of KI is a reasonable & prudent measure as a supplemental protective action"
- Bases decision on recent research
- Take care to "ensure that KI distribution does not impede or delay orderly evacuation"

2/13/2002

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Additional Changes

- NRC offers to "fund state or in some cases local government supplies"
- Present NRC Policy: 1 or 2 doses per person within 10 mile Emergency Planning Zone (EPZ)
- Distribute through Federal Emergency Management Agency (FEMA)
- February 2002 New York State Emergency Management Office (SEMO) reconvenes KI Taskforce, sends letter to FEMA requesting 1.2 million doses

2/13/2002

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Current Events

- SEMO is meeting with State Education Department, Child & Family Services, State Health Department & Legal Staff
- State Education Department Advisory Expected
- Next KI Taskforce meeting February 28

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County Objectives

- Protect Health & Welfare
- Offer KI as an adjunct to Radiological Emergency Preparedness Plan
- Formalize Plan to include KI for public
- Include policy in Planning for Emergencies Booklet
- Ensure ongoing support of program by Federal, State, or Utility Funding

2/13/2002 WESTCHESTER KI PLAN DRAFT

Five Action Areas

- Link Pharmacies with Manufacturers
- Comprehensive Public Education
- Support Education & Childcare Facilities
- Increase County Cache
- Assess further distribution needs

2/13/2002 WESTCHESTER KI PLAN DRAFT

Link Pharmacies / Manufacturers

- Independent Pharmacists as well as “Chain Stores” through existing relationships
- Facilitates supply to people who want to purchase KI over the counter (OTC) now
- Consumer Affairs to monitor pricing
- Compliments current KI availability on internet

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Comprehensive Public Education

- Department of Health to educate about KI, limited protection / cautions / adverse reactions / not for prophylactic use
- County to issue Public Service Announcements, Brochures, and posts on Website
- Information to include who decides when its time to take KI. How people will be notified of that decision

2/13/2002

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County Support of Education & Childcare

- ◆ Provide information for Districts to decide participation
- ◆ Aid Districts with planning distribution plans, should they choose to participate
- ◆ Assist SEMO and Districts with logistics
- ◆ Education program for staff

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Increase County Cache

- Add to current stockpiles
- Available for increased public demand
- Supply for unanticipated needs
 - ◆ New Nursing Facilities etc.

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Additional Issues

- Address special need groups
- Assure supply to transients & visitors
- Continued education
 - Periodic refresher campaigns
 - Information for new residents

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Actions

- Please provide comments in writing by March 1
 - ◆ Westchester County Department of Emergency Services
4 Dana Road
Valhalla, New York 10595
- Attn: Anthony W. Sutton, Deputy Commissioner
Phone 914-231-1688 FAX 914 -231-1622
E-Mail AWS1@Westchestergov.com

2/13/2002

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Going Forward

- Continue work with NRC, FEMA, SEMO & NYS Depts. of Health and Education
- Disseminate new information
- Finalize policy
- Commence comprehensive KI education.
- Complete preparations for delivery / distribution as soon as plans are in place and supply is available
- Assist with increased retail availability

2/13/2002

WESTCHESTER KI PLAN
DRAFT

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Westchester County
Potassium Iodide Policy

Thank You

Questions?

ANDREW J. SPANO, Westchester County Executive
SUSAN TOLCHIN, Director of Communications

CONTACT: SUSAN TOLCHIN
VICTORIA HOCHMAN

(914) 995-2932
(914) 995-2950

FOR IMMEDIATE RELEASE

May 31, 2002

WESTCHESTER COUNTY BEGINS DISTRIBUTION OF POTASSIUM IODIDE
KI will be made available to residents within the 10-mile radius of Indian Point on three days in June

Westchester County will begin distributing potassium iodide, known as KI, on Saturday, June 8 in the first of three days set aside to distribute the pills for use in a radiological emergency.

Residents who live within a 10-mile radius of the Indian Point nuclear power plant can receive one free pill per person at any one of the dates and locations listed below.

This free, public distribution is part of a comprehensive KI policy, which includes the distribution and stockpiling of KI so it will be available to the public as well as emergency personnel. Upon request, potassium iodide pills will also be distributed to schools within the 10-mile radius of Indian Point and a supply will be maintained at public locations should an emergency occur when people are not at home.

KI helps to protect the thyroid by blocking the intake of radiation, but it does not offer overall protection from radiation. It is also not meant as a substitute for taking shelter or evacuation.

Along with the pills, residents will be given a fact sheet on KI which contains recommended dosages and other information. Dates and locations of KI days are as follows:

- Saturday, June 8, 9 a.m. – 1 p.m. – Lobby of Yorktown High School, 2727 Crompond Road, Yorktown Heights.
- Saturday, June 15, 9 a.m. – 1 p.m. – Lobby of Ossining High School, 29 S. Highland Ave., Ossining.
- Saturday, June 29, 9 a.m. – 1 p.m. – Lobby of Hendrick Hudson High School, 2 Albany Post Road, Montrose.

The Nuclear Regulatory Commission, which allocated the pills, requires only that they be distributed within the 10-mile radius of Indian Point. KI, however, can be purchased by anyone at pharmacies throughout Westchester. The Westchester County Health Department has worked with pharmacies to make sure that a supply of KI is available. A list of participating pharmacies is attached.

(MORE)



PLEASE READ BEFORE SIGNING

Potassium Iodide Distribution Confirmation Statement

- My signature confirms that I live in the Westchester portion of the 10 mile radius Emergency Planning Zone (EPZ) surrounding the Indian Point Power Plants; that I have received one (1) 130 mg tablet of Potassium Iodide (KI) for each member of my household who resides at the address I have listed; that no other member of my household has received additional doses of KI, or will seek additional doses of KI on these free distribution days.
- I have received copies of the manufacturer's product sheet and Westchester County Health Department fact sheet which inform me of the proper usage, risks, side effects, and effectiveness of KI tablets, which are only to be taken as directed in the event of a radiological incident; and I will convey this information to the members of my household.
- I understand that I should contact my personal physician with questions concerning my taking KI.

Potassium Iodide (KI) Questions & Answers

What is Potassium Iodide (KI)?

Potassium Iodide is a simple mineral salt that can be helpful in preventing thyroid cancer in the event of a nuclear accident that releases radioactive iodine into the environment. KI does not protect any part of the body, other than the thyroid.

Why is there interest in KI today?

Growing concerns about the possibility of nuclear power facilities being targeted by terrorists have raised public interest in personal protective measures. Nuclear power facility accidents can result in the release of radioactive iodine and other radioactive substances. Although KI may help in protecting you from the absorption of radioactive iodine into your thyroid, the best method of total protection in the event of a situation that would call for KI is to evacuate the area. Evacuation not only protects you from exposure to radioactive iodine, but also provides protection from all other radioactivity that could possibly be released during a nuclear emergency.

How effective is the use of KI?

Potassium Iodide (KI) when taken no earlier than 24 hours before, or very shortly after exposure to radioactive iodine, is effective in reducing its absorption by the thyroid gland. KI is used to "flood" the thyroid with safe iodine, to prevent any radioactive iodine being absorbed by the gland. This may reduce the risk of thyroid cancer in individuals who inhale or ingest radioactive iodine. In particular, it has been demonstrated to benefit from taking KI when exposed to radioactive iodine.

Is KI safe for everybody?

Persons with known iodine sensitivity or shellfish allergies should avoid KI. People with thyroid disorders should consult their doctor and be treated with caution, especially if dosing extends beyond a few days.

If exposure to radioactive iodine from a nuclear accident is imminent, pregnant women should be given KI for their own protection and for that of the fetus. Repeat dosing with KI of pregnant women or women who are breastfeeding should be avoided.

How will I know if the use of KI is indicated in an emergency?

The use of KI is only indicated in emergencies where the public is likely to be exposed to radioactive iodine. Health Departments monitor all radiation emergencies and will immediately notify the public if KI should be taken to protect the thyroid. Of course, the health department will make this immediately known through public announcements, media, through the emergency alert system and through the website at www.westchestergov.com. When you take KI, that information will be widely publicized as well.

Where is KI available?

Currently, KI is available in a limited number of pharmacies in New York State. Some formulations of KI require a doctor's prescription. It also may be purchased over the Internet or in retail outlets without a prescription, but you must receive proper dosing information for each individual planning to take KI.

What are the recommended doses of KI?

The recommended dose of KI is based on age, exposure, and pregnancy and lactation status. Consult your physician for proper dosage for you and members of your family. Do not take more KI than directed. Taking more KI will not offer better protection and may result in a greater chance of side effects. Follow the instructions to do so. Westchester County is distributing 130 mg tablets. Although the latest Guidelines suggest doses less than 130 mg for children and infants, only 130 mg tablets have been manufactured. "The FDA believes that the overall benefits of taking 130 mg of KI instead of a lower dose far exceed the small risk from overdosing." The FDA has made recommendations for dosing: 16 mgs; 1 month to 3 years of age - 32 mgs; 3 years to 8 years of age - 65 mgs; 8 years and older - 130 mgs.

Why am I only getting one tablet for each member of my family?

One tablet affords protection for 24 hours. No one other than emergency workers should be in the area during that period. Once you leave the area of exposure to radioactive iodine, you no longer need KI. You will receive a second dose at reception centers and emergency agencies both within and outside the EPZ. In an effort to protect you, the County has chosen to provide a second dose at reception centers and emergency agencies both within and outside the EPZ. If you aren't near home or have left home without taking their KI, the County has chosen to provide a second dose at reception centers and emergency agencies both within and outside the EPZ.

For more information about Potassium Iodide (KI), call the Health Department at 914-515-3333 or visit the Health Department's website at www.westchestergov.com.

Meeting Minutes

Westchester County
May 22, 2002

Introduction by Alain Grosjean

Project overview by Ed Lieberman

Issues:

1. Sirens are sounded to "modify public behavior," not necessarily at an Alert.
2. Westchester maintains several task forces - Regional Transportation & School Bus that have emergency preparedness roles. KLD will attend meetings as appropriate and coordinate work with them.
3. KLD reviewed traffic signal issues. Can signals be turned to "flash" mode at shopping centers, etc so as to not impede evacuation flows?
4. Is there a list of traffic signal locations? We must see whether the county and/or NYSDOT have such information. What about signals under local jurisdiction?
5. Population will be projected to a year 2003 time frame. We must obtain local growth rates on a town-by-town basis.
6. Reception Center Procedures
 - i. 2-mile evacuation 2 Reception Centers
 - ii. 5-mile evacuation 4 Reception Centers
 - iii. EPZ evacuation 9 Reception Centers
7. Traffic & Access Control - Time lags between mobilization and initiation of control. Local DPWs are responsible for equipment dispersal.
8. KLD will contact Dan O'Brien at SEMO for population and GIS files. All population data will be confirmed with the county to assure consistency.
9. Railroads - Southbound traffic is stopped at Beacon. Northbound traffic is stopped at Tarrytown. Passengers are transferred to buses. (Metro-North [commuters], AMTRAK [passenger], CSX [freight]).
10. KLD will email Westchester County requesting access to NAVTECH database.
11. Westchester will supply KLD with Procedure 5 for bus information.
12. WEB Mapping sites - Westchestergov.com, Westchester data book
13. Traffic zone numbers are currently available in GIS format
14. Intersection drawings (planimetrics) are available in digital format
15. Westchester will supply KLD with copies of the latest plans
16. Downtown Ossining and Peekskill are almost 100% transit dependent.

**INDIAN POINT EVACUATION TIME ESTIMATES MEETING
WITH COUNTY AND NYS AGENCIES**

**SEPTEMBER 3, 2002
FIRE TRAINING CENTER, VALHALLA, NY**

AGENDA

- 1 - HUDSON VALLEY TRAFFIC MANAGEMENT CENTER - NYS DOT**
- 2 - ETE STUDY OVERVIEW, ESTIMATES AND ASSUMPTIONS - KLD**
- 3 - DATA COLLECTION ISSUES - KLD**
- 4 - OPEN DISCUSSION**

Minutes of Meeting

Purpose: ETE Meeting including NYS, Counties, KLD Associates

Date: September 3, 2002

Location: Valhalla FTC

Present at the Meeting:

Joyce Lanuert	W.C. Planning
Carl Giacomazzo	Orange County
Adam Stiebeling	Putnam County
Capt. Paul Stasaidi	W.C. Police Department
Dgt. Robert Autmuush	W.C. Police Department
Alain Griosjean	Entergy
Joe Kammerman	IEM
Reuben Goldblatt	KLD Associates
Karla Sheridan	KLD Associates
Mare Talluto	NYS
Patrick Clark	NYSTA
Richard Stiller	WCDOT
Sonia Tatlock	Rockland County GIS
Michael Trier	NYSEMO
Jack Huber	Entergy
Tony Sutton	WCDES
Neil Sweeting	WCOEM
Roberta Fox	NYSDOT
Henry deChies	NYSP
John LiMarzi	NYSDOT
Christopher Jensen	RCOFES
Daniel Greeley	RCOFES

Meeting began at approximately 9:15AM

John LiMarzi gave a visual presentation of the functions of the Intelligent Transportation Systems.

He discussed ATMS, surveillance, incident response, traffic management, traveler information, the website, www.hudsonvalleytraveler.com (for upcoming construction projects, etc.), the Early Deployment Plan (EDP) between 7 counties and the Hudson Valley Transportation Management Center (HVTMC) planned for Mt. Pleasant, New York.

Henry deChies discussed the Computer Aid Dispatch (CAD) with C-911 integrated with the ATMS/ATIS software. It was mentioned that the CAD may begin being used on October 1. The Highway Emergency Local Patrol (HELP) was discussed as having 25 available trucks for five counties (Westchester, Putnam, Orange, Rockland and Dutchess).

Reuben Goldblatt gave a PowerPoint presentation on the sources and assumptions regarding the Indian Point Energy Center evacuation plan.

Telephone Survey: Reuben discussed the telephone survey results. A question was asked if the survey results could be broken down by county. He answered 'yes'. It was also asked if the survey results could be broken down by ERPA. Reuben's response was that that level of detail was not available. He reported that the survey was taken with special regard to a respondent's anonymity. Therefore, although telephone numbers were recorded, addresses were not. Reuben did report that Census for Year 2000 can be mapped to each ERPA.

Employees: A question was asked about the employees in the EPZ who rely on public transportation (i.e. train). Reuben responded that the telephone survey showed that approximately 80% of persons travel to work in their own vehicles. The issue of transients into Westchester County was brought up. It was stated that approximately 50,000/day enter from Brooklyn, Queens, Bronx, etc. by train.

Shadow population: The concept of shadow population in an evacuation was discussed. It was mentioned that it would take longer for the shadow population to become aware of an advisory to evacuate the EPZ.

Time distributions: The different time distributions were discussed and how KLD uses events serially to be conservative.

Traffic Control Points: The issue of Traffic Control Points was discussed. Even though these control points would be set up to encourage the best flow of traffic in the direction of evacuation, Reuben suggested that, for a certain period of time, we should not prevent vehicles from moving more freely if it would allow those individuals (such as parents returning to pick their children up from school) to reach their destination. That approach should also be taken regarding Access Control Points (those control points that would prevent access to enter the EPZ). He felt that the officers would be on "stand by" until some reasonable point in time. Reuben said that during the third week of September, KLD would be checking intersections in the EPZ so that the work on a Traffic Management Plan can move forward.

Human response: The issue of human response to emergencies was brought up: The question was asked if we should cite some valid studies. It was also strongly suggested

that we do not make the statement that our ETE study is only concerned with clearing the EPZ. Reuben responded by explaining that KLD can include "shadow" studies that include 25, 50 to 75% show evacuation.

Assumptions: Some additional assumptions given were: 40% school children picked up by parents. 76% high school students use their own vehicles. Buses are available for evacuation of schools 1–1.5 hours after the Evacuation Advisory. Reuben stated that the assumptions presented were open for discussion. He offered to send the PowerPoint presentation to all present at the meeting. Both the presentation and the telephone survey results would be sent to Alain Grosjean at Entergy.

Two-wave: The concept of two-wave was mentioned: 1st wave for kids (from the school to the host facility) and 2nd wave for the general public. The question was brought up about whether or not the drivers would return for the 2nd wave.

School children: It was suggested that, if the parents knew that their children were being bused to the host facility, wouldn't it save them from going to the school? It was suggested that the personnel at a Traffic Control Point should inform the parents.

ERPA definitions: Reuben stated that he felt the ERPA configurations were not ideally designed, but KLD was using the current configurations.

Additional questions and comments: It was asked that, if it takes approximately 2.5 hours to begin an evacuation, would residents ever be told that it is safer to remain in their homes. The response was that it was hoped that an evacuation would occur prior to the release of any material. **Evacuation relocation:** It was asked what the length of time would be for an individual to spend outside the EPZ after the occurrence of an evacuation. Reuben stated that the study performed by KLD does not take that question into consideration, but a spokesman for one county suggested that a few days was reasonable to expect. Reuben also added that the ETE provided by KLD represents the time to clear the EPZ, not the time to get to the host facility.

It was noted that on September 24, 2002, a FEMA exercise would take place and that in October another ETE meeting might be helpful.

Meeting adjourned at approximately 12:30 PM.

Karla Sheridan met separately with Christopher Jensen, Carl Giacomazzo, Adam Stiebeling and Neil Sweeting to discuss the need for help (i.e. contact names) in obtaining data from the transient and special facilities in each of the counties.

KLD Meeting
Dept. of Emergency Services
Rm 112

Wednesday, Oct. 23, 2002, 1-3 PM

<u>Name</u>	<u>Agency</u>
Tony Sutton	DES
Liam Murphy	OEM
Neil Sweeting	OEM
KEVIN REEVES	DPS
PAUL STASAITIS	DPS
Michael Slobodien	ENERGY NUCLEAR NORTHEAST
Jack Huber	Energy - EP
Richard Stiller	WC DOT
Michael Sweet	WC DOT
EDWARD BURROUGHS	WC PLANNING
MICHAEL LYRK	WC PLANNING
ALAIN GOSJEAN	ENERGY

**FOUR COUNTY/NYS/ENTERGY
ETE PROJECT UPDATE MEETING**

JANUARY 30, 2003

AGENDA

- 1 - PROJECT UPDATE
- 2 - PRESENTATION OF PRELIMINARY ETEs
- 3 - PRESENTATION OF ETE ANIMATION MODEL
- 4 - PRESENTATION OF DRAFT TMP DIAGRAMS
- 5 - DISCUSSION OF DRAFT REPORT AND REVIEW CYCLE
- 6 - DISCUSSION OF FUTURE MEETINGS PLANNED
 - TMP DIAGRAM REVIEWS
 - ETE TRAINING

KLD AGENDA :

- 1 - Project Update*
- 2 - Evocation Traffic Demand*
- 3 - ETE Results*
- 4 - Animation of ETE*
- 5 - Traffic Diagram Plans*
- 6 - Open Discussion*

ATTENDEE SIGN-IN SHEET

PURPOSE: ETE LECTURE

DATE: 3/20/03 AM LOCATION: THAYER HOTEL

NAME	ORGANIZATION
Deborah Jay	Entergy
Bill Friedman	Assembly Women Gale F
CINDY BROVARSKI	EMER. PLNG, ENTERGY
RALPH CARUSO	SENATOR. WILLIAM J. LARKIN
JOSEPH D'ONOFRIO	MAYOR-HIGHLAND FALLS
MAURA McILICHOUGH	ENTERGY
Edward R. KEAR	HENDRICK Hudson School dist.
JEFF TRACS	Town of Cortlandt
John Miras	Rep. Sue Kelly
Patricia A Milligan	U.S. Nuclear Reg Agency
Kathleen McMullin	Entergy
LINDA COOPER	SUPERVISOR-TOWN OF YORKTOWN
ROBERT A. ARRUATA	POLICE CHIEF-YORKTOWN
Rebecca Thomson	FEMA R.II
Cheerl Murray	Governor Pataki's Office
JIM SEIRMARCO	VILLAGE OF BUCHANAN ^{LIASOIP} TO I.P.
FRANCES E. SURAK	VILLAGE OF BUCHANAN TRUSTEE
Jim Sullami	Supervisor T of Cornwall
MJ Slobodian	ENTERGY NUCLEAR NORTHEAST
ALAIN GROISSEAN	ENTERGY
Frank Inzirillo	Entergy
Ray Albanese	4 County Coordinator
LIAM Murphy	Westchester OFEM

ATTENDEE SIGN-IN SHEET

PURPOSE: ETE LECTURE

DATE: 3/20/03 PM LOCATION: THAYER HOTEL

NAME	ORGANIZATION
JERRY KNAPP	USMA EMERGENCY MANAGEMENT
Jan Greeley	Rockland OEM
MARCO MCBIVICHONI	ENERGY
Paul A. Stasatis	Westchester County Police
Jim Steets	Energy
Ray Albanese	4 County Coordinator
Liam Murphy	Westchester Co. OEM
Bob Bores	USNRC Region I
Patricia Milligan	USNRC Headquarters
Nicholas Longo P.	R.C. Office of Fire & Emergency Services
Frank Marzulli	ENNE
Bob Rogan	Putnam County B.F.S.
Susan Meyer	Rockland County
Rebecca Thomson	FEMA B.II
BARRY LEVENTHAL	BERGEN COUNTY OEM
John Paletto	Bergen County OEM
TONY FERRARO	ENERGY -
Mike Miele	Energy
ALAIN GROSJEAN	ENERGY

OFFSITE MEETINGS/TRAINING 2002

MEETINGS WITH COUNTIES

Westchester:

1/3,10,15,22

2/5,21

3/5,14,26

5/22,24,29

6/3,7,13,19,20,25

7/3,9,29

8/29

9/13

Rockland:

1/30

2/6,13

3/6,27

4/17

5/23

7/9

Orange:

1/22,23,24

2/21

3/13,25

4/12

5/20

8/21

Putnam:

1/29

2/11,25

3/12

4/2

5/21

6/19

7/11

OTHER MEETINGS (KI TASK FORCE, EXERCISE MEETINGS, MS-1, ETC.)

1/16,22

2/20,28

3/14

4/2,3,11,15,19

5/2,8,21,29

6/5,10,11,18
8/5,20,27,29
9/4,17,23,26
10/7,15,22,30
11/12,13,14,15
12/9,10,11,12

STATE/FOUR COUNTY MEETINGS

1/17/02
2/13/02
4/24/02
8/8/02
10/30/02
12/19/02

FEMA MEETINGS

2/13/02
5/16/02
8/8/02
9/27/02

TRAINING

Westchester:

6/26,27
7/1,2,9,16,18,19,29
8/7,13,14,21
9/19,24

Rockland:

6/18,20,25
7/22,29
8/19
9/16,24
11/18,25

Orange:

4/18
7/10,11,16,17,31
8/1,7,14,28
9/10,14,18,19

Putnam:

1/8,31

4/16,23,30

7/17,23,30

8/28,29

9/24

11/6,20,21

NYS:

8/20

Other:

3/26

4/9

5/14,15,21,28

6/10

9/3,4

12/9,10,11

ETE MEETINGS

4/24/02 (NYS/Counties)

5/20/02 (with Orange)

5/21/02 (with Putnam)

5/22/02 (with Westchester)

5/23/02 (with Rockland)

7/29/02 (with State Agencies)

8/14/02 (with State Agencies)

9/3/02 (NYS/Counties)

10/23/02 (with Westchester)

11/6/02 (with Rockland)

11/6/02 (with Orange)

11/7/02 (with Putnam)

1/30/03 (NYS/Counties)

2/6/03 (NYS/Rockland)

3/18/03 (FEMA/NRC)

2002 MEETINGS WITH INDIAN POINT COUNTIES

<u>MONTH</u>	<u>DATE/TIME</u>	<u>LOCATION</u>	<u>ATTENDEES</u>	<u>TOPIC</u>
January	Jan. 3, 10, 15, 22		Entergy/Westchester	KI Task Force; exercise; MS-1
	Jan. 8,31		Putnam Training	
	Jan. 16, 22			
	Jan. 17		NYS/Four County Mtg.	
	Jan. 22, 23, 24		Entergy/Orange	
	Jan. 29		Entergy/Putnam	
	Jan 30		Entergy/Rockland	
February	Feb, 5, 21		Entergy/Westchester	KI Task Force; exercise; MS-1
	Feb. 6, 13		Entergy/Rockland	
	Feb. 11, 25		Entergy/Putnam	
	Feb. 13		NYS/Four County Mtg.	
	Feb. 13		FEMA mtg.	
	Feb. 20, 28			
	Feb. 21		Entergy/Orange	
March	March 5, 14, 26		Entergy/Westchester	

	March 6, 27		Entergy/Rockland	
	March 10	JNC	C. Brovarski (CB), D. Maurer, Adele Dowling, Sue Meyer	PIO issues/2002 activities
	March 11, 11 a.m	Rockland Fire Training Center	Mike Slobodien (MS), Maura McGillicuddy (MM), Susan Meyer, Chris Jensen	2002-2003 IP EP booklet
	March 12		Entergy/Putnam	
	March 13, 25		Entergy/Orange	
	March 14			KI Task Force; exercise; MS-1
	March 18, 10 a.m.	Putnam County EOC	MS, MM, Adam Steibling, Bob Rogan	2002-2003 IP EP booklet
	March 21, 3 p.m.	Westchester County Office Building, executive chambers	MS, MM, Chris Kozlow, Linda Luddy, Adele Dowling, Susan Tolchin, Tony Sutton, Andy Spano	2002-2003 IP EP booklet
April	April 2		Entergy/Putnam	
	April 2, 3, 11, 15, 19			KI Task Force; exercise; MS-1
	April 12		Entergy/Orange	
	April 16,23,30		Putnam Training	
	April 17		Entergy/Rockland	

			Tolchin	
June	June 3, 7, 13, 19, 20, 25 June 5, 10, 11, 18 June 18, 20, 25 June 19 June 19, 10 a.m. June 25, afternoon June 25 June 26, 27	Westchester County Fire Training building Westchester County Ctr.	Entergy/Westchester Rockland Training Entergy/Putnam CB, MM, Adele Dowling, Don Maurer, Adam Steibling, Sue Meyer, KL MS, MM, KL, Susan Tolchin, Tony Sutton, Susan Meyer, Dan Greeley, Dominick Greene, Don Maurer, Adele Dowling Local elected officials; EDs Westchester Training	KI Task Force; exercise; MS-1 PIO meeting 2002-2003 IP EP booklet Discuss IPEC
July	July 1, 2, 9, 16, 18, 19, 29 July 3, 9, 29 July 9 July 9, 10 a.m.	Rockland Fire Training Ctr.	Westchester Training Entergy/Westchester Entergy/Rockland P. Szabados, CB, Chris Jensen, Dan Greeley, Sue Meyer	IPEC siren upgrade project

	April 18		Orange Training	
	April 24		NYS/Four County Mtg.	
	April 24		NYS/Four Counties	ETE
May	May 2, 8, 21, 29			KI Task Force; exercise; MS-1
	May 16		FEMA mtg.	
	May 20		Entergy/Orange	
	May 20		Orange County	ETE
	May 21		Putnam County	ETE
	May 21		Entergy/Putnam	
	May 22		Westchester County	ETE
	May 22, 24, 29		Entergy/Westchester	
	May 23		Entergy/Rockland	
	May 23		Rockland County	ETE
	May 24, morning	Orange County EOC	Dominick Greene, Korky Dulgerian, KL	Orange County EP map review
	May 25, morning	Rockland County EOC	Chris Jensen, Nick Longo, Sue Meyer, Ken Lott (KL)	Rockland County EP map review
	May 30, afternoon	Westchester County Fire Training building	MS,MM, KL, Tony Sutton, Adele Dowling, Susan	2002-2003 IP EP booklet

September	Sept. 3		NYS/Four Counties	ETE
	Sept. 4, 17, 23, 26			KI Task Force; exercise; MS-1
	Sept. 5		Westchester EOC	Entergy observed EOC
	Sept. 10		CB, Frank Inzirillo, Tony Sutton	IPEC siren upgrade project
	Sept. 10,14,18,19		Orange Training	
	Sept. 12	JNC	CB, MM, MS, Kathy McMullin, Susan Tolchin, Adele Dowling, Sue Meyer, Adam Stiebeling, Don Maurer	News Media Day
	Sept. 13		Entergy/Westchester	
	Sept. 16, 24		Rockland Training	
	Sept. 16	Westchester Fire Training Ct.	Pete Szabados, CB, Neil Sweeting, Linda Luddy, Tony Sutton	Siren Upgrade Project
	Sept. 17, 10 a.m.	JNC	CB, Don Maurer, Adele Dowling, Sue Meyer, Adam Stiebeling	EAS training
	Sept. 19, 24		Westchester Training	
	Sept. 24		Putnam Training	

	<p>July 10, 1 p.m.</p> <p>July 10,11,16,17,31</p> <p>July 11</p> <p>July 17,23,30</p> <p>July 22,29</p> <p>July 29, 9 a.m.</p>	<p>Westchester County Fire Training building</p> <p>JNC</p>	<p>MM, KL, Tony Sutton, Liam Murphy, Adele Dowling</p> <p>Orange Training</p> <p>Entergy/Putnam</p> <p>Putnam Training</p> <p>Rockland Training</p> <p>CB, MM, Don Maurer, Adele Dowling, Sue Meyer, Adam Stiebeling</p>	<p>2002-2003 IP EP booklet map review</p> <p>PIO meeting; booklet review</p>
August	<p>August 1, 7,14,28</p> <p>August 5, 20, 27, 29</p> <p>August 7,13,14,21</p> <p>August 8</p> <p>August 8</p> <p>Aug. 19</p> <p>August 21</p> <p>Aug. 28,29</p> <p>August 29</p>		<p>Orange Training</p> <p>Westchester Training</p> <p>NYS/Four County Mtg.</p> <p>FEMA mtg.</p> <p>Rockland Training</p> <p>Entergy/Orange</p> <p>Putnam Training</p> <p>Entergy/Westchester</p>	<p>KI Task Force; exercise; MS-1</p>

	Nov. 20	JNC	CB, Don Maurer, Adele Dowling, Sue Meyer, Adam Stiebeling,	PIO mtg.
December	Dec. 9, 10, 11, 12			KI Task Force; exercise; MS-1
	early December	Westchester County Fire Training building	MM, Linda Luddy, Liam Murphy	
	mid-December	CDP Graphics office	MM, Linda Luddy, Liam Murphy, Jim Mulligan (CDP)	2002-2003 IP EP booklet reprint meeting—update map
	mid-December	CDP Graphics office	MM, Linda Luddy, Liam Murphy, Jim Mulligan (CDP). Vito Ciaravino (Galaxy Printing)	2002-2003 IP EP booklet reprint meeting—update map—proofread corrections prior to printing
	Dec. 19		NYS/Four County Mtg.	2002-2003 IP EP booklet reprint meeting—update map—proofread final blues before printing.

	Sept. 24 Sept. 27		Westchester EOC FEMA mtg.	Entergy observed EOC
October	Oct. 3, 10 a.m. Oct. 7, 15, 22, 30 Oct. 16, 10 a.m. Oct. 23 Oct. 30	Putnam EOC JNC	MM, KL, Linda Luddy, Dominick Greene, Susan Meyer, Adam Steibling, Bob Rogan, Mario Rampolla CB, Don Maurer, Adele Dowling, Sue Meyer, Adam Stiebeling Westchester County NYS/Four County Mtg.	2002-2003 IP EP booklet follow-up advertising/pr materials KI Task Force; exercise; MS-1 PIO mtg. ETE
November	Nov. 6,20,21 Nov. 6 Nov. 6 Nov. 7 Nov. 12, 13, 14, 15 Nov. 18,25		Putnam Training Rockland County Orange County Putnam County Rockland Training	ETE ETE ETE KI Task Force; exercise; MS-1

Putnam:

1/8,31
4/16,23,30
7/17,23,30
8/28,29
9/24
11/6,20,21

NYS:

8/20

Other:

3/26
4/9
5/14,15,21,28
6/10
9/3,4
12/9,10,11

ETE MEETINGS

4/24/02 (NYS/Counties)
5/20/02 (with Orange)
5/21/02 (with Putnam)
5/22/02 (with Westchester)
5/23/02 (with Rockland)
7/29/02 (with State Agencies)
8/14/02 (with State Agencies)
9/3/02 (NYS/Counties)
10/23/02 (with Westchester)
11/6/02 (with Rockland)
11/6/02 (with Orange)
11/7/02 (with Putnam)

1/30/03 (NYS/Counties)
2/6/03 (NYS/Rockland)
3/18/03 (FEMA/NRC)

6/5,10,11,18
8/5,20,27,29
9/4,17,23,26
10/7,15,22,30
11/12,13,14,15
12/9,10,11,12

STATE/FOUR COUNTY MEETINGS

1/17/02
2/13/02
4/24/02
8/8/02
10/30/02
12/19/02

FEMA MEETINGS

2/13/02
5/16/02
8/8/02
9/27/02

TRAINING

Westchester:

6/26,27
7/1,2,9,16,18,19,29
8/7,13,14,21
9/19,24

Rockland:

6/18,20,25
7/22,29
8/19
9/16,24
11/18,25

Orange:

4/18
7/10,11,16,17,31
8/1,7,14,28
9/10,14,18,19

2002 MEETINGS WITH INDIAN POINT COUNTIES

<u>MONTH</u>	<u>DATE/TIME</u>	<u>LOCATION</u>	<u>ATTENDEES</u>	<u>TOPIC</u>
January	Jan. 3, 10, 15, 22 Jan. 8,31 Jan. 16, 22 Jan. 17 Jan. 22, 23, 24 Jan. 29 Jan 30		Entergy/Westchester Putnam Training NYS/Four County Mtg. Entergy/Orange Entergy/Putnam Entergy/Rockland	KI Task Force; exercise; MS-1
February	Feb, 5, 21 Feb. 6, 13 Feb. 11, 25 Feb. 13 Feb. 13 Feb. 20, 28 Feb. 21		Entergy/Westchester Entergy/Rockland Entergy/Putnam NYS/Four County Mtg. FEMA mtg. Entergy/Orange	KI Task Force; exercise; MS-1
March	March 5, 14, 26		Entergy/Westchester	

	April 18		Orange Training	
	April 24		NYS/Four County Mtg.	
	April 24		NYS/Four Counties	ETE
May	May 2, 8, 21, 29			KI Task Force; exercise; MS-1
	May 16		FEMA mtg.	
	May 20		Entergy/Orange	
	May 20		Orange County	ETE
	May 21		Putnam County	ETE
	May 21		Entergy/Putnam	
	May 22		Westchester County	ETE
	May 22, 24, 29		Entergy/Westchester	
	May 23		Entergy/Rockland	
	May 23		Rockland County	ETE
	May 24, morning	Orange County EOC	Dominick Greene, Korky Dulgerian, KL	Orange County EP map review
	May 25, morning	Rockland County EOC	Chris Jensen, Nick Longo, Sue Meyer, Ken Lott (KL)	Rockland County EP map review
	May 30, afternoon	Westchester County Fire Training building	MS,MM, KL, Tony Sutton, Adele Dowling, Susan	2002-2003 IP EP booklet

			Tolchin	
June	June 3, 7, 13, 19, 20, 25 June 5, 10, 11, 18 June 18,20,25 June 19 June 19, 10 a.m. June 25, afternoon June 25 June 26, 27	Westchester County Fire Training building Westchester County Ctr.	Entergy/Westchester Rockland Training Entergy/Putnam CB, MM, Adele Dowling, Don Maurer, Adam Steibling, Sue Meyer, KL MS, MM, KL, Susan Tolchin, Tony Sutton, Susan Meyer, Dan Greeley, Dominick Greene, Don Maurer, Adele Dowling Local elected officials; EDs Westchester Training	KI Task Force; exercise; MS-1 PIO meeting 2002-2003 IP EP booklet Discuss IPEC
July	July 1,2,9,16,18,19,29 July 3, 9, 29 July 9 July 9, 10 a.m.	Rockland Fire Training Ctr.	Westchester Training Entergy/Westchester Entergy/Rockland P. Szabados, CB, Chris Jensen, Dan Greeley, Sue Meyer	IPEC siren upgrade project

	<p>July 10, 1 p.m.</p> <p>July 10,11,16,17,31</p> <p>July 11</p> <p>July 17,23,30</p> <p>July 22,29</p> <p>July 29, 9 a.m.</p>	<p>Westchester County Fire Training building</p> <p>JNC</p>	<p>MM, KL, Tony Sutton, Liam Murphy, Adele Dowling</p> <p>Orange Training</p> <p>Entergy/Putnam</p> <p>Putnam Training</p> <p>Rockland Training</p> <p>CB, MM, Don Maurer, Adele Dowling, Sue Meyer, Adam Stiebeling</p>	<p>2002-2003 IP EP booklet map review</p> <p>PIO meeting; booklet review</p>
August	<p>August 1, 7,14,28</p> <p>August 5, 20, 27, 29</p> <p>August 7,13,14,21</p> <p>August 8</p> <p>August 8</p> <p>Aug. 19</p> <p>August 21</p> <p>Aug. 28,29</p> <p>August 29</p>		<p>Orange Training</p> <p>Westchester Training</p> <p>NYS/Four County Mtg.</p> <p>FEMA mtg.</p> <p>Rockland Training</p> <p>Entergy/Orange</p> <p>Putnam Training</p> <p>Entergy/Westchester</p>	<p>KI Task Force; exercise; MS-1</p>

September	Sept. 3		NYS/Four Counties	ETE
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	Sept. 12	JNC	CB, MM, MS, Kathy McMullin, Susan Tolchin, Adele Dowling, Sue Meyer, Adam Stiebeling, Don Maurer	News Media Day
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	Sept. 19, 24		Westchester Training	
	Sept. 24		Putnam Training	

	Sept. 24 Sept. 27		Westchester EOC FEMA mtg.	Entergy observed EOC
October	Oct. 3, 10 a.m. Oct. 7, 15, 22, 30 Oct. 16, 10 a.m. Oct. 23 Oct. 30	Putnam EOC JNC	MM, KL, Linda Luddy, Dominick Greene, Susan Meyer, Adam Steibling, Bob Rogan, Mario Rampolla CB, Don Maurer, Adele Dowling, Sue Meyer, Adam Stiebeling Westchester County NYS/Four County Mtg.	2002-2003 IP EP booklet follow-up advertising/pr materials KI Task Force; exercise; MS-1 PIO mtg. ETE
November	Nov. 6,20,21 Nov. 6 Nov. 6 Nov. 7 Nov. 12, 13, 14, 15 Nov. 18,25		Putnam Training Rockland County Orange County Putnam County Rockland Training	ETE ETE ETE KI Task Force; exercise; MS-1

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	Dec. 19		NYS/Four County Mtg.	2002-2003 IP EP booklet reprint meeting—update map—proofread final blues before printing.

FOUR COUNTY/NYS/ENTERGY EMERGENCY PLANNING MEETING

JANUARY 15, 2003

AGENDA

- 1 - WITT REPORT NYSEMO
- 2 - ANNUAL LETTER OF CERTIFICATION (PR-1): NYSEMO
 - NEW FEMA CHECKLIST FOR NEXT YEAR'S SUBMISSION
- 3 - FEMA BASELINE FACILITY EVALUATIONS/BUS AND SCHOOL INTERVIEWS NYSEMO
- 4 - 2003 PLAN CHANGES FOR KI AND SHELTERING OPTIONS NYSEMO
- 5 - 2003 SCHEDULE OF EVENTS ENTERGY
 - REVIEW DRILL DATES
 - TARGET MS1 DRILL DATES: SPRING FOR GOOD SAM AND FALL FOR CORNWALL
- 6 - UPDATE ON SYSTEM UPGRADES/PROJECTS: ENTERGY
 - SIREN SYSTEM UPGRADES AND FUTURE TESTS
 - ETE
- 7 - STATUS OF PIO ACTIVITIES: NYSEMO/ENTERGY
 - UPDATE ON 2002 PIO ACTIVITIES MATRIX FROM SEMO
 - 2003 BOOKLET PRODUCTION/DISTRIBUTION ?
 - 2003 MEDIA MANUAL UPDATE/DISTRIBUTION ?
 - UPCOMING MEETINGS/TRAINING
- 8 - OTHER ITEMS ALL
- 9 - NEXT MEETING - ?

FOUR COUNTY Nuclear Safety Committee

ORANGE
PUTNAM
ROCKLAND
WESTCHESTER

Andrew J. Spano
Chairman

Raymond Albanese
Coordinator

Notes from January 15, 2003 4 County Directors Meeting

1. Witt Report (discussion deferred to end of agenda).
2. Annual Letter of Certification (PR-1):

SEMO has one copy of the PR-1 review form for each county and will make them available to the Counties in the meeting today. However, unlike in previous years, there has been NO official letter from the Director of SEMO to the counties requesting this information.

The Annual Letter of Certification (PR-1) is in no way a certification or re-certification of the REP Plan. The Four Counties' REP Plans for Indian Point were Certified by FEMA (James Lee Witt, Director) in 1995, in accordance with 44CFR350. They have been successfully exercised, with FEMA-evaluation, ever since (1996; 1998; 1999 (Ingestion Pathway); 2000 – all on Mr. Witt's watch), and again on September 24, 2002, after extensive Plan review. All the PR-1 letter certifies is to the performance of certain activities, including training and public information, in support of that Plan.

SEMO (Jim Baranski) pointed out that there are three components to FEMA's "Reasonable Assurance Findings": 1- the Exercise process; 2- the Annual Letter of Certification; 3- Staff Assist Visits. It was suggested that SEMO contact Bill McNutt at FEMA headquarters in Washington for any clarifications that might be needed. McNutt is the expert and the institutional memory; FEMA Counsel with experience are Vanessa Quinn and Nancy Goldstein, but it was agreed that the first call should be to McNutt.

Dominick Greene asked what will, or might, be the backlash if the PR-1s are not signed and submitted. After some discussion it was decided that on this issue we are in uncharted waters, and it was suggested that perhaps we should see how it plays out.

It was the consensus of the meeting that there will probably be on-going negotiations as to the submission of the PR-1 forms by all concerned parties.

Due to the extensive preparations for the FEMA-Evaluated REP Exercise on September 24, 2002, at Indian Point, in the aftermath of 9/11, it is anticipated that the 2002 PR-1 submissions of the Four Counties may be more robust than in previous years.

Westchester suggested that SEMO should have made the FEMA PR-1 review forms available to all of the 7 Counties earlier. DC Sutton also mentioned that the press reported that SEMO would be handing out the forms today.

3. Baseline Evaluations:

The present FEMA "baseline" does not pertain only to Indian Point. However, since Indian Point is such a hot item, it may be singled out for special attention. It was suggested that while it may be premature to act based on a DRAFT, it might be prudent to be prepared to act on most of the categories. SEMO needs to get clarifications from FEMA.

In reference to Congregate Care Facilities, all sites should not have to be demonstrated. It was mentioned that what will probably happen, based on SEMO's recent meeting with FEMA Region II, is that a meeting will be held with the Red Cross (and SEMO, the County and FEMA Region II). The American Red Cross, locally, maintains the agreements to use all of the Congregate Care Center facilities. This meeting should satisfy all outstanding "baseline" requirements. It is anticipated, however, that one Congregate Care Center will be demonstrated in conjunction with each Reception Center REP Exercise; this represents no departure from past practice.

The big issue is Reception Centers. The 6-year cycle already began with 2002. While for "baseline" purposes, however, exercises beginning with 1996 have apparently been grandfathered in, this should not be confused with the exercise requirement to exercise all Reception Centers within the six-year period beginning January 1, 2002, through December 31, 2007. It was mentioned that Robert Reynolds will be looking for a schedule from us.

All transportation companies/agencies involved in evacuation will have to be interviewed once during the same 6-year cycle, beginning with 2002.

Formal (i.e., FEMA-evaluated) exercise of the Emergency Worker PMC is apparently now on a six-year cycle. Since this has been a part of the biennial FEMA-evaluated REP exercise in the past, this requirement will have to be clarified before 2004.

It is anticipated that all K-12 schools within the EPZ, will be interviewed during the same 6-year cycle, beginning in 2002. For any "baseline" purposes, as with Reception Centers (above), interviews back through 1996 count.

It is anticipated that School Reception Centers will not be part of the "baseline."

It is also anticipated that day care centers and nursery schools will NOT be part of any "baseline."

The biennial MS-1 Drill will remain a requirement; this represents no change from current practice.

4. 2003 Plan Changes for KI and Sheltering Options:

When we reach a "General Emergency", the recommendation will be made to take KI.

We are expecting a change coming out from New York State Health Department, via SEMO, in February 2003 as to KI.

By the end of February 2003, each of the 4 Counties' plans must be changed to show their KI distribution plan.

FEMA is making a lot of new requirements of the Counties but not answering their questions as to how the Counties can accommodate them.

FEMA handed out vague guidelines but then there was not follow up.

SEMO will contact FEMA and try to setup a meeting on KI to give some guidance. It was requested that the meeting include the NRC, as well as County and licensee representatives.

Among the outstanding KI issues are: When are we supposed to distribute KI in the Post Event? Will it be at the General Emergency or some other time (e.g., Alert; SAE)? The public should have KI in their possession when the decision to take is given. Where should it be available post-event?

It was mentioned that it would be defensible, based on practices elsewhere in the country, if either the licensee or the State mailed KI out to everyone in the EPZ. Rockland County suggested that the licensee mail KI to all residents of the EPZ, thus making the individual responsible for having his own KI.

The Part 1 form is being modified to say "Shelter in place" and to contain a recommendation to "take KI."

New Plan changes are due in February, training should be done within 90 days of when plan changes are out, i.e., by the end of May.

5. 2003 Schedule of events:

Drill Dates

There will be a tabletop drill in the JNC for JNC procedures on January 29, 2003 from 10am-1pm.

Certain briefings, reflecting the change in JNC procedures (adding the provision to allow interruption of a briefing in progress, when that briefing is overcome by news of new events) could, and probably should, be used in next evaluation of a JNC, which should be in the Ginna exercise in 2003..

It was generally agreed upon that the JNC concept has to be looked at very closely. Going forward, do we really need a Joint News Center? If so, what form should it take? What new technologies should be used by the Counties to communicate with the press and public?

Please inform SEMO of any drills which might involve use of the RECS Line, in order that the State Warning Point might be prepared, and not inadvertently react as if it were an actual event.

6. Update on system upgrades/projects:

Siren Verification System

It is anticipated by the licensee that there will be a growl test in February and a full sounding test of the sirens in July 2003. It will be necessary to contact WABC in New York City to ascertain the availability and timing of the WABC audible EAS test, if activation of tone alert radios is to accompany the test.

Orange County does an "All Cancel" every month during the monthly communications test. Ray Albanese suggested all 4 Counties do an all cancel on that day also.

At the Vermont Yankee Plant, the National Weather Service and sound their sirens.

In all 4 Counties, if anyone modifies the SVU for any reason, they should notify the appropriate person at Entergy of such to insure that nothing has changed and everything is in working order when they are finished.

ETE

There will be an ETE meeting in the Westchester County Department of Emergency Services Training Center on January 30, 2003. Everyone is urged to attend. Among the potential issues for discussion could be the impact of post-event KI distribution of any timing calculations.

7. Status of PIO Activities:

Don Maurer has the DRAFT of the PIO Operations Guide available.

The only two Counties in the State who need another language(s) included in the booklet are Westchester (Spanish) and Rockland (Spanish; Haitian Creole French; Yiddish). This new criterion is for "linguistically isolated" people constituting 5% or more of the population, based on the 2000 US Census.

Presently the insert of Indian Point information in the local phone books is considered a public service message and is free. It was suggested that they use a glossy paper and not the plain yellow paper presently used to insure clarity and that it stands out.

The "yellow page" material for the 2003 Peekskill edition of the Westchester/Putnam Verizon phone book has been prepared by SEMO; Don Maurer needs feedback as soon as possible in that the material must be submitted on January 27.

It was suggested that the JNC might be evaluated out of sequence, or that only certain briefings be evaluated. Such modifications to the Extent of Play agreement might provided the opportunity for a more realistic JNC exercise.

The additional IPEC Booklets are ready and should be shipped out sometime next week.

Media Manual Update:

Don Maurer was requested to send out to the 4 Counties the matrix of the media manual, via email. It should be the same as what he sends to the others but quarterly.

8. The Witt Report:

This is a public document and public input and relevant comments are not only accepted but requested. The deadline for all comment is February 7. See: www.wittassociates.com..

There is presently a 5 page limit (double-spaced, 12 point type) as to the comments per agency or per individual. SEMO (Jim Baranski) is going to request that comments be accepted of whatever length is necessary to properly address an issue. Entergy is planning a response that will be over 1,200 pages.

In the Witt Report it mentioned that certain information wasn't supplied during the drill, or not made available during their research period, but, in actuality, most (if not all) of that information was never requested by them.

The 4 Counties feel that they were poorly treated when the briefing conference calls were made. Entergy was reported to have been briefed privately at 10am but the Counties weren't briefed until 11am and that briefing was with the whole world on the line (including, apparently, the working press).

It question of what, if any, comment on the (obviously flawed) DRAFT Witt Report, would be appropriate for the Counties to make, was the subject of some discussion. The issue of what action to take, if any, based on Witt Report recommendations, was also discussed. Neither issue was resolved at the meeting. Among the outstanding issues is the length of comments, discussed above.

It was suggested that a nuclear element be added to the training programs that the 4 County Career and Volunteer Fire Fighters receive in their academies to be certified as an interior fire fighter. This training element could also be included in all WMD Training made available to First Responders. This might be done through Public Employees Safety and Health (PESH) or through the Office of Fire Prevention and Control (OFP&C), or both.

Orange County requested that SEMO ascertain from FEMA which planning issues should be addressed first.

It was pointed out by Rockland County that a great many school safety issues are now covered in the Chapter 155 of the State Education Regulations.

It was mentioned that the laws should be changed to make Verizon, or whoever else supports local phone calls, allow the County Emergency Directors, or their representatives, make emergency notifications calls via their Counties Emergency Notification System (e.g., "Reverse 911") free of charge since it is essentially a public safety message. There needs to be follow-up on this by the SEMO.

In regards to the Witt Report, each of the 4 Counties has to at least consider making some sort of comment before the February 7 deadline.

SEMO should re-establish/re-vitalize the State Emergency Communications Committee (SECC), and it should include the Cable TV Operators for notifications. A revitalized SECC could then, with SEMO, assist Local Emergency Communications Committees (LECCs) such as the one in the Lower Hudson Valley.

It was mentioned that in England a group breached the security of one of their nuclear power plants, and were able to get on top of the containment dome. While this, at least in this case, may not have justified the use of deadly force to prevent such access, it still constitutes an embarrassment, at least to the industry, internationally. Can this be done at Indian Point? Let's hope not.

Friday Brodsky Meeting:

Orange County	Not invited and will not attend
Rockland County	Not invited and will not attend
Putnam County	Invited but turned down the invitation
Westchester County	Invited and probably will be attending

Attending:

Tony Sutton	Westchester OEM
Liam Murphy	Westchester OEM
Dan Greeley	Rockland OEM
Sidney Singer	Rockland OEM
Dominick Greene	Orange County OEM
Korkean Dulgarian	Orange County OEM
Robert McMahon	Putnam County BES
Bob Rogan	Putnam County BES
Adam Steibeling	Putnam County BES
Mike Slobodien	Entergy
Frank Inzirillo	Entergy
Alain Grosjean	Entergy
Frank Mitchell	Entergy
Maura McGillicuddy	Entergy
Lori Tkaczyk	Entergy (Vermont Yankee)
James Baranski	SEMO
Ken Bergmann	SEMO
Don Maurer	SEMO

Michael Trier	SEMO
Kevin Krauss	SEMO
Bill Shea	SEMO
Dave DeMatteo	SEMO
Nora Trozzo	SEMO Region II
Chris Holmes	SEMO Region II
Alyse Peterson	NYSERDA
Ray Albanese	4 County Coordinator

FOUR COUNTY/NYS/ENTERGY EMERGENCY PLANNING MEETING

FEBRUARY 13, 2002

AGENDA

- 1 - 2002 DRILL/EXERCISE SCHEDULE
 - REVIEW OF SCHEDULE
 - DRILL DATES: SEPT. 5 AND (SEPT. 12, OR SEPT. 17, OR SEPT 19?)
 - FEMA EXERCISE DATE: SEPT. 24
 - MS1 DRILL DATES: PUTNAM HOSPITAL - MAY 15
- 2 - SCHEDULING ITEMS:
 - COMPLETE ALL OUT OF SEQUENCE DEMONSTRATIONS BEFORE EXERCISE
 - SUBMISSION OF PLANS TO NYSEMO (4/24) AND FEMA (5/24)
- 3 - ANNUAL LETTER OF CERTIFICATION (PR-1):
 - NUREG-0654 COMPLIANCE ISSUES
 - IMPROVEMENTS FOR NEXT YEAR'S SUBMISSION
- 4 - TRAINING: NEED TO CONDUCT BEFORE SEPTEMBER
- 5 - STATUS OF RADIOLOGICAL EQUIPMENT/RECEPTION CENTER SUPPLIES:
 - 2401-P, ETC.
 - TLDs
 - DOSIMETER CALIBRATIONS
 - PORTAL MONITORS
 - RECEPTION CENTER EQUIPMENT/SUPPLIES
- 6 - WESTCHESTER KI POLICY
- 7 - UPDATE ON SYSTEM UPGRADES/PROJECTS:
 - MARCH SIREN TEST
 - MRP-DAS
 - SVU
 - EXECUTIVE HOTLINE
 - OTHER: MAPPING SOFTWARE, ETC, TONE ALERT SURVEY
- 8 - STATUS OF PIO ACTIVITIES:
 - FINAL STATUS OF 2001 PIO ACTIVITIES (COMPLETED WORKPLAN)
 - UPDATE ON 2002 PIO WORKPLAN
 - SCHEDULE FOR 2002 BOOKLET REVIEW
 - STATUS OF MEDIA MANUAL UPDATE/DISTRIBUTION
 - STATUS OF VIDEOCONFERENCING PROCEDURE
 - UPCOMING MEETINGS/TRAINING
- 9 - OPEN ITEMS FROM 11/29/01 MEETING
- 10 - NEXT MEETING ?

FOUR COUNTY COORDINATOR

ORANGE
PUTNAM
ROCKLAND
WESTCHESTER

Andrew J. Spano
Chairman

Raymond Albanese
Coordinator

April 17, 2002

TO: Christopher Kozlow, Westchester OEM
Dan Greeley, Rockland County OFES
Dom Greene, Orange County OEM
Bob Rogan, Putnam County BES

FROM: Raymond Albanese, Four County Coordinator

RE: Meeting Notes from April 16, 2002 4 County Directors Meeting

Attendees:

Westchester County:	Neil Sweeting
Orange County:	Dominick Greene
Rockland County:	Dan Greeley
Putnam County:	Bob Rogan
	Commissioner Robert McMahon
	Adam Steibling
	Mario Rampolla
4 County Coordinator:	Raymond Albanese
*Entergy:	Alain Grosjean
	Frank Inzerillo

*(Entergy took part in the meeting from 3:30 on as agreed upon)

Agenda Items

Westchester County:	None at this time
Orange County:	Results of KI Meeting April 3 Meeting Recap Update on Public and Political sentiment on IPEC
Putnam County:	KI Issued Update
Rockland County:	KI issue Update RECS forms Senator Marchi's Report Indian Point Drill

KI Issue:

Orange County mentioned that they are to get 17,000 KI pills but they are awaiting guidance from the State Health Dept, SEMO and the State Education Dept. before they will accept the KI pills for distribution.

Putnam County reported that they are in the same position as Orange County but they are to get 44,000 KI pills. They will bring up certain issues to the various state agencies that aren't presently being addressed by them. Putnam County is working on their own plan, which will be done with guidance from the State. They will hold "KI Days" with the cooperation of their Health Dept.

Rockland County reported that if SEMO won't do any training in reference to KI, they want to do their own training and have SEMO pay for it since SEMO gets money for training from Entergy. Rockland County questioned how to handle people who are not home and have their KI at home when the order to take KI is given. For example, people at sporting events, social events and other activities that take them away from their homes and can't get back due to an order to evacuate. The 20% stockpile we are going to prepare for will never be enough. Rockland County believes that KI distribution will be a major problem.

In dealing with schools, each school should formulate their own KI distribution plan. Counties probably won't approve of a school distribution plan. It's up to the State Health Dept. and State Education to give schools guidance as to the best way to distribute KI to school children.

Putnam County mentioned that the State Education Dept. has a draft of a KI distribution plan for schools.

Rockland County reported that the State Health Dept. is going to adopt a Statewide KI policy soon and that the 130 mg. Pills are OK for children 1 year old and older. Nothing has been determined at this time for infants but more on this is surely forthcoming.

Rockland County also mentioned that regardless of how good the Westchester County KI plan seems to be, this should have been a 4 County KI Plan rather than Westchester County taking the lead without the other counties being involved in the plan or having the opportunity of input. It was also mentioned by Rockland County that our transient population and hearing impaired people don't know what to do with KI if it's given to them. Some how we have to reach out to them with training. According to the State Health Dept. people over 40 years of age don't need to take KI.

There was a request from the 4 County Coordinator that when a 4 Counties KI plans are approved, each of the 4 Counties should supply a copy of their plan to the other 3 Counties. Everyone present requested an update to Westchester County's KI Plan.

April 3, 2002 Meeting Issue:

Orange County mentioned that it seems like there has been no significant change in FEMA and that the NRC seems to be lost. The question was brought up of "Is IPEC designed to withstand the impact of a jet plane crashing into the containment dome or the spent fuel rod pool". Orange County also mentioned that Politicians such as Nita Lowey, Hillary Clinton and Chuck Schumer want to have members of their staff attend meetings involving the IPEC but they will not change their position that the plant should be shut down. Rockland County requested that Chris Kozlow check with attendees as to their follow up on items Brought up in the April 3 meeting.

Update of the Political and Public Sentiment on the IPEC:

Orange County mentioned that their County is taking a neutral position on the IPEC at this time.

Rockland County reported on a newspaper article, which mentioned a report by the NRC with regards to a plane crash into the IPEC and asked me to see if I can locate such a report.

RECS Form Problem:

Rockland County mentioned that the problem with the RECS One form was already taken care of by SEMO. The wrong form was used by SEMO with regards to an even at an upstate power plant.

Upcoming IP Drill:

Rockland mentioned that if FEMA doesn't evaluate fairly each County should fight them for a fairer evaluation. Orange County wants a SEMO evaluator present as a backup. Dominick feels he might be able to get an impartial evaluation of his plan in the drill.

Senator Marchi Report:

All of the Counties should have this report now so it's not an issue.

Other Items Brought Up

The other Counties would like to know what's happening with respect to Westchester County Evacuating up to Dutchess County. What is the status?

Entergy asked that all 4 Counties supply them with their "Out of Sequence Items" as soon as possible.

Entergy is hard at work with the replacement of the SVU. They are trying to be in position to have a demonstration some day next week. Entergy also mentioned that the ETTE contract should be awarded next week. There should be a new vendor handling ETTE.

Entergy also mentioned that there is a rebuttal to the Brodsky report coming out next month prepared jointly by Entergy, SEMO and a private consultant.

Entergy also mentioned that whatever happens the public relations aspect of it is probably more important than anything else. We must tell the citizens what we are going to do and how.

I asked Entergy if they had a program which the 4 Counties could use to track their equipment as far as rotation of new stock and stock that is about to expire. Entergy reported that the only thing they have is training plan for the 2401Ps. They further reported that all dosimeters that have failed should be sent back to be re-checked again using the new testing procedure.

All of the Counties stressed a need for additional Yellow Call-up cards but with recent updates as some County staff have been changed. If Entergy could supply each County with an additional 10 cards updated it would be appreciated.

The 4 County Coordinator requested the Nextel Direct Connect number or cell phone number of all of the 4 County personnel and I will follow up on it. I also requested the latest update of each County IPEC Plan and they should be available in about 1 - 2 months.

*****Next month we will have a 4 County Conference call and I will coordinate a good date and time for all 4 County directors.*****

FOUR COUNTY/NYS/ENTERGY EMERGENCY PLANNING MEETING

APRIL 24, 2002

AGENDA

- | | |
|-------------------------------------|---------------|
| 1 - FEMA EXERCISE PLANNING ISSUES | (30 MINUTES) |
| *PLAN SUBMITTALS | |
| *OUT-OF-SEQUENCE DEMONSTRATIONS | |
| *PRACTICE DRILL DATES | |
| *TRAINING SCHEDULE | |
| 2 - UPDATE ON SIREN UPGRADE PROJECT | (30 MINUTES) |
| 3 - ETE PROJECT PRESENTATION | (1 HR 30 MIN) |
| *JOINT PROJECT KICK-OFF MEETING | |
| 4 - OPEN ISSUES | (30 MINUTES) |
| 5 - NEXT MEETING | |

THE FOUR COUNTY NUCLEAR SAFETY COMMITTEE

Orange Putnam Rockland Westchester

September 17, 2002

Meeting Agenda

- **Executive Hotline / Back-up Hotline**
- **New FEMA Evaluation**
- **Coordination of Initial Siren Sounding / EAS Message**
- **KI Potassium Iodide for the Public**
- **Media / Observers in EOC's / JNC on 9/24**
- **Post Drill Media Strategy**
- **Entergy Support of off-site County Emergency Preparedness**

Edward A. Diana
Orange County Executive

C. Scott Vanderhoef
Rockland County Executive

Robert J. Bondi
Putnam County Executive

Andrew J. Spano, Chairman
Westchester County Executive

FOUR COUNTY/NYS/ENTERGY EMERGENCY PLANNING MEETING

OCTOBER 30, 2002

AGENDA

- 1 - 2002-2003 SCHEDULE OF EVENTS
 - REVIEW DRILL DATES
 - TARGET MS1 DRILL DATES: SPRING FOR GOOD SAM AND FALL FOR CORNWALL

- 2 - FEMA BASELINE FACILITY EVALUATIONS/BUS AND SCHOOL INTERVIEWS
 - REVIEW MATRIX
 - PROPOSE PLAN FOR FACILITY EVALUATIONS AND INTERVIEWS
 - SCHEDULE AND COMPLETE ALL DEMONSTRATIONS BY 6/03

- 3 - ANNUAL LETTER OF CERTIFICATION (PR-1):
 - NEW FEMA CHECKLIST FOR NEXT YEAR'S SUBMISSION
 - LOA UPDATES
 - STAFF AVAILABILITY TO IMPLEMENT THE PLAN
 - INTENSIVE SCHEDULING FOR TRAINING IN 2003

- 4 - 2003 PLAN CHANGES FOR KI AND SHELTERING OPTIONS

- 5 - UPDATE ON SYSTEM UPGRADES/PROJECTS:
 - SIREN SYSTEM UPGRADES AND FUTURE TESTS
 - MRP-DAS UPGRADES
 - RISK MAP SOFTWARE
 - ETE AND TMP
 - EXECUTIVE HOTLINE
 - TONE ALERT SURVEY

- 6 - STATUS OF PIO ACTIVITIES:
 - UPDATE ON 2002 PIO WORKPLAN
 - REVIEW OF 2002 BOOKLET PRODUCTION/DISTRIBUTION
 - REVIEW OF 2002 MEDIA MANUAL UPDATE/DISTRIBUTION
 - UPCOMING MEETINGS/TRAINING

- 7 - OTHER ITEMS

- 8 - OPEN ITEMS FROM 4/24/02 MEETING

- 9 - NEXT MEETING?

MINUTES FROM THE NUCLEAR SAFETY SUBCOMMITTEE MEETING

THE DESMOND

OCTOBER 31, 2002

1. Drill/Exercise Review

Mr. Grosjean presented a power point program on the recently conducted Indian Point FEMA evaluated exercise.

The extent of play for the exercise took six (6) revisions before it was finally approved by FEMA. The document was much more succinct than previous extent of plays, highlighting the 6 evaluation areas and only the deviations or exceptions to the plan for demonstration purposes. The scenario was designed to impact the counties with preexisting field monitoring ARCAs. Special inject messages were also prepared to test the response of the counties to a simulated "shadow evacuation", and to security and traffic control concerns caused by parents picking up their children at an evacuating school versus at a School Reception Center.

Additionally, numerous messages were prepared for and at the JNC with the "real media" participating.

There was a comprehensive training program undertaken for all of the exercise players prior to the exercise. The REP training schedule maintained by SEMO was very helpful in tracking previously conducted and yet to be conducted training and exercise activities.

Many out-of-sequence demonstrations were demonstrated prior to the September 24th exercise date. These included reception and congregate care centers, EWPMCs, transportation provider interviews, school interviews, etc. In all of these activities, only 1 ARCA and 1 Planning Issue have been identified among the 4 Counties.

During the day of the exercise there were 50 evaluators representing FEMA, 20 NYS controllers, 7 representatives from James Lee Witt Associates, and 5 observers from Entergy. Entergy also accompanied 12-15 locally elected officials to the Simulator, the EOF and the JNC.

Preliminary results indicate there were several concerns identified at the JNC, one at Bergen County (host county for Rockland) and with field monitoring teams. Further details are expected in the Preliminary Exercise Report.

Mr. Baranski briefed on the State evaluated exercise at Wayne and Monroe Counties on October 22nd. The scenario started out with a puff release at a Site Area Emergency ECL

and never escalated to a General Emergency. Many new people from both counties participated as players in this exercise.

The FEMA evaluated Ginna Exercise is scheduled for March 4, 2003, with the Dry Run scheduled for January 22nd. The extent of play is currently under development among the federal, state and county players.

Mr. Baranski also mentioned that the Fitzpatrick FEMA evaluated exercise is scheduled for June 3rd with the Dry Run scheduled for May 1st.

2. NRC Update

NRC, FDA and NEI hosted a teleconference with utilities and the State to discuss open issues on KI. NRC, FDA and EPA will be revising EPA 400 to change the PAG trigger level for the administration of KI to 5 REM CDE child thyroid, utilizing a 130 mg dose of KI. An alternative KI administration trigger associated with the GE ECL was also discussed.

3. FEMA

Mr. Baranski passed out a copy of the draft FEMA REP Program Manual for review and comment. Mr. Kraus downloaded the document from the web, as there was no formal notice from FEMA.

Mr. Baranski recommended that everyone take a close look at the draft. There could be a significant impact on the REP program particularly in the area of public information and EAS message content. Mr. Maurer has already provided comments to Mr. Baranski and will share with County Public Information Officers.

Kevin Reid from FEMA mentioned that Section 2 of the REP Manual is open for comment through November 15, 2002. He suggested that you can go to the FEMA website and provide comments online.

Mr. Reid referred to the April 25th Federal Register Notice that there is a requirement for FEMA to evaluate all facilities as a baseline. FEMA will need a schedule of these demonstrations as soon as possible.

Committee members were requested to provide comments on the REP Manual to Mr. Baranski.

Mr. Sutton was concerned that FEMA did not formally notify the Counties or State about the new REP document. Mr. Grosjean stated that Robert Reynolds had sent out an email regarding this document. However, it was agreed that FEMA needs a more formal

notification method for important documents. Mr. Reid will take that concern back to the Region.

4. New York State

PIO Report

Mr. Maurer distributed the PIO workplan, and stated that training for drills is underway upstate. A critical area of concern is EAS follow-on messages. Counties will practice skills in crafting these messages during upcoming training programs. SEMO will also be requesting other County PIOs to act as controllers/evaluators for the 2003 drills and exercises.

KI

Dr. Salame stated that the Department of Health is looking at different plant accident scenarios to assist in the KI administration decision-making process. The majority of General Emergency ECLs could have an Iodine release component requiring the administration of KI. There probably are 2 choices; Evacuate and take KI at the GE or some caveat if the EAL is a security or loss of power event with no iodine component. The Department of Health will have a formal proposal at the next meeting.

NYS currently has a PAG of 25 REM CDE Adult Thyroid in which KI is recommend to emergency workers. The State is expected to modify this number to the child thyroid dose of 5 REM. Dr. Salame suggested that the counties need to work on implementation plans following the recommendation for the general public to take KI. Counties are expected to complete their pre and post KI distribution plans by the end of February for formal submission to FEMA.

Mr. Grosjean asked how specific the plans needed to be regarding their post distribution plans. Counties are currently looking at options including distribution at Reception Centers or some other pre-designated emergency service facility. Flexibility will be needed. Planners may have to look at the impact of increased traffic at reception centers if KI is distributed there. Additional staff would probably be needed to give out KI prior to any radiological monitoring.

Mr. Baranski stated that REP plans need to be updated 12 months following receipt of KI, which is February 2003. We will not be testing the KI plan for distribution to the general public during the Ginna Exercise, but probably will have to for the Fitzpatrick Exercise in June.

Mr. Bergmann to establish a date for the next KI Task Force meeting, will notify by email.

Shelter In Place

Mr. Jones stated that we need to change the RECS form to incorporate the new "shelter in place" PAR. However, we need to finalize our position on KI first, then we'll make both changes to the RECS Part 1 Form at the same time. Mr. Maurer will need guidance from the Committee on incorporating changes into new EAS messages and/or the follow-on messages.

Mr. Sutton asked if licensees are required to give PARs by ERPA. He suggested that it would speed up the decision process if the licensee just gave plume info. During the last exercise, counties went along with the PARs recommended by the Licensee. In an actual event, the State and Counties may not exactly follow the Licensee PARs. Mr. Sutton doesn't see the benefit of the current methodology of circling numbers on the RECS form. Mr. Sutton continued to say that using new technology of more defined plume tracking, the ERPA's and their numbers might not lie directly underneath. He suggested that we should give new ideas some consideration. Mr. Inzirillo stated that the licensee is required to give recommendations for protective actions.

Mr. Baranski would like to publish a complete schedule which includes all exercises and drills, RECS line tests and all other communications drills. Various licensees choose some days for communications tests. The State has not been able to participate in some of these drills due to competing drills. A published schedule will help our State Emergency Coordination Center participate more effectively. Mr. Inzirillo will provide a consolidated schedule to SEMO.

Dr. Salame stated that some non-nuclear counties might want to take advantage of REP training held in the 7 REP Counties. SEMO to establish training schedules by Site.

Mr. Baranski stated that our next Ingestion Exercise will be in 2005 centering on the Ginna Site, training will begin the latter part of 2003 for upstate.

RECS Line Test

RECS line tests are scheduled the 2nd Wednesday of every month. However, some facilities are not manned all of the time. Mr. Grosjean to coordinate with Mr. Albanese to ensure participation.

5. County Updates

Westchester-Mr. Sutton stated that he is still recovering from the 24th. Westchester is in the process of selecting sites for a new EOC, and moving forward with the KI program. He thanked the State, Entergy and the other counties for their assistance in the exercise process. There was a good end result.

Wayne- Mr. Cobb stated that KI has been distributed to 50% of the 10-mile EPZ population in Wayne County. The County has sent a letter to businesses, but has received little response to date. Wayne has started planning activities in preparation for the March Ginna Exercise. However, Mr. Cobb was very concerned over the FEMA requirement of evaluating all schools, day care centers and nursery schools.

Rockland- Mr. Longo stated that Rockland is also in a post 24th recovery mode. They are continuing with their KI program. 45-50,000 KI pills have been pre-distributed to the general public. They utilized a drive-through process at the Fire Training Facility. KI fact sheets were handed out, residents pulled over and read the information; they were then handed a sign-in sheet, given KI and went on their way. The whole process averaged approximately one minute per car. A news reporter was looking for waiting lines, but never saw any. The County Website is up and running, working very well. It cost \$10,000 to set up. Mr. Longo stated that Rockland is continuing with out of sequence events as part of FEMA's baseline evaluations.

Putnam- Mr. Rogan stated that the 24th was the most observed exercise he'd ever participated in. Some exercise activities are still being scheduled, and Putnam will be requesting training assistance from the State and Entergy.

KI distribution will be starting within the next 3 weeks. Putnam is requiring residents to sign a release of liability. Putnam was disappointed in the assistance that the County has received from the State Education Department. There was less follow through with local school districts than initially expected. Mr. Stiebeling stated that he has the planning process under control. He referenced a KI tear away card attached to the 2003-planning booklet in which residents can request supplies of KI.

Mr. Rogan stated that the new EOC project is behind schedule. Building activities are expected to begin in November 2002.

Oswego- Ms. Egan stated that the KI distribution is going well.

Orange- Mr. Greene stated that Orange has not distributed KI to the general public. The County Executive is considering handing out KI at R/CCC. The County is waiting for FEMA final report on exercise. Orange is scheduling Out of Sequence events for Congregate Care Centers. Orange also had a meeting with West Point on their plan, with good progress being made.

Monroe- Mr. Macaluso reported that KI distribution in Monroe County was handled primarily through Wegman's Market. An accurate count of KI distributed is not currently available. Webster School District has pills for every classroom. Monroe is assembling information on businesses within the 10-mile EPZ. Monroe will probably start with the large known businesses, such as Xerox with 8-10,000 people, and Paychex with 600.

Mr. Feeney stated that he recently had received notification from the postal service in Albany that KI will be distributed to all post offices in the nation. Specific details are not available at this time.

6. Utility Update

Mr. Inzirillo reported that IP# 2 is in day 6 of a 27-day shutdown. During this shutdown, IP#2 is also rewinding their electric generator, inspecting all tubes in the steam generator along with inspecting the reactor head as a result of the Davis-Besse situation. IP #2 will be back online by November 22nd. IP#3 will be in shutdown mode in March 2003. The siren upgrade project is ongoing with 3 counties completed. The Evacuation Time Estimate revision is also continuing.

Mr. Laursen reported that the Ginna siren control system has been successfully replaced. Ginna is currently operating at 100% power. They will be replacing the reactor head in 2003. The INPO will begin their evaluation February of 2003.

Mr. Jones reported that both Nine Mile plants are currently online. They achieved a record short-time refueling outage this past spring, and are pursuing license renewal applications.

The Fitzpatrick completed a 24-day outage this morning. They are preparing for the upcoming FEMA evaluated exercise in June of 2003.

7. Open Items

Upstate Counties are continuing their REP plan updates in preparation for the 2003 FEMA exercises. Any reference to latitude/longitude should be removed from the plans.

Questions have arisen on dosimetry and training for Army National Guard personnel who have been assigned to security details at the nuclear sites. Each licensee has dealt with the ANG individually. RG&E reported that some ANG members have received basic radiation worker training, while IP stated that security is handling the issue at their location. Mr. Inzirillo stated that the ANG would be non-essential during an incident at Indian Point and would be released from duty. Mr. Feeney had a concern as to the rationale for this action.

Nine Mile has assimilated the ANG into their training protocols. They are accommodated by each licensee at the site.

8. Open Items

Exercise and drill schedules from licensee to coordinate activities

In place shelter- RECS form changes

KI policy and plan guidance

Comments to JB on Sect 2 of REP manual

Site specific training schedule

KI Task Force Meeting

ALC preparation

9. Next Meetings

January 15-16, 2003 Entergy

April 16-17, 2003 Constellation → 23-24

July 16-17, 2003 Entergy?

October 15-16, 2003 RG&E

**NUCLEAR SAFETY SUB-COMMITTEE
THURSDAY JULY 25, 2002
THE DESMOND**

**AGENDA
9:00-12:00**

- | | |
|--|---|
| 1. Drill / Exercise Review | Exercise/Drill Schedule
IP Out of Sequence Update |
| 2. NRC New Business | |
| 3. FEMA New Business | Report at 10:30 |
| 4. New York State New Business | PIO Report
Technical Task Force
Update-KI
EAS Update |
| 5. County Updates <ul style="list-style-type: none">o Monroeo Orangeo Oswegoo Putnamo Rocklando Wayneo Westchester | Interactive Website
Distribution of KI |
| 6. Utility Update | Operating Status |
| 7. Existing Open Items | ALC Checklist
REP Plan Updates |
| 8. New Business | |
| 9. Verify Open Items and Assignments | |
| 10. Next Meeting -October 23-24, 2002 RG&E | |

**MINUTES FROM THE NUCLEAR SAFETY SUB COMMITTEE
THURSDAY APRIL 25, 2002**

1. Drill/Exercise Review

Four exercise dates were communicated to the attendees:

- ◆ August 1st State Evaluated Drill Oswego
- ◆ September 5th IP Practice
- ◆ September 24th IP FEMA Evaluated
- ◆ October 22nd State Evaluated Drill Ginna

2. NRC New Business

Invited, could not attend

3. FEMA New Business

Robert Reynolds, FEMA RAC Chair

The REP program is now under the Office of National Preparedness, within FEMA. Mr. Reynolds referenced potential funding in the amount of \$3.5 billion to support planning/training and resources for first responders at the City and County level.

Mr. Reynolds referred to the Fast Breaker or "situation requiring urgent action". This is currently in the NRC's domain for review.

A REP Program Manual is expected to be published by the end of the year. FEMA is also reviewing the Governor's letter to the NRC and FEMA suggesting that the nuclear emergency planning program be reexamined in the post 9/11 environment.

FEMA is looking at the Annual Letter of Certification (ALC) as an important element in the EP program. More items may be required including those upon the State. LOA's will need to be updated for currency. The LOA should clearly identify the expected role and/or responsibility of the involved party. Mr. Reynolds stated that there is an ALC checklist in the new REP Manual. Mr. Baranski asked that Mr. Reynolds provide a Regional version of the checklist for our interim use. Mr. Reynolds to provide.

Mr. Reynolds also announced that local/State evaluators would now be incorporated into the FEMA REP evaluator network. Interested parties from NYS should forward their

notice of interest to the FEMA Region II office. Local and State evaluators will only be able to evaluate exercises which are out of New York State.

4. New York State New Business

EAS Update Mr. Guilmette reported on work that has been undertaken by SEMO, DSP and the Broadcasters to upgrade the EAS network. This work has gained momentum as a result of the need to make more timely notifications regarding child abductions. \$1.5 million has been requested from the Governor's office to provide support for the necessary equipment upgrades. Mr. Guilmette distributed a new list of event codes. Counties can use these codes and expand upon them to include information on ERPAs. New encoders have been requested for the JNC and each EOC. In the new configuration, Cable TV will receive the message simultaneous with all EAS stations, thus moving beyond just WABC.

During the WTC event, NYC lost its ability to activate EAS, but with the new equipment, NYS would be able to activate. Mr. Guilmette is awaiting confirmation in writing on the status of the \$1.5 million requested to support the program.

KI Dr. Salame reported that the KI Task Force has been meeting regularly. One of the stumbling blocks identified has been the recommended school dosage of 65mg Vs the 130mg that has been distributed. It is impractical to try to split the 130mg pill. FDA has issued a blanket statement that the risk of taking the pill outweighs the risk of not taking it during a radiological incident. Dr. Salame is pursuing a DOH Commissioner letter that specifically addresses the school dosage issue.

State DOH will be printing an assortment of KI informational materials including in various languages and at numerous educational levels.

The KI "Road Show" will start in May. We will try to do 2 downstate and one upstate.

Mr. DeMatteo then described the District wide and building level plan annex for KI that he developed for use by the interested school districts.

Mr. Baranski stated that he is reexamining the distribution of KI especially for "special populations".

Sheltering PAD It will take several months to finalize the new terminology regarding changes to the RECS Part 1. The Licensee will no longer recommend sheltering as a PAR, but sheltering could still be recommended by offsite authorities if conditions warrant.

PIO Update Mr. Maurer referred to his PIO schedule that was included in each attendee's folder. Training is scheduled at the IP JNC on May 15th. Ms. Wideman requested that Mr. Maurer provide her with additional copies of the "Farmers Brochure".

5. County Updates - No reports

6. Utility Update

Entergy is currently conducting inspections on their reactor vessel head after a problem of this nature was reported at the Davis Besse Nuclear Power Plant.

IP #2 experienced a reduction in power this past weekend, but is now back to full power. Ginna went offline in mid March, but restarted last week. They were also inspecting their reactor head, with replacement expected next year.

Fitzpatrick is expecting an outage in October.

MN #1 has been operating 250 days, expected shutdown in the Spring. NM#2 just completed a 32-day outage, and is back up.

7. Open Items

Mr. Ferraro distributed the RAD video to the Upstate Counties.

8. New Business

Nothing to report

9. New Open Items

ALC checklist

KI distribution and planning

10. Next Meeting

July 24-25, 2002 Entergy

**MINUTES FROM THE NUCLEAR SAFETY SUB COMMITTEE
THURSDAY JANUARY 17, 2002
THE DESMOND**

1. Drill/Exercise Review

Ms. Lieb stated that the recently completed federally evaluated exercise at Nine-Mile Point went well. There may be some minor issues, one being a perceived incorrect assessment of the iodine content in the release. Mr. Keller and FEMA to provide more details in the narrative exercise report.

Ms. Leib also noted that this exercise was unique for the fact of working with 3 FEMA RAC chairs in the exercise planning and demonstration process, Mr. Reynolds, Ms. Humphries and Mr. Hasseman. As of the publication of this report, Mr. Reynolds has resumed the title of FEMA Region II RAC Chair.

Ms. Meizenzahl reported that the 2001 Ginna Exercise also went well, with the existing ARCAs having been cleared. The County is reviewing a few of the planning issues that were identified by FEMA during the exercise demonstration. Ms. Meizenzahl also shared the fact that Monroe County will not try to obtain REP exercise credit for actual EOC activations. The process has not worked well in previous attempts by Monroe.

Mr. Kraus requested dates for the "State" drills for the Upstate Counties. Oswego County will have their drill on August 1, 2002 and Monroe/Wayne will have their drill on October 22nd. Indian Point's Federally evaluated exercise is scheduled for September 24, 2002.

2. NRC New Business

KI - Ms. Peterson, NYSRDA, stated that Governor Pataki received a letter from the NRC dated January 15, 2002 announcing that KI will be available to interested States on a "first come, first served" basis. The NRC will supply two KI tablets for each person in the 10-mile EPZ(s).

3. FEMA New Business

Strategic Review - Tony Ferraro reported that the new FEMA evaluation methodology is now grouped into six (6) evaluation areas. A meeting is scheduled for January 22nd with the State, Counties and Utility to discuss the new methodology. REP plan changes reflecting new KI policy will have to be completed by the end of the year. The new KI policy won't be included in the plan revisions sent to FEMA for the 2002 exercise.

RAC Comments - NYS and the four (4) Counties have received a RAC review of their latest REP plan. Mr. Malool, FEMA IP Site Manager, would like to meet with each County to discuss the proposed responses to the RAC Review. SEMO will coordinate dates with FEMA and each County.

Ms. Meisenzahl shared a concern that Mr. Reynolds had following the last exercise. He, as RAC Chair, was not aware of the Utility/County (s) monitoring scheme around the Ginna site whereby RG & E has radiological monitors 0-5 miles from the plant and each County has monitors in their respective 5-10 mile EPZs. He called this a "significant" change which requires a separate letter of notification to FEMA noted said change. This notification had been previously satisfied with the prior RAC Chair.

The County or State should make notification to FEMA for any change determined to be significant. No formal FEMA approval is required. However, a request for FEMA approval is required in the case of Putnam or Rockland County requesting to relocate a school reception center to a distance of less than 5 miles beyond the 10-mile EPZ. This is a variance from NRC/FEMA policy and would require the request for approval.

Mr. Trier announced that FEMA would conduct training on the new evaluation areas March 4-8, 2002 in Rockland County. The draft agenda and directions were distributed. Monroe and Oswego voiced their concerns that it would be difficult to send many people that far away. SEMO advised that no other similar course would be offered this year.

Mr. Ferraro announced that there would be an IP Siren Test on March 6, 2002.

4. New York State New Business

Power Plant Security - Each County reported that they have experienced a marked increase in power plant security at their respective sites. The State Police, local Sheriff's Departments, the Army National Guard and Coast Guard have all stepped up security efforts. Oswego inquired as to whether this increased cost in security could be reimbursed as part of the WTC disaster. Mr. Bergmann replied that he would check with SEMO Recovery staff.

PIO Report - Mr. Maurer stated that there has been increased media interest in nuclear power, especially downstate. He also distributed a new PIO Alert list and the updated PIO workplan.

Mr. Maurer announced that James Smith is the new PIO in Monroe County.

Mr. Lott is assembling an overall IP REP phone list. Any changes should be submitted to Mr. Ferraro or Grosjean ASAP.

Technical Task Force

Mr. Ferraro reported that the revision of the RECS Part 1 form and associated changes to the definition of sheltering would be finalized before the Ginna 2003 Exercise. No change for this years' IP Exercise.

Mr. Maurer also suggested that the PIO community would like to change the River ERPA nomenclature, utilizing physical boundaries such as the Bear Mountain Bridge to the Tappan Zee Bridge vs. a numerical system. Additionally, PIO's would prefer to use the term "clearing" instead of evacuating when disseminating PAD information relative to the river. These concerns will be addressed after the exercise.

5. County Updates

Monroe - Monroe OEP has moved into their new EOC on Scottsville Road in Rochester. The official "Grand Opening" is scheduled for January 30th.

Putnam - Working on a school reception center issue with FEMA and SEMO.

Rockland - County Legislature is considering passing a resolution recommending that the nuclear power plants at Indian Point be closed. There are also several congressional meetings going on weekly.

Westchester - Mr. Albanese announced that there is a new Deputy Commissioner of Emergency Services, Emergency Management Director in Westchester County, Chris Kozlow. Major revisions of the County REP plan are anticipated.

6. Utility Update

IP #2 & #3 are at full power, as our Fitzpatrick, Ginna and NMP. All plants are currently under a "heightened state of awareness". Mr. Polfleit announced that Ginna is expecting a shutdown for refueling in March, they have been online for the past 18 months. RG&E is merging with NYSEG but will still maintain operation of Ginna. Additionally, the EOF is moving to 89 East Avenue, co-locating with the JNC in the Spring. Mr. Polfleit also referenced a Town meeting in Ontario that was attended by 150-200 residents. Wayne County, RG&E and the School District made presentations.

7. Open Items

Mr. Ferraro has distributed the RAD Basics video to the 4 Counties, and will also send to the Upstate Counties. The RAD Worker tape is still in production.

PIO Meeting
March 12, 2003

In attendance:

Adele Dowling – Westchester
Steve Gross – Orange
Maura McGillicuddy – Corporate EP
Adam Steibeling – Putnam
Bob Rogan – Putnam
Don Maurer – NYS
Kate Boylan – via tele-conference
Cindy Brovanski - Entergy Nuclear Northeast

Ginna Exercise - Don started off with updating the group about the Ginna FEMA Exercise. Test run of new procedures worked well, tighter briefings by limiting the information was good. Initial FEMA out brief was:

1. Need for better graphics
2. Need telephones for the Media work room
3. FEMA took exception of use of "precautionary" evacuation in a county press release.

FEMA was really impressed with the tabletop conducted at JNC on January 29. FEMA feels we are on the right track to correcting concerns from September 24 exercise. M. Beeman will share the information with the REP group in FEMA to let them know how we are progressing. FEMA evaluators were familiar with the current Ginna plan

Final FEMA report was covered. FEMA did contact S. Gross and tell him they were satisfied with the video link setup. Don believes we've covered all their concerns and takes exception to the comment in the report stating that "The State has not submitted a Schedule of Corrective Actions. All comments contained in the report have been addressed, policies and procedures have been updated, training has been conducted and a tabletop exercise was conducted and was attended by FEMA on Jan 29th."

KI Policy – Putnam has not submitted the updates on KI to NYS – Steve is unsure if the plan was updated re KI; Kate said Rockland updated but doesn't know if it was submitted to NYS; Adele ?

EAS messages have been revised to include taking KI at a GE and evacuate. Kate was concerned about the language we use in the EAS message.

Post distribution of KI is an open issue. The counties must advise the PIOs of their plans for this contingency. Hopefully all counties will be using the same procedures – making KI available at the reception centers. We should all be saying the same thing. While this post distribution will not be included in the EAS message, it will be included in the follow-on-news release and be used as a briefing point in media briefings. We need further input from the EDs as to what their policy will be for distributing KI at reception

centers. The issue will be raised at the next 4 County Director's Meeting on March 27 at 9:30, Southeast Grill House in Brewster.

EAS message will be: People in the following ERPAs are directed to:

- Evacuate their homes or businesses
- If you have KI, ingest one dose at this time

Don will update and republish the EAS message to reflect these changes. Changes to the follow-on-news release will be made once the four county directions provide instructions for post distribution.

Emergency Planning Brochure – Maura provided CDs for PIOs to review text data and provide input. EDs need to provide map changes for September distribution. Entergy thinking of magnets to give out with KI information. Planning on printing approx. 250,000 - 300,000 booklets (include various languages). Maura will mention to Mike about expanding the distribution /production for those outside of the EPZ. Putnam wants additional booklets for each child in the school district (approx. 4000 additional booklets). There is no mandate to produce booklets in various languages, however, Don mentioned that we need to consider having interpreters in the JNC and that we should start with Spanish speaking persons for use in PI and at the media briefing. Don suggests that Westchester County provide the needed Spanish support. Ginna used a Spanish speaking person to summarize the media briefings and also read the EAS messages. The person stayed on the side of the dais and spoke prior to the Q&A session.

JNC needs to consider using a Spanish speaking person. Maura asked whether we should have signing for the deaf population and Bob Rogan mentioned how do we answer the question of why we aren't providing interpreters for the other languages.

Kate said she would look into getting a Yiddish and Haitian/Creole interpreter to use at the JNC.

Steve mentioned that Orange County has a service that will translate the information in over 40 languages.

Don Maurer will send information on Randy Karam of the University of Rochester Medical Center who did briefings on Ginna....getting HP information that the media will understand. He can be contacted at: Andrew_Karam@URMC.Rochester.edu
Home: 585-247-5469, Pager: 220-1362, Cell: 733-7580

Cindy and Steve suggested that our media day should be more of an education day for the media. We should provide SME to make presentations to the media. Maura will check with Slobodien about getting some of the independent people that are working on the Witt report. Maura questioned whether we'd want to have Milette speak at the Media Day. Maybe we could use some of the third party experts from NEI.

Steve mentioned that on May 13 Orange County is hosting a public forum at Woodbury HS for the public to voice their opinion. There will be a dais of pro, anti and county officials to speak.

Media Education Day – review the books and have comments back to Maura by April 22. Don has to check with Adele about Sue Tolchin's comments about the current Media Manual. Oswego's media manual has all the partner's names on the front cover.

Don suggested that we host a public education day and not a media day specifically. Hit on the topics of planning, psychological aspects.

Kate mentioned that she participated in a public forum that Rockland held. a forum at the Fire Training Center. Let's focus on the revision of Media Manual.

Confirmed training opportunities for future drills. On

June 11 – EAS message preparation and follow-on news releases

Sept. 24 – News release writing and admin procedures

Oct. 29 – State drill. Mike Beeman, FEMA will be invited to observe the JNC during this drill.

Don has asked for evaluators for the JAF drill on May 1 and June 3.

Don wants to review the IP slide show at the April 22 PIO meeting.

Cindy asked Don to have Adele review the Media Fact Sheets to update according to the changes in the EP booklets.

Don will be providing changes to the NYS fact sheet on Radiological Emergency Planning in New York State once the new page on KI has been approved.

Kate said that the distribution for booklets is as follows: 400 in Yiddish and 200 Spanish

Maura will prepare CDs of the Media Manual and distribute to the PIOs.

The next meeting: April 22, 10 a.m. in the EOF conference room. Agenda items include:

Changes needed for the text to the Emergency Planning Brochure. EDs will be responsible for changes to the map.

Changes for the media manual.

Review of Indian Point slide show.

**WESTCHESTER COUNTY
EMERGENCY PREPAREDNESS
TRAINING MEETING**

JUNE 13, 2002

DRAFT AGENDA

- 1 - DEVELOPMENT OF REP TRAINING PROGRAM FOR COUNTY:
 - TRAINING MODULES (LESSON PLANS)
 - TRAINING MATRIX (CURRICULUM)
 - TRAINING TRACKING SYSTEM
 - TRAINING "PACKAGES" FOR COUNTY TRAINERS

- 2 - TRAINING OF EMERGENCY WORKERS
 - BASIC TRAINING (EP, RAD, NPP, EXP. CONTROL) SESSIONS FOR DOH, DSS, PARKS, DPW AT JNC ON 6/19, 6/26, AND 7/2 (ATTEND ONLY 1)
 - SPECIALIZED TRAINING FOR WCC DOH AND DSS TEAM ON ONE AFTERNOON (OF 6/19, 6/26, OR 7/2)
 - SPECIALIZED TRAINING FOR FIRE DEPT. FOR WCC ON ???
 - SPECIALIZED TRAINING FOR FTC DOH TEAM ON ???
 - SPECIALIZED TRAINING FOR FIRE DEPT. FOR FTC ON ???
 - OTHER EMERGENCY WORKER TRAINING (SEE CURRICULUM)
 - DOSE ASSESSMENT

- 3 - TRAIN THE TRAINERS
 - TRAIN THE TRAINER GENERAL SESSION ON 6/27 AM FOR:
 - POLICE
 - FIRE
 - EMS
 - BUS CO.
 - DOH
 - DPW?
 - PARKS?

**6-13-02 Training Meeting Highlights
Draft**

The following discussions resulted from the June 13 training meeting. The following is subject to Deputy Commissioner approval.

Responsibility for Training Facility Coordination & Attendance is assigned to Neil.
Responsibility for preparation of training modules & materials is assigned to Bill & Ron.

Revise Training Modules 1, 3, 4, 5 & 7 by 6/21 (Bill & Ron)

Schedule REP Basic Training at JNC on (6/19?), 6/26, 7/1, 7/2 and (7/9 as backup) for DOH, DSS, County Employees (not for P.D., F.D. EMS, Bus or Schools) [Neil]

Obtain Signed Training Roster for all sessions, maintain actual hard copy and enter data into Excel Spreadsheet

Schedule Fairview F.D. for training at WCC: 8/5 Walk-Thru; 8/7 Practical; 8/14 FEMA
Schedule other F.D. for PMC training → Fire Trainers

Schedule other DOH & DSS Teams for R.C. Walkthroughs

Schedule DOH FTC Team for EWPMC Practical on 7/18: a.m. Lecture/ p.m. Practical | FEMA
Schedule Fire Brigade for EWPMC Practical | 7/19

For each training session, document Who, What, Where & When, on 1 page, by end of that business day.

7/19, 7/26, 8/1, 8/2, & 8/9 reserved training center from 9 a.m. to 4 p.m.

Train the Trainer

Review/revise Modules 16, 17, 18, 19, and possibly 20, by 6/26, assigned to Bill & Ron
Prepare Training Books (Bill & Ron).

- Instructor Guide
- Color Overheads/CD
- Student Handouts

Determine Trainers

- P.D. 4 individuals, TCP, Routes & Dosimetry
- F.D. 4 individuals, M/D
- DOH 7 individuals, M/D (Neil)
- EMS
- Bus Co. 12 individuals, evacuation routes/dosimetry
- Others, DPW?

Training on 6/27: a.m. REP Basics/p.m. Breakouts

Liam to schedule interviews with 2 local & 2 state police personnel

Non-Entry personnel should serve as evaluators for Monitoring walk-throughs; Ron can also serve role.

Dose Assessment Training Potential Dates (Neil)

7/16, a.m. or p.m.

7/19, a.m. or p.m.

8/21, a.m. or p.m.

8/22, a.m. or p.m.

Dose Assessment Training: 3 Hours for Refresher Course, 5 Hours for New Personnel
County needs to confirm which dates they want.

Miscellaneous:

Basic REP Training Materials:

- Student Handouts
- Meters, Dosimetry, Portal Monitors
- Emergency exposure record and rad info cards
- Bus Route/Info (make overheads for training)
- Route Alert Maps (make overheads for training)

Prepare backup color overheads of training as back-up for those training facilities that do not have PowerPoint/Computer capability

Other Issues: Status of Reception Center Diagrams

Scheduling of Evaluation Dates for:

Bus Co.

TCP

This group to meet again on June 19th and weekly after that.

Westchester County
SCHOOL INTERVIEWS 2002 INDIAN POINT REP PLAN - FINAL

<u>District / Principal – Phone #</u>	<u>School / Date - time</u>
Hendrick Hudson Central School District Cathy Conley, 736-5450	Buchanan-Verplanck E.S. June 10, 1:30 PM
Peekskill City School District Vincent Burruano, 739-2284	Hillcrest E.S. June 12, 10 AM
Lakeland Central School District Patricia McIlvenny, 245-7444	Benjamin Franklin E.S. June 17, 11 AM
Croton-Harmon Union Free School District Don Slater, 271-2147	Croton-Harmon H.S. June 12, 2 PM
Yorktown Central School District Sister Barbara Anderson, 962-2211	St. Patrick's School June 14, 1:30 PM
Ossining Union Free School District Mrs. Dorothy Muccigrosso, 941-0312	St. Ann Parochial School June 17, 3 PM
Chappaqua Central School District Bill Hoppuch, 238-6250	West Orchard E.S. June 13, 10:30 AM
Briarcliff Manor Union Free School District Dr. Robert Maher, 769-6299 x301	Briarcliff H.S. June 17, 1 PM
BOCES, Putnam/Northern Westchester Judy Spaulding, 248-2250	Pinesbridge School June 14, 10:30 AM

Grosjean, Alain

From: Reynolds, Robert [Robert.Reynolds@fema.gov]
Sent: Wednesday, June 05, 2002 8:49 AM
To: 'ken.bergmann@semo.state.ny.us'; Reynolds, Robert
Cc: Grosjean, Alain; Ferraro, Anthony; Malool, Paul; 'greeleyd@co.rockland.ny.us';
'dgreene@co.orange.ny.us'; 'aws1@westchestergov.com'; 'bobrogan@bestweb.net';
Hasemann, Brian; Reed, Kevin; Sutton, Jaye
Subject: RE: Updated schedule

Ken,

Thanks for the update.

We noticed a few corrections that are needed:

1. May 20 - Rockland school interview - was cancelled and needs to be rescheduled.
2. May 23 - Putnam bus drivers at Haldane - was rescheduled for June 19.
3. Reminder: bus drivers interviews on June 11 - 25 drivers are indicated. Please note, I only have 1 evaluator scheduled since the Westchester MS-1 drill is the same day. Please do not have all 25 drivers come at the same time - it would be better to stagger them: 5 at 9AM; 5 at 10AM, etc.
4. JNC Training: please add these training sessions to the schedule. I think it would be beneficial to have Mike Beeman and I participate in at least one of them. Also, we have a course at EMI on this subject, would you like to pursue a field offering of this before the exercise?
5. Westchester planning committee meetings: Please add these meetings dates to the schedule as well. Tony Sutton has asked us to participate. It would be helpful to have everything on one schedule.
6. Media Working group: Joe Picciano and I have previously suggested a media working group be established to coordinate a public information strategy. If the state and the counties want to pursue this, this should also be added to the schedule. This was last discussed at the Westchester meeting on May 30 (Kevin Kraus sat in for you).

Thanks,

Robert Reynolds

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

From: ken.bergmann@semo.state.ny.us
To: robert.reynolds@fema.gov; Paul.Malool@fema.gov;
greeleyd@co.rockland.ny.us; dgreene@co.orange.ny.us;
aws1@westchestergov.com; bobrogan@bestweb.net
Cc: agrosje@entergy.com; aferrar@entergy.com; rla1@westchestergov.com
Sent: 6/3/02 2:54 PM
Subject: Updated schedule

Here is the Training and Exercise schedule last updated 06/03/02. Let your liaison know of any changes and additions.

Mr. Reynolds & Mr. Malool: Please note several new FEMA evaluations during the 6/10-17 timeframe.

<<Indian Point 2002 FEMA Exercise.doc>>
Ken Bergmann
Planning Section

Agenda

April 3, 2002

Westchester County Center
Room E
198 Central Avenue at Bronx River Parkway
White Plains, NY

Time 9:00 am – 5:00 pm

Introductions

Overview of Planning Initiatives and Changes by County

Westchester County Radiological Emergency Response Plan Overview

Rockland County Radiological Emergency Response Plan Overview

Orange County Radiological Emergency Response Plan Overview

Putnam County Radiological Emergency Response Plan Overview

Overview of Planning Initiatives and Changes by State

NYS Office of Emergency Management Plan Support and Assistance

Overview of Planning Initiatives and Changes by Federal Agencies

Federal Emergency Management Agency

Nuclear Regulatory Commission

Overview of Planning Initiatives and Changes by Entergy

Entergy Nuclear Northeast Indian Point Complex

General discussion on developing strategies to help all participants develop Plans which address the changing environment.

Development of Action Plan and Meeting Schedule.

Discussion on September 24, 2002 Exercise.

Adjourn



Department of Emergency Services

**Transportation Meeting
March 21, 2002
Room 111**

AGENDA

- **Sign in & Introduction**
- **Description of Transportation Management Project**
- **Description of Indian Point Radiological Preparedness Plan**
- **Discus integration of Transportation Management into Plan, i.e., message signs, surveillance cameras, radio broadcasts.**
- **Sharing of intelligence**
- **Future cooperative initiatives**

Slobodien, Mike

From: Slobodien, Mike
Sent: Thursday, March 21, 2002 12:40 PM
To: Inzirillo, Frank; Grosjean, Alain
Cc: Ferraro, Anthony; Huber, John T.
Subject: Westchester ETTE meeting

I attended a meeting at the Emergency Services offices today hosted by Tony Sutton. The purpose of the meeting was to start a dialogue between representatives of the county OEM, DOT, Planning, IT, county police, and state DOT. I'll list the attendees at the end of this message.

NY state DOT is doing a bunch of things that would either dove tail or overlap with our ETTE and Visual Risk efforts. I suggested that we meet with NY DOT to discuss so that we can optimize our efforts. NY DOT is very interested in sharing what it is doing and in combining efforts where it makes sense. DOT has the ability to go after federal traffic funds that could be used for a mutual effort between IPEC and the State/County.

We will discuss this further at Kozlow's planning meeting scheduled for the morning of March 26.

Among the things that DOT is pursuing is a traffic model (computer program) developed by TRW. It sounds somewhat similar to the functionality in Visual Risk. Other actions include placing "intelligent road signs" like those on I-287, surveillance cameras, traffic flow detection instrumentation, DOT is building a large control center in Hawthorne. They like the idea of giving us feedback on our ETTE effort and seeing what they already have on hand that could help us.

Let's discuss when would be a good time for a meeting with NY DOT and other appropriate parties.

Attendees:

Liam Murphy
Richard Stiller, Westchester DOT
Tom Modden, Westchester Department of Planning
Naomi Klein, Westchester DOT
Richard Daubman, Westchester Police Dept
John LiMarzi, NY State DOT
Giselle Vagnini, NY State DOT
David Blake, Westchester IT
Bill Fitzpatrick, NY State DOT [he is the regional traffic engineer and was spokesperson for DOT]
Henry DeVries, NY State Police, Traffic Management Corps
Chris Kozlow
Tony Sutton
Mike Slobodien

NYSEMO-REGION-II

TEL: 845-454-4620

*TO: Alan
From Ken*

Westchester
gov.com

Andrew J. Spano
County Executive

Department of Emergency Services

Patrick T. Kelly
Commissioner

Office of Emergency Management

Christopher M. Kozlow
Deputy Commissioner

March 11, 2002

Dear Sir/Madam:

Since the tragedy on September 11, 2001 the County has undertaken a proactive approach to updating and developing the County's Comprehensive Emergency Response Plan. This document is designed to assist County Leaders, Planners and Responders to prepare, respond and mitigate any situation, whether it is a natural disaster or deliberate act of terrorism.

We are asking you to send a representative from your office that will be able to assist Westchester County, to a planning session to be held on March 26, 2002 at 9:00 am at the County Emergency Services Training Center.

This will be the first in a series of meetings, which will assist us in developing, testing and evaluating the new County Comprehensive Emergency Response Plan.

To confirm attendance or for further information, please call Connie Sirena at 231-1677 or Linda Luddy at 231-1700.

Sincerely,

Christopher M. Kozlow

Christopher M. Kozlow
Deputy Commissioner

CMK/cas



Andrew J. Spano
County Executive

Department of Emergency Services

Patrick T. Kelly
Commissioner

Office of Emergency Management

Christopher M. Kozlow
Deputy Commissioner

March 8, 2002



Mr. Dominick Greene
Emergency Manager
Orange County Office of Emergency Management
County Government Center
255 Main Street
Goshen, NY 10924

Dear Mr. Greene:

In an effort to continue the positive discussions we began on January 17, 2002 about emergency preparedness for Indian Point, I would like to invite you to our next meeting regarding this matter.

As you may recall, at the conclusion of the first meeting, convened by Representatives Nita M. Lowey, Sue W. Kelly and Benjamin A. Gilman, I volunteered to coordinate the scheduling of our next meeting. Therefore, on March 20th, we will bring together representatives from FEMA, NRC, FBI, and SEMO to provide direct support to the local agencies responsible for providing immediate assistance in the event of an emergency. This session will cover topics ranging from security, planning and exercises, as well as many other important and relevant topics.

Due to its sensitive nature, the meeting will be by invitation only. The proposed agenda is attached along with the location and directions to the meeting.

Please contact Connie Sirena at (914) 231-1677 to confirm your participation and for further information regarding this important meeting.

Sincerely,

Christopher M. Kozlow
Deputy Commissioner

Agenda

March 20, 2002

Department of Emergency Services
4 Dana Road, Valhalla, NY
Room 114

Time 9:00 am – 5:00 pm

Introductions

Overview of Planning Initiatives and Changes by County

Westchester County Radiological Emergency Response Plan Overview

Rockland County Radiological Emergency Response Plan Overview

Orange County Radiological Emergency Response Plan Overview

Putnam County Radiological Emergency Response Plan Overview

Overview of Planning Initiatives and Changes by State

NYS Office of Emergency Management Plan Support and Assistance

Overview of Planning Initiatives and Changes by Federal Agencies

Federal Emergency Management Agency

Nuclear Regulatory Commission

Overview of Planning Initiatives and Changes by Entergy

Entergy Nuclear Northeast Indian Point Complex

General discussion on developing strategies to help all participants develop Plans which address the changing environment.

Development of Action Plan and Meeting Schedule.

Discussion on September 24, 2002 Exercise.

Adjourn

Grosjean, Alain

From: ken.bergmann@semo.state.ny.us
Sent: Tuesday, February 19, 2002 3:29 PM
To: cmkm@westchestergov.com
Cc: andrew.feeney@semo.state.ny.us; james.baranski@semo.state.ny.us; Grosjean, Alain; rla1@westchestergov.com
Subject: FEMA Meeting

Chris:

Paul Malool, Site Manager from FEMA Region II, would like to schedule a meeting with Westchester County OEM staff to discuss the proposed responses to the FEMA/RAC Consolidated Review Plan comments. It is preferable that it be done before the end of the month.

You should plan for a morning or afternoon session. Please give me a couple of dates. I will coordinate with FEMA.

Among other planning issues, we will address which plan changes will be incorporated into the plan that Westchester will use in the September 24, 2002 FEMA evaluated exercise.

If schedules permit, there should be a pre-planning meeting with Entergy, OEM and SEMO to discuss your proposed responses to the FEMA comments before we meet with them. Please let me know as soon as possible.

Ken

Ken Bergmann
Planning Section
New York State Emergency Management Office
1220 Washington Avenue
Building #22, Suite 101
Albany N.Y. 12226
Ph# 518-457-9967
Fax 518-457-9963
Pager 518-484-5335
E-Mail ken.bergmann@semo.state.ny.us

2002 COUNTY PLANNING EFFORTS

(2/1/02)

PLAN UPDATES:

- REVIEW/REVISE CURRENT PLAN
- INCORPORATE EXERCISE PLAN ISSUES ?
- INCORPORATE PLAN REVIEW (RAC) ISSUES ?
- PLAN READY FOR NYSEMO BY APRIL 24
- PLAN READY FOR FEMA BY MAY 24
- GENERIC PLAN ISSUES TO CONSIDER:
 - CHANGE NYPA/CON ED
 - UPDATE ALL LISTS/ROSTERS
 - REFLECT USE OF NEW 2401-Ps, PORTAL MONITORS
 - UPDATE LOAs/MOUs
 - USE COMMON, DEFENDABLE SOURCE FOR POPULATION UPDATES
 - CHANGES TO FACILITY LOCATIONS
- ASSEMBLE COPIES OF ALL OPERATIONAL DOCUMENTS OUTSIDE OF PLAN FOR FEMA

TRAINING: IDENTIFY STAFF AND SCHEDULE TRAINING

EQUIPMENT/SUPPLIES:

- CALIBRATION OF DOSIMETERS
- ISSUANCE OF TLDs
- ISSUANCE OF 2401-Ps
- PORTAL MONITORS
- RECEPTION CENTER SUPPLIES/SIGNS, ETC.

OUT OF SEQUENCE DEMONSTRATIONS: IDENTIFY FACILITIES AND SCHEDULE

DRILLS:

- SCHEDULE MS-1 DRILLS FOR PUTNAM (APRIL) AND WESTCHESTER (SEPT.)
- FIRST FULL "DRESS REHEARSAL" FOR ALL EOCs, EOF, JNC – SEPTEMBER 5
- REMEDIATION DRILLS ON SEPT. 12 ? OR SEPT. 19 ? OR LATE AUGUST ?

EXERCISE:

ALL EOCs, EOF, JNC – SEPTEMBER 24

Notes From the Four County Public Information Officers' Meeting, January 9, 2002.

Attendees included Don Maurer and Jim Ryan (NYSEMO), Adele Dowling (Westchester), Susan Cerra and Susan Meyer (Rockland), Bob Rogan and Adam Stiebeling (Putnam), and Mike Slobodien, Jim Steets, Maura McGillicuddy, and Ken Lott (Entergy).

Topics discussed included

- Changes in the state's KI policy,
- Revisions to the JNC procedures to include handling Orange County remotely,
- The "Planning for Emergencies" booklet,
- Identifying training requirements and opportunities,
- Updating the 2002 work plan.

The state's position on the use of Potassium Iodide (KI) is being re-evaluated. The state's KI task force will reconvene Jan. 16 to discuss the latest developments. The Nuclear Regulatory Commission (NRC) has said that the commission will purchase KI but the authorities (states, counties, cities, etc.) in charge must have a plan for distributing the drug to members of the public before any stocks of KI will be given to them. Rockland County asked about a time line for development of such plans and about the participation of county health departments in the KI task force. At present, the state and counties are working to establish a plan for distributing KI to the public that takes into account variables such as the recommended dosage. PIOs were asked to share this information with their emergency directors.

The state pointed out that there are multiple opportunities for county public information personnel to participate in Indian Point practice drills and asked the counties to provide him with a list of training requirements by the end of January. It was also pointed out that, under the consolidated Entergy JNC procedures, the company is committing to providing six staff members for the Public Inquiry section, and requested that the Westchester, Rockland, and Putnam counties provide a total of six additional personnel for the section.

The annual revision of the "Joint News Center Procedures and Public Education Work Plan" needs to include "rules for usage" of the teleconferencing system that allows Orange County PIOs to participate remotely in media briefings at the JNC. Entergy will provide technical input about the system's setup, operations, capabilities and limitations, and will work with the state and Orange County to develop a written procedure for inclusion in the document. The state would like to test the system and the procedures during practice drills on March 6 and/or April 3.

Several items on the "2002 Joint News Center Annual Emergency Planning Schedule" were discussed. They include:

- Yellow Page ads for 2002 have been placed by the state.
- The revised Media Manual will be reviewed again by Entergy and should be ready for distribution to the news media by the end of February.
- The group currently plans to distribute the "Planning For Emergencies" booklet in mid- to late-August, to coincide with the beginning of the school year. Entergy will develop a publication schedule to include deadlines for revisions to the booklet test and map insert.

PIOs were asked to emphasize these deadlines to the emergency directors and recommend that any plan changes that would be reflected in the booklet or map (e.g., school reception centers, KI policy, Hudson River ERPAs, etc.) be finalized before the deadlines. Text changes in the booklet should be submitted by mid-February.

Also discussed was the frequency of PIO meetings. The group agreed to meet again on March 20 and May 15.

**Plan Review - Indian Point
Westchester County (Rev. 6/02)**

NUREG-0654 Element	FEMA/RAC Consolidated Review Comments	RAC Rating	State Rpt. Rating	Draft State Report Comments
	gamma instrument and a thin window GM for counting air samples and detecting contamination. In addition, the utility has installed 16 ion chambers that use a telemetry system to report real time gamma exposures around the site. This information is available to the County on a near real time basis.			
H.10	Proc.14, Sec.3.1 (p.14-3) states that monitoring instruments and protective equipment will be inventoried, inspected, and operationally checked at a minimum of once per calendar quarter and after each use. Sec. 3.3 (p.14-5-6) states that the calibration of monitoring instruments will be in accordance with the manufacturer's recommendations/SEMO Section 3.3.2 states that equipment removed for calibration will be replaced upon removal.	A		
H.11	Proc.3, Att.14 (p. 3-74) provides a list of equipment in six field radiological monitoring kits. Additionally Proc.3, Att.15 (P. 3-76) provides list of Personnel Monitoring Center Equipment. Also, Proc.2, Att.6 (p. 2-40) lists the number of different types of vehicles equipped with or without radios, the radiological equipment and Headquarters communications equipment with the County Police. <i>Change the old references from Proc.3, Att.15, 15A & 16 to Proc.3, Att.14, 15, & 16 for this element (H.11) on P. O-7 of Appendix O (Evaluation Criteria Cross Reference Index).</i>	A?		
H.12	According to the plan (Sec. III.C.4.b) the IPEC will provide space in their Emergency Operations Facility (EOF) for the County Liaison with a communications link between the EOF and the County EOC. Prior to activation of the EOF, upon review of their field monitoring data received from their respective field teams the County EOC and the IPEC staff will promptly transmit all data to the State EOC (Proc.3, Att.12 Sec. 4.2.13). After activation of the EOF, upon review of field monitoring data	A?	Met	The plan is unclear, referring to "Assessment Room" and the County EOC, as if each County and the State do their own independent dose assessments. The language in Implementing Procedure #3 is much clearer and should be considered for inclusion in the main plan document. Compliance was verified through practice during the exercise.

**Plan Review - Indian Point
Westchester County (Rev. 6/02)**

NUREG-0654 Element	FEMA/RAC Consolidated Review Comments	RAC Rating	State Rpt. Rating	Draft State Report Comments
	<p>received from its field teams the County EOC will promptly transmit all data to the EOF (Proc.3, Att.12 Sec. 4.2.15). <i>Change the reference from Proc.3, Att.13, Para.4.2.13, 4.2.15 to Proc.3, Att.12, Para.4.2.13, 4.2.15 for this element (H.12) on P. O-7 of Appendix O (Evaluation Criteria Cross Reference Index).</i></p>			
I.7	<p>Section III.C.3.n discusses accident assessment. Section III.C.4.b(2) discusses communications with field monitoring teams, primary is portable mobile radio, backup is RACES or police vehicle with police radio. Section III.C.7 a, Assessment, discusses data and incident diagnosis and prognosis. Appendix J, Radiological Monitoring and Assessment Resources, and Procedure 3, Department of Health, both have additional information pertaining to accident assessment. Note that the "Field Monitoring Procedure(s) Manual" referred to in Appendix O of the Plan and described in Section III.C.7.a as bound under separate cover and also referred to in Attachment 12 of Procedure 3, was not available for review.</p> <p><i>It is suggested that the description of the NFO's Apple Minicomputer system in Appendix J.1.c (p. J-2) be amplified to include information on how this interfaces with the counties and more detail on data included (is this just dose projections from modeling or does it incorporate field measurements by nuclear environmental monitoring teams and emergency offsite monitoring teams).</i></p> <p><i>It is suggested that on p. J-3, last paragraph, that "imply" be replaced by "apply." It is suggested that J.2.h, bullet 4 (on p. J-5) be rephrased for clarity (presumably "ingestion" intended instead of "injection").</i></p> <p><i>In J.2.i suggest replacing "serial monitoring" by "aerial monitoring". Also, the statement "Offsite meteorological data is obtained from the licensee of the County EOC" is stated unclearly; and more information</i></p>	A?		

School Issues

Enter your comments

Sheltering, Relocating and Reception Centers

In the event of any emergency ranging from severe weather, (the most likely hazard in Westchester) to a radiological emergency at the Indian Point Energy Center, school administrators are presented with the same choices and decisions to be made.

If the hazard will not arrive in time (as in a hurricane or similar threat) to have an impact on the school day, administrators can choose to continue school activities as normal. The second choice available to administrators is to bring students inside to take shelter. The third option is to conduct early dismissal if there is enough time to get everyone home before the onset of the storm or hazard occurrence.

The last and least likely option would be to evacuate students to another, safer location. This decision would be made when remaining in school would be unsafe, and early dismissal isn't an option. Although the need to evacuate students to offsite locations is unlikely, it is the choice that may be the most difficult for an official to make. The County makes every attempt to supply school officials with the information and support to make the appropriate decision.

Evacuation may occur as a precautionary measure. It may even occur before any notice is given to the general public. Because schools are a controlled environment, Westchester's evacuation plans have the ability to easily notify and direct school populations in the event of an emergency.

Reuniting families is a priority in any evacuation plan. For an emergency at Indian Point, and when a school in the Emergency Planning Zone (EPZ) is ordered to evacuate, those students would be bused to a pre-designated "School Reception Center" outside the EPZ. The "Planning for Emergencies" booklet contains a list of schools and School Reception Centers that were in place up to 2002. It can also be viewed by accessing the Emergency Information Map at <http://www.westchestergov.com/currentnews/nypanew.htm>.

The County is currently revising school/reception center relationships. School authorities are participating in this process. These revisions will address parent's concerns about keeping siblings together, the issue of parental pick-up, and other concerns.

Bus Transportation

Westchester County has an excess of drivers (more than 800) trained to operate evacuation buses and vans in a radiological emergency. The number of drivers exceeds the number needed for even a "worst case" scenario. We continue to train more drivers than we need to allow for vacations or absences.

Evacuation bus route assignments and transportation providers are also currently under review and discussion with school representatives. The County is also in the process of identifying additional means of transportation.

[Home](#)

Distribution of potassium iodide (KI)

Enter your comments

In December 2001 the Food and Drug Administration (FDA) issued a revised guidance for the use of potassium iodide (KI) as a thyroid-blocking agent in radiation emergencies. Westchester County has been advocating the need for updated information for quite some time. The new guidelines are the first issued by the FDA since 1982.

KI protects only the thyroid gland from radioactive-iodine that may be emitted during a radiological emergency. KI offers no protection for other forms of radiation, nor does it protect any other parts of the body from radioactive materials. It provides no protection against external irradiation of any kind. The FDA emphasizes that the use of KI should be as an adjunct to, not an option "in lieu of" evacuation, sheltering, and control of foodstuffs.

Westchester County Officials are part of a special New York State task force charged with developing a new KI policy, consistent with the FDA guidelines. KI has always been available to trained emergency workers who may be at risk for an extended period of time.

Westchester County's new draft KI Policy will be made public on February 14th. It includes 5 specific action areas to make KI more readily available through pharmacies (it is sold over-the-counter), to inform the public and to work with schools on their KI plans. Schools, elected officials, emergency responders, and child care administrators will have an opportunity to comment and make written recommendations on this draft, after which a final policy will be adopted.

[Home](#)

Roads and Transportation

Enter your comments

We are well aware of the status of the roadway infrastructure throughout the county. Most of the roads, except for the major north/south highways, were designed to handle a much lighter form of traffic than currently exists. In light of this, the county has set in motion a traffic study utilizing the latest transportation management software to study the traffic flow patterns for the entire Emergency Planning Zone (EPZ). We are also reviewing potential issues with some specific roads and routes.

Another major part of the traffic flow plan is the use of Westchester County Public Safety Officers and local Police departments to man checkpoints aimed at keeping traffic flowing by over-riding all traffic lights and stop signs. These traffic control points will be manned with trained professionals who are able to monitor trouble areas and communicate this vital information to our Emergency Operations Center (EOC). Here the trouble areas are plotted on maps, using the latest computer technology, showing where resources need to be deployed to assist in the rerouting of traffic from congested areas to alternate evacuation routes.

The County constantly monitors all roadway construction sites and has the ability to quickly shut down such projects thus eliminating many traffic bottlenecks that are seen on a normal day's travel. This concept was put in place by the County Executive during the September 11, 2001 tragedy in New York City when we were able to quickly and efficiently open roadways for traffic leaving the NY City area to allow emergency vehicles quick access to and from the WTC site.

The traffic study mentioned above will utilize the latest transportation management software and is now underway for the entire Emergency Planning Zone (EPZ). The Evacuation Travel Time Estimate (ETTE) is scheduled for completion in 2002. It will look at existing demographics, roadways, and transportation networks within the EPZ. It will also consider conditions outside the EPZ, that may impact evacuation. The ETTE study will incorporate 2000 census data, development data supplied by the Westchester County Departments of Planning and Public Works. It will also make new assumptions increasing the number of cars per household.

[Home](#)



Entergy

Interoffice
Correspondence

November 7, 2002
IPEC-EPD-02-095

TO: D. SULLIVAN-WEAVER
FROM: A. GROSJEAN
SUBJECT: CHECK FOR COUNTY OF WESTCHESTER - \$120,000.00

Please issue a check to the County of Westchester to cover the funding for the position of Four-County Coordinator for October 1, 2002 through September 30, 2003.

This funding is a shared IP2/IP3 expense.

As specified in the County's letter that is attached, a check in the amount of \$120,000.00 should be made out to "Commissioner of Finance – County of Westchester/Four County Nuclear Safety 2002/2003 Trust Account".

Please return the check to me.

If you have any questions regarding this request, please contact me.

Alain Grosjean
Senior Project Manager

CONCURRENCE:

Frank Inziffo
Manager – IPEC Emergency Planning

Michael Slobodien
Director – ENN Emergency Programs

Andrew J. Spano
County Executive



Patrick T. Kelly
Commissioner

Anthony W. Sutton
Deputy Commissioner
OEM Director

Department of Emergency Services

September 17, 2002

Michael J. Slobodien, Director
Emergency Programs
Entergy Nuclear Northeast
440 Hamilton Avenue
White Plains, NY 10601

10/28
FYI - FRANK
CINDY
TONY

Dear Mr. Slobodien,

I am writing to request that one hundred twenty thousand dollars (\$120,000.00) be remitted to Westchester County by Entergy in support of the Four County Nuclear Safety Committee for the period of October 1, 2002 through September 30, 2003. The amount requested is computed from direct and related expense experience.

The monies will be applied to fund the salary, fringe benefits, travel expenses, and administrative support of the role exercised by Raymond Albanese, Acting Four County Coordinator of the Four County Nuclear Safety Committee. The Four County Coordinator Position is critical to the successful implementation of the Indian Point Emergency Preparedness Program in Orange, Rockland, Putnam and Westchester Counties. It is anticipated that Mr. Albanese will be actively involved in the coordination of plan upgrades. These upgrades will include incorporating revised Evacuation Travel Time Estimates, and U.S. census related issues. Plan exercises require extensive inter-county coordination. To maintain 44CFR350 Certification, it will be necessary to continue the level of coordination required to achieve our original "350" Certification.

Please forward a check for the above amount to the "Commissioner of Finance, County of Westchester" to be deposited in the Four County Nuclear Safety Committee 2002/2003 Trust Account. To assure the proper routing of the check, I request that you send it to my attention at the Office of Emergency Management, Department of Emergency Services, 4 Dana Road, Valhalla, New York, 10595.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony W. Sutton", written over a horizontal line.

Anthony W. Sutton
Deputy Commissioner

cc: Andrew J. Spano, Chairman
Four County Nuclear Safety Committee



Entergy Nuclear Northeast
Entergy Nuclear Operations Inc.
440 Hamilton Ave.
White Plains, NY 10601-1813
Tel 914 272 3500

October 17, 2002

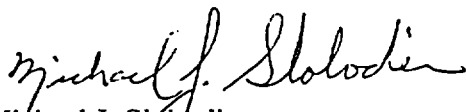
Anthony W. Sutton
Deputy Commissioner
Department of Emergency Services
4 Dana Road
Valhalla, NY 10595

Dear Mr. Sutton

This is in response to your letter dated October 14, 2002, regarding use of the outstanding fund balance in the Four County Coordinator account.

As we discussed, Entergy Nuclear Northeast concurs with your proposal for use of the \$65,000 fund balance from prior years for enhancements to the county emergency response capabilities.

Sincerely,


Michael J. Slobodien
Director, Emergency Programs

cc: Frank Inzirillo
Alain Grosjean

licensees in response to Bulletin No. 86-01 and Information Notices 86-34, 86-39, and 86-40 are sufficient to address the above RHR problem, individually and cumulatively.

Therefore, the Staff finds that the concerns expressed in Mr. Lewis' July 1, 1986 letter do not constitute any substantial health or safety issues associated with the operation of BWR plants and that the stated RHR problems do not, individually or cumulatively, provide a basis to suspend operation of all BWR plants, as requested.

CONCLUSIONS

In the absence of substantial health or safety issues associated with the operation of the BWR plants, I decline to institute proceedings pursuant to 10 C.F.R. § 2.206. Accordingly, I decline to grant Mr. Marvin Lewis' request. As provided by 10 C.F.R. § 2.206(c), a copy of this Decision will be filed with the Secretary for the Commission's review.

Harold R. Denton, Director
Office of Nuclear Reactor
Regulation

Dated at Bethesda, Maryland,
this 6th day of November 1986.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF INSPECTION AND ENFORCEMENT

James M. Taylor, Director

In the Matter of

Docket No. 50-346

TOLEDO EDISON COMPANY
(Davis-Besse Nuclear Power
Station, Unit 1)

November 19, 1986

The Director of the Office of Inspection and Enforcement declines to take action based upon the alleged failure of the Toledo Edison Company (Licensee) to comply with the Nuclear Regulatory Commission's (NRC) emergency planning regulations with regard to the Davis-Besse Nuclear Power Station.

Two petitions were considered by the Director. The first petition was submitted on October 24, 1986, by the State of Ohio. The second petition was submitted on October 28, 1986, by the Toledo Coalition for Safe Energy and Susan A. Carter. Both petitions opposed restart of the Davis-Besse facility which was then shut down for facility modifications.

The Director reviewed the overall state of emergency planning for the Davis-Besse facility including the specific concerns raised by the Petitioners. The findings of the Federal Emergency Management Agency (FEMA) with regard to Davis-Besse were also considered. The Director concluded that, based upon the lengthy oversight and review of emergency planning efforts at Davis-Besse by both the NRC and FEMA, including consideration of the issues raised in the petitions, emergency preparedness planning for the facility is adequate.

EMERGENCY PLAN: COMPLIANCE WITH REGULATIONS

While there can be deficiencies in the emergency planning and preparedness associated with a nuclear facility, there must be sufficient compliance to find that there is reasonable assurance that adequate protective measures can and will be taken in a radiological emergency.

DIRECTOR'S DECISION PURSUANT TO 10 C.F.R. § 2.206

INTRODUCTION

On October 24, 1986, the State of Ohio, by its Attorney General, submitted to the Nuclear Regulatory Commission (NRC) a petition pursuant to 10 C.F.R. § 2.206 seeking institution of proceedings to suspend the operating license for the Davis-Besse Nuclear Power Station of the Toledo Edison Company (Licensee), or the taking of such other actions as may be necessary to prevent operation of this facility, until such time as the Licensee is in compliance with the Commission's emergency planning regulations, specifically 10 C.F.R. § 50.47.¹ The petition opposes restart of the facility and notes that, on August 15, 1986, the Governor of Ohio withdrew his support for the evacuation plans for the Davis-Besse facility and also instituted the Ohio Emergency Evacuation Review Team (EERT). The petition alleges that the EERT has found serious deficiencies in the evacuation plan for the Davis-Besse facility. The petition goes on to allege that, although the Federal Emergency Management Agency (FEMA) has been examining state and local emergency plans associated with the Davis-Besse facility for over 4 years, to date, FEMA has not issued any formal statement of adequacy concerning the Davis-Besse plan. Thus, the petition argues that the Davis-Besse facility has operated without an approved emergency plan since its inception, in violation of NRC regulations.

On October 28, 1986, a second petition of the Toledo Coalition for Safe Energy and Susan A. Carter was submitted to the NRC also seeking action with respect to the Davis-Besse facility pursuant to § 2.206. This petition also opposes restart of the facility and seeks institution of proceedings for license suspension. This petition alleges deficiencies with respect to the offsite emergency plan for Lucas County, Ohio, in that it fails to include preparations for Jerusalem Township, a part of Lucas County. This petition further alleges that, on October 20, 1986, members of the Northwest District of the Ohio Association of Public School Employees, American Federation of State, County and Municipal Employees, AFL-CIO (Union), voted not to participate in planning or evacuation in case of an emergency at the Davis-Besse facility. Union members were to participate in an emergency at Davis-Besse as bus drivers and as operators of refugee reception centers. The petition alleges that the passage of this resolution by the Union raises serious questions and doubts regarding the efficacy of existing emergency plans since extensive reliance is placed upon the participation of Union members in facilitating an evacuation in the event of

¹The Davis-Besse facility is currently shut down for facility modifications. The facility is scheduled to resume operations on November 21, 1986, subject to NRC approval.

a nuclear accident at the Davis-Besse facility. A November 12, 1986 letter from the Licensee notified the NRC of an impending response to the petitions.

On November 17, 1986, the Licensee submitted its "Response to § 2.206 petitions of Ohio Attorney General and Toledo Coalition/Carter." On November 10, 1986, the NRC requested that FEMA address the issues raised by the October 20, 1986 resolution of the Union. FEMA's response was received on November 14, 1986. My decision in this matter follows.

DISCUSSION

The Commission's regulations in 10 C.F.R. § 50.54(q) and (s) require the submission and implementation of licensee and state and local governmental emergency plans which meet the standards in 10 C.F.R. § 50.47(b) and Appendix E to 10 C.F.R. Part 50.² As described in the Memorandum of Understanding between FEMA and NRC (50 Fed. Reg. 15,485 (Apr. 18, 1985)), FEMA has lead responsibility for assessing offsite radiological emergency response plans and preparedness.³ The NRC assesses onsite emergency planning and reviews FEMA's assessment of offsite plans for the purpose of making findings on the overall state of emergency preparedness. The NRC must find reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

For nuclear power plants that held a license to operate at the time the NRC final rule on emergency planning became effective (November 3, 1980), as was the case with Davis-Besse, the NRC based its reasonable assurance findings for each operating reactor on consideration of (1) the licensee and state and local governmental emergency plans upgraded to substantially meet the requirements of the final rule; (2) a review of the onsite plans by the NRC; (3) a comprehensive appraisal conducted by the NRC at the operating reactor site to verify the implementation of the licensee plan; and (4) the evaluation of a joint exercise involving the licensee and state and local governmental organizations. The reviews and appraisals were conducted between 1980 and 1982. The onsite portions of such exercises were observed by the NRC while the offsite portions were observed by FEMA and other members of the Regional Assistance Committee

²"Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," NUREG-0654/FEMA-REP-1, Revision 1, provides guidance for the implementation of the standards in 10 C.F.R. § 50.47.

³In addition to making reviews of offsite emergency preparedness as requested by the NRC with respect to nuclear facilities, FEMA has in place procedures set forth in 44 C.F.R. Part 350 for the assessment of the offsite plans submitted by state and local governments.

(RAC).⁴ FEMA provided the NRC with its findings assessing the exercise. Consideration of the plans and this series of events constituted the means by which the NRC determined there was an adequate level of emergency preparedness at nuclear power plants with operating licenses.

For all plants licensed to operate since November 3, 1980, NRC has requested and received from FEMA either formal approval or interim findings that offsite plans and preparedness are adequate and capable of implementation, prior to full-power operation. The FEMA process for formal approval of offsite plans is set forth in 44 C.F.R. Part 350. However, this formal process need not be completed for the purpose of NRC licensing reviews either for operating plants or plants being licensed. The fact that a FEMA approval of offsite plans in accordance with Part 350 has not been received for a particular facility does not mean that an inadequate level of emergency preparedness exists. During the approval process, FEMA may issue interim findings of reasonable assurance that adequate measures can be taken in the event of a radiological emergency, based on reviews of emergency plans and in conjunction with exercise observations. In cases of plants licensed before November 3, 1980, FEMA findings were based primarily on observations during exercises and the existence of upgraded plans in contrast to detailed reviews of such plans.

With this background, a review of the history of emergency preparedness at the Davis-Besse Nuclear Power Plant is appropriate in light of the allegation of the State of Ohio that resumed operation of Davis-Besse would violate the Commission's regulations. The general criteria for determining an adequate level of emergency preparedness at operating nuclear power plants were described above. Specifically, the Licensee's upgraded emergency plans were submitted to the NRC in March 1980. The emergency preparedness implementation appraisal of the Licensee's plans was conducted at Davis-Besse during February 8-19, 1982. The NRC reviewed and approved those plans as subsequently revised on October 7, 1982.

The Davis-Besse Offsite Plan was submitted by Ohio in February 1981 to FEMA for review and evaluation in accordance with 44 C.F.R. Part 350. During the review process, FEMA found that a plan for Lucas County, Ohio, had not been included in the State's submission and concluded that a separate Lucas County plan was required. FEMA notified the Ohio Disaster Services Agency

⁴There exists in each of the 10 standard federal regions a Regional Assistance Committee (RAC) (formerly the Regional Advisory Committee) chaired by a FEMA regional official and having members from the Nuclear Regulatory Commission, Department of Health and Human Services, Department of Energy, Department of Transportation, Environmental Protection Agency, the U.S. Department of Agriculture, and Department of Commerce. The RACs assist state and local government officials in the development of their radiological emergency response plans, and review plans and observe exercises to evaluate the adequacy of these plans and related preparedness. This assistance does not include the actual writing of state and local government plans by RAC members.

(ODSA) that further processing of the State's submission was postponed pending the submittal of a Lucas County plan. On February 13, 1985, FEMA notified ODSA of the need to submit a Lucas County plan, or alternative solutions, by March 15, 1985.

During the ensuing year, ODSA and FEMA sought mutually agreeable solutions. On May 12, 1986, ODSA submitted a proposed schedule to resolve the various issues raised by the absence of a Lucas County plan. However, the proposal did not schedule resolution of outstanding issues until the Summer of 1987. A number of subsequent interactions culminated in the July 8, 1986 correspondence from ODSA to FEMA which identified additional actions taken or proposed and specified milestones and completion dates. In a Memorandum of Understanding, Lucas County, Jerusalem Township, ODSA, and the Toledo Edison Company instituted interim measures, including a provision for the availability of all facilities and resources at the disposal of Lucas County and Jerusalem Township officials "to implement any and all necessary protective actions." The Memorandum of Understanding also provides for the completion of certain activities prior to the Davis-Besse startup, as well as other measures that will remain in place until the final approved Lucas County Radiological Emergency Response plans and facilities are in place. The final resolution of all issues related to planning for Lucas County was scheduled for April 30, 1987, when a public meeting would be held in accordance with FEMA regulations. The milestones and completion dates included a September 3, 1986 Lucas County plan submission for state review; a September 23, 1986 participation by Lucas and Ottawa counties and ODSA in a Davis-Besse exercise; a December 30, 1986 submission of the Lucas County plan and revisions of the Davis-Besse Offsite Plan to FEMA for review under 44 C.F.R. Part 350; a March 31, 1987 exercise involving full participation by Lucas County; and an April 30, 1987 public meeting in accordance with FEMA regulations. A July 23, 1986 FEMA letter to the NRC summarized these planning efforts and noted a good-faith effort on the part of state and local governments in resolving the outstanding issues as indicated by the agreed interim measures and the mutual commitments to a specified schedule. FEMA has committed to monitoring progress concerning the interim measures and the meeting of formal requirements for offsite safety. In an October 21, 1986 status report, FEMA concluded that the state and local governments are carrying out their commitments within the required time frames.

Apart from the Lucas County plan, which is being developed for inclusion into the Davis-Besse Offsite Plan, this latter overall plan was evaluated by FEMA during exercises conducted on November 6, 1980, April 13, 1983, and July 16, 1985. The FEMA report on the 1980 exercise concluded that the exercise demonstrated a level of preparedness offsite adequate to protect the health and safety of the public in areas around the Davis-Besse Nuclear Power

Plant.⁵ FEMA further concluded that significant areas of the State plan and site exercise judged deficient were corrected by the State and work was continuing on minor deficiencies not yet totally resolved. FEMA found the 1983 exercise for the State of Ohio and Ottawa County demonstrated an overall capability to protect the health and safety of the public.⁶ During the 1985 joint full-participation exercise for Ohio and Ottawa County, FEMA also found that the overall demonstrated capability to protect the public health and safety was not affected by two identified exercise inadequacies.⁷ An exercise of the Davis-Besse Offsite Plan including the Lucas County plan is scheduled for March 31, 1987.

The Commission recognizes that there can be deficiencies in the emergency planning and preparedness associated with a nuclear facility. However, there must be substantial compliance with the regulations, i.e., compliance sufficient to find that there is reasonable assurance that adequate protective measures can and will be taken in a radiological emergency. Indeed, even in those instances where the Commission can no longer make its reasonable assurance finding, emergency preparedness deficiencies may not require facility shutdown. See 10 C.F.R. § 50.54(s)(2)(ii). In practice, radiological emergency response plans are rarely if ever perfect and complete. This is the reason for the continuing FEMA and NRC oversight of this area. Deficiencies will be found and assessed for significance. While all deficiencies are expected to be corrected, not all will change a finding of reasonable assurance by the NRC.

In the case of Davis-Besse prior to the submission of the petitions herein considered, the NRC had reasonable assurance based on NRC and FEMA findings that adequate protective measures could and would be taken in the event of a radiological emergency notwithstanding the minor deficiencies and the lack of an approved plan for Lucas County. Specifically, as described above, interim measures have been implemented and the schedule for completion has been approved by FEMA and has been met to date. With respect to other deficiencies noted during exercises conducted at Davis-Besse, these have been of minor significance and either have been or are being corrected.

Consideration of the issues and concerns regarding FEMA's review process raised by the petitions has not altered that conclusion of reasonable assur-

⁵ Memorandum from Richard W. Krimm, FEMA, to Brian Grimes, NRC, dated March 30, 1982, with attachment "Post-Exercise Evaluation, State of Ohio, Ottawa County and Toledo-Edison Exercises of the Peacetime Radiological Emergency Response Plan for Davis-Besse Nuclear Power Plant, Port Clinton, Ohio," November 6, 1980, FEMA Region V.

⁶ Memorandum from Richard W. Krimm, FEMA, to Edward L. Jordan, NRC, dated May 4, 1984, with attachment, "Final Report, April 19, 1983, on the Davis-Besse Nuclear Power Station, Small-scale, Joint Emergency Exercise, April 13-14, 1983."

⁷ Memorandum from Richard W. Krimm, FEMA, to Edward L. Jordan, NRC, dated December 13, 1985, with attachment, "Davis-Besse Nuclear Power Station, Toledo Edison Company, Joint Exercise, October 1985."

ance. The petitions raised three specific issues calling into question the sufficiency of emergency planning at Davis-Besse. These are

1. The withdrawal of the Governor's support on August 15, 1986, for evacuation plans;
2. The alleged failure in planning for Lucas County in that Jerusalem Township is not accounted for;
3. The resolution of the Union calling into doubt the participation by Union members in the evacuation plans for the Davis-Besse facility.

With respect to the first issue, since Ohio Governor Celeste's August 15, 1986 withdrawal of support for the evacuation plans for the Davis-Besse Nuclear Power Plant, the State of Ohio has continued to work actively and cooperatively in the development of emergency preparedness planning and exercises.⁸ For example, on September 9, 1986, the State completed a review of the Lucas County plan, and on September 23, 1986, key players from ODSA participated in a Davis-Besse exercise to demonstrate certain emergency response functions. In addition, on September 5, 1986, FEMA testified at a public Commission meeting with full knowledge of the Governor's August 15, 1986 action, and reaffirmed its earlier finding of reasonable assurance regarding offsite emergency preparedness for the Perry facility.⁹ There appears to be no sound reason to distinguish Davis-Besse from Perry on the issue of whether or not, in FEMA's belief, the State of Ohio can perform its emergency planning role. Certainly, FEMA has not informed the NRC that it sees such a distinction although it has had the opportunity to do so. Therefore, in light of the above, it is the NRC's conclusion that the Governor's withdrawal of support for the evacuation plans has not significantly affected the offsite emergency preparedness for the Davis-Besse Nuclear Power Plant.

With respect to the second issue, as discussed above, the interim measures taken and the schedule of corrective actions to upgrade the Davis-Besse Offsite Plan with respect to Lucas County identified in FEMA's July 23, 1986 letter and the completion of scheduled milestones to date as reflected in the October 21, 1986 FEMA status report provide reasonable assurance that the planning deficiencies in the Davis-Besse Offsite Plan are being corrected in an acceptable manner, and that the public health and safety will be adequately protected in the event of a radiological emergency.

With respect to the third issue, FEMA is monitoring the bus driver issue. In its letter of November 14, 1986, FEMA described the resolution of the Ohio As-

⁸ The concerns of the Governor of Ohio regarding emergency planning have recently been considered in the context of the Perry proceeding. See *Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2)*, CLI-86-22, 24 NRC 685 (1986).

⁹ CLI-86-22, *supra*, 24 NRC at 692-93.

sociation of Public School Employees as a nonbinding resolution and provided a status report.¹⁰ FEMA also noted that ODSA and the Licensee are meeting with the involved school systems and union members to discuss the resolution and to schedule additional training. In FEMA's view the union members are willing to cooperate, attend meetings, and participate in training related to their emergency duties. As of this time, FEMA has not revised its position that there is reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency at Davis-Besse.

In addition to the specific concerns raised by both Petitioners in the two petitions under consideration and discussed above, the State of Ohio also referred in its petition to the work of the EERT created on August 15, 1986, by Governor Celeste to reevaluate evacuation plans for the State of Ohio nuclear facilities. The petition listed sixteen outstanding issues that the EERT is continuing to examine and asserted that the EERT's investigation has uncovered numerous and serious deficiencies in evacuation planning. The petition goes on to allege that these deficiencies pose grave threats to the safety of the residents in the affected area. The Ohio petition does not specify any of the deficiencies alleged. The EERT met with the NRC Staff on October 28, 1986, at the NRC's offices in Bethesda, Maryland. During that discussion, which included a presentation by the EERT Chairman, William Denihan, the NRC noted the absence of specific deficiencies in the Ohio petition and further noted that the NRC could not deal with issues until it is provided with a reasonable amount of specificity. Such a need for specificity is set out under the provisions by which the State of Ohio has petitioned the Nuclear Regulatory Commission to act. Particularly, 10 C.F.R. § 2.206(a) notes that requests for action under this section shall set forth the facts that constitute the basis for the request. See *Philadelphia Electric Co.* (Limerick Generating Station, Units 1 and 2), DD-85-11, 22 NRC 149, 154 (1985). See also *Consolidated Edison Co. of New York* (Indian Point, Units 1, 2, and 3), CLI-75-8, 2 NRC 173, 175 (1975), which instructs that the Director, in considering a request pursuant to § 2.206, must make an inquiry "appropriate to the facts asserted." Consequently, in the absence of specific deficiencies as a result of the efforts of the EERT, no action is warranted in this regard.¹¹

¹⁰ Memorandum from Richard W. Krimm, FEMA, to Edward L. Jordan, NRC, dated November 14, 1986.

¹¹ It should be noted that the Governor of Ohio also raised the EERT concerns before the Commission in the Perry proceeding. See CLI-86-22, *supra*, 24 NRC at 693-94. The Commission declined to stay issuance of an operating license based on the EERT concerns presented to it. The Commission noted that the EERT findings presented by the State of Ohio were preliminary and lacked detailed technical and factual support. The Commission, however, directed that the NRC Staff review the final EERT report and transmit a copy promptly to FEMA for consideration in conjunction with its ongoing 44 C.F.R. Part 350 review of the Ohio emergency plans.

CONCLUSION

Both Petitioners seek the institution of proceedings pursuant to 10 C.F.R. § 2.202 to revoke or suspend the operating license for the Davis-Besse facility. Included within the Petitioners' requests for relief is a requests that the Commission bar the restart of the Davis-Besse facility, presumably thereby requesting immediately effective actions pursuant to 10 C.F.R. § 2.202(f). The institution of proceedings pursuant to § 2.202 is appropriate only where substantial health and safety issues have been raised. See *Indian Point, supra*, 2 NRC at 176, and *Washington Public Power Supply System* (WPPSS Nuclear Project No. 2), DD-84-7, 19 NRC 899, 923 (1984). This is the standard that I have applied to the concerns raised by Petitioners in this decision to determine whether enforcement action is warranted.

For the reasons discussed above, I find no substantial basis for taking the actions requested by the Petitioners. Rather, based upon the lengthy oversight and review of emergency planning efforts at Davis-Besse by both the NRC and FEMA, including the consideration of issues raised in the present petitions, I continue to be of the view that emergency preparedness planning for the facility is adequate. Accordingly, the Petitioners' requests for action pursuant to § 2.206 are denied. As provided in 10 C.F.R. § 2.206(c), a copy of this Decision will be filed with the Secretary for the Commission's review.

James M. Taylor, Director
Office of Inspection and
Enforcement

Dated at Bethesda, Maryland,
this 19th day of November 1986.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Nunzio J. Palladino, Chairman
Victor Gillinsky
John F. Ahearne
Thomas M. Roberts
James K. Asselstine

In the Matter of

Docket Nos. 50-247
50-286

CONSOLIDATED EDISON COMPANY
OF NEW YORK
(Indian Point, Unit No. 2)

POWER AUTHORITY OF THE STATE
OF NEW YORK
(Indian Point, Unit No. 3)

June 10, 1983

The Commission determines, in light of adequate compensatory actions taken or planned to be taken promptly to correct certain deficiencies in emergency planning at Indian Point, that shutdown of Units 2 and 3 in accordance with the Commission's May 5, 1983 order (CLI-83-11, 17 NRC 731) is not warranted.

EMERGENCY PLAN: ENFORCEMENT ACTION
(COMMISSION RESPONSIBILITIES)

The regulatory structure established by the emergency planning rule, 10 CFR 50.54(s), is intended to be flexible: the Commission is to look at the totality of the circumstances; to allow grace periods, where appropriate, for the correction of deficiencies; to balance a variety of factors even where grace periods have expired without the completion of every desirable corrective action; and to recognize that emergency planning is a fluid process,

requiring regular updating, testing, and adjustment. It is the Commission's duty to determine when the gravity of outstanding deficiencies, their persistence, the limitations of interim compensatory measures, and other factors, taken together, counsel the end of grace periods, and the imposition instead of a shutdown.

EMERGENCY PLAN: ENFORCEMENT ACTION
(CORRECTION OF DEFICIENCIES)

Neither the law nor the Commission's regulations dictate how many opportunities a licensee has to bring itself into compliance with the Commission's regulatory rules. See *Rockland County v. NRC*, 709 F.2d, 760 n.13 (2d Cir., May 27, 1983).

ORDER

I. INTRODUCTION

In its Order of May 5, 1983 (CLI-83-11, 17 NRC 731), the Commission described the circumstances which compelled it to consider whether to order shutdown of the two Indian Point nuclear power plants: a finding by the Federal Emergency Management Agency (FEMA) that emergency planning and preparedness at the two plants were inadequate, owing principally to the persistence of two major deficiencies. Those deficiencies related to the questionable availability of buses and drivers for evacuations in Westchester County and the non-participation of Rockland County in the four-county planning process.

The Commission has now heard, in writing, orally, or both, from the Indian Point licensees, the Governor of New York, and from a variety of public officials and private individuals and groups with respect to emergency planning at Indian Point. We have found those presentations of views extremely helpful, and wish to express our appreciation to those who contributed their particularized knowledge to help the Commission in making a decision which affects so many of their fellow citizens.

We have given careful consideration to all these submissions, as well as to the most recent information which we have received from the Federal Emergency Management Agency. Based on all the information before us, we conclude that adequate interim compensatory actions have been taken or will be taken promptly, and therefore the Indian Point plants should not

be shut down at this time. The reasons for this determination are set forth below.

II. REGULATORY FRAMEWORK

In the aftermath of the Three Mile Island accident, it was apparent that substantial upgrading was necessary in the Commission's regulations in the area of emergency planning. On August 19, 1980, the Commission issued in final form new emergency planning regulations for nuclear power plants. 45 Fed. Reg. 55402. Under those regulations, no new facility may be issued an operating license unless the NRC finds that the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. 10 CFR §50.47(a).

For plants already licensed to operate, such as the Indian Point Units 2 and 3 reactors at issue today, a different regulatory structure was provided. The regulations require implementation of licensees' and State and local emergency plans by April 1, 1981, for these existing plants. 10 CFR §50.54(s)(2). If, after that date, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, including requirements set out in 10 CFR 50, Appendix E, and if the deficiencies are not corrected within four months of that finding,

[T]he Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. In determining whether a shutdown or other enforcement action is appropriate, the Commission shall take into account, among other factors, whether the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, or that adequate interim compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.

10 CFR §50.54(s)(2)(ii). This regulatory approach recognized that it was reasonable to allow existing plants adequate time to achieve emergency preparedness before being subjected to enforcement action, and that public health and safety would be reasonably assured in the interim by continued licensee compliance with Commission regulations aimed at keeping the probability of serious accidents extremely low.

In making the determination whether to take enforcement action, "[t]he NRC will base its finding on a review of the FEMA findings and determina-

tions as to whether State and local emergency plans are adequate and capable of being implemented, and on the NRC assessment as to whether the licensee's emergency plans are adequate and capable of being implemented." 10 CFR 50.54(s)(3).

The Commission's rules further provide that licensees must provide for annual reviews of their emergency preparedness programs, to be conducted by persons with no direct responsibility for implementing those programs. The reviews "shall include an evaluation for adequacy of interfaces with State and local governments and of licensee drills, exercises, capabilities, and procedures." 10 CFR §50.54(t).

In promulgating its emergency planning rule in 1980, the Commission published Supplementary Information which spelled out in some detail the means by which it would be applied. With regard to operating plants for which deficiencies remained uncorrected after the four-month period for corrective action, the Commission stated that it would "determine expeditiously whether the reactor should be shut down or whether some other enforcement action is appropriate, pursuant to procedures provided for in 10 CFR 2.200-2.206." 45 Fed. Reg. 55402, 55403. The cited regulations include those governing the issuance of orders to show cause. Under 10 CFR §2.202, the NRC staff is empowered to issue an order to show cause why enforcement action should not be taken when it believes that modification or suspension of a license, or other such enforcement action, is warranted. Under 10 CFR §2.206, members of the public may request the NRC staff to issue such an order to show cause. The rule thus provides that operating licenses will remain effective at the conclusion of the four-month period for corrective action unless the NRC staff, either on its own initiative or in response to a request from a member of the public, initiates enforcement action.

The supplementary information accompanying the rule noted that continued operation could be permitted notwithstanding the persistence of deficiencies:

In deciding whether to permit reactor operation in the face of some deficiencies, the Commission will examine among other factors whether the deficiencies are significant for the reactor in question, whether adequate interim compensatory actions have been or will be taken promptly, or whether the other compelling reasons exist for reactor operation.

45 Fed. Reg. at 55403, col. 1.

The supplementary information stated that in accordance with the provisions of the NRC Appropriations Authorization Act for fiscal year 1980, Pub. L. 96-295,¹ this determination was to be made with flexibility:

In determining the sufficiency of "adequate interim compensatory actions" under this rule, the Commission will examine State plans, local plans, and licensee plans to determine whether features of one plan can compensate for deficiencies in another plan so that the level of protection for the public health and safety is adequate.

45 Fed. Reg. at 55403, col. 1.

The transcripts of the Commission's discussions preceding adoption of the rule address the meaning of the term "adequate interim compensatory action."² They indicate that though interim compensatory actions must be "adequate," this did not mean that they would necessarily provide the same level of protection that complete correction of the deficiencies would offer. A suggestion was made that they should offer equivalent protection, and rejected. See Transcript of Commission Meeting of July 23, 1980, at 96.

The Commission noted, in adopting the rule, that inaction by a State or locality could effect a potential restriction on plant operations. This problem was addressed in the preamble to the rule:

The Commission recognizes that there is a possibility that the operation of some reactors may be affected by this rule through inaction of State and local governments or an inability to comply with these rules. The Commission believes that the potential restriction of plant operation by State and local officials is not significantly different in kind or effect from the means already available under exist-

ing law to prohibit reactor operation, such as zoning and land-use laws, certification of public convenience and necessity, State financial and rate considerations [10 CFR 50.33(f)], and Federal environmental laws. The Commission notes, however, that such considerations generally relate to a one-time decision on siting, whereas this rule requires a periodic renewal of State and local commitments to emergency preparedness. Relative to applying this rule in actual practice, however, the Commission need not shut down a facility until all factors have been thoroughly examined.

45 Fed. Reg. at 55404.

The lack of an approved plan was not, therefore, the only factor to be considered. Rather, the Commission intended that the lack of a particular plan was to be balanced against other factors, and that interim operation should be allowed where protection of the public, while not optimum, was adequate for a limited period of time. It is noteworthy that the Commission expressly rejected an option, set forth in the proposed rule, under which "shutdown of the reactor would be required automatically if the appropriate State and local emergency response plans had not received NRC concurrence within the prescribed time periods unless an exemption is granted." 45 Fed. Reg. at 55406.

In sum, the regulatory structure established by the emergency planning rule is intended to be flexible: the Commission is to look at the totality of the circumstances; to allow grace periods, where appropriate, for the correction of deficiencies; to balance a variety of factors even where grace periods have expired without the completion of every desirable corrective action; and to recognize that emergency planning is a fluid process, requiring regular updating, testing, and adjustment. It is the Commission's duty to determine when the gravity of outstanding deficiencies, their persistence, the limitations of interim compensatory measures, and other factors, taken together, counsel an end to grace periods, and the imposition instead of a shutdown.

To understand how the Commission in this case reached the conclusion that the balance in this case narrowly favors continued operation of the two plants, a review of the procedural history of the treatment of emergency planning concerns at Indian Point may be helpful. It appears as Appendix A to this Order.

III. THE SITUATION TODAY

On May 27, 1983 New York State submitted to FEMA an emergency plan to substitute for Rockland County's rejection of the four-county

¹ §108, P.L. 96-295, provides in relevant part:

Sec. 109. (a) Funds authorized to be appropriated pursuant to this Act may be used by the Nuclear Regulatory Commission to conduct proceedings, and take other actions, with respect to the issuance of an operating license for a utilization facility only if the Commission determines that —

(1) there exists a State or local emergency preparedness plan which —
(A) provides for responding to accidents at the facility concerned, and
(B) as it applies to the facility concerned only, complies with the Commission's guidelines for such plans, or
(2) in the absence of a plan which satisfies the requirements of paragraph (1), there exists a State, local, or utility plan which provides reasonable assurance that the public health and safety is not endangered by operation of the facility concerned.

The Conference Report explained the purpose of this provision:

The conferees sought to avoid penalizing an applicant for an operating license if a State or locality does not submit an emergency response plan to the NRC for review or if the submitted plan does not satisfy all the guidelines or rules.

Report No. 96-1070, 96th Cong., 2d Sess., at 27, reprinted at [1980] U.S. Code and Cong. News 2242-43.

Section 5 of the Appropriations Authorization for Fiscal Year 1982 and 1983, P.L. 97-415, reiterates this provision.

² These transcripts were explicitly made a part of the rulemaking record. See Supplementary Information, 45 Fed. Reg. at 55402. Under 10 CFR 9.103, transcripts of Commission meetings and statements made in Commission meetings do not constitute part of the administrative record except at the express direction of the Commission.

emergency plan. On June 7, the licensees submitted letters of intent, signed by the licensees and bus companies in Westchester County, which will serve as the basis of contracts to provide buses in the event that an evacuation is ordered.

In a June 8 letter from Executive Deputy Director Jeffrey Bragg, FEMA provided the Commission its views on the revised State plan and the current Westchester County bus situation:

[S]ubstantial progress has been made in meeting FEMA's earlier concerns regarding emergency planning at the Indian Point plants.

Over the last year, FEMA has formally reported to the NRC on off-site matters at Indian Point on three occasions and, in addition, the agency has provided numerous informal status reports. The overall trend of these reports has been one of marked improvement in quality of planning and response capability. The State and the local governments involved are to be commended for their serious concern.

Our evaluation indicates that work on the two emergency planning deficiencies of most concern which prevented certification of reasonable assurance at Indian Point in FEMA's report of April 14, 1983, is progressing favorably. Current planning calls for proposals to be tested in an early, full-scale exercise of the State of New York's compensatory measures for Rockland County, and a drill for the bus arrangements in Westchester County. I concur in the views of Mr. Petrone, FEMA's Region II Director, that the plans as reviewed by the Regional Assistance Committee offer a sound approach to resolution of remaining difficulties. Subject to further evaluation from upcoming tests and exercises, it now appears that continuation of this commitment and momentum should bring about responsive corrections to the deficiencies noted in our earlier report. . . .

The letter from FEMA Regional Director Petrone which Mr. Bragg's letter cited described in greater detail the commitments made by the State and the licensees to correct areas of deficiency. Mr. Petrone's letter gave several examples: the commitment and training of staff to perform various emergency response functions; agreements with bus owners to provide equipment to the licensees to carry out evacuation; and the development of an interim public information program for Rockland County. Mr. Petrone's letter noted that many of the recommendations of the Regional Assistance Committee for FEMA Region II had been implemented, and that others were in process, with a commitment by the State to have them in place within 30 days. Moreover, FEMA had a commitment from the State and

the licensees to participate in a full-scale exercise of the State's compensatory plan for Rockland County in approximately 60 days. Mr. Petrone's letter described the actions of the state and licensees as "an adequate, positive, and important commitment."

IV. ANALYSIS AND CONCLUSIONS

At the time that the Commission issued its Order of May 5, 1983, the state of emergency planning and preparedness for Indian Point appeared, in light of FEMA's finding of significant deficiencies, to warrant a shutdown of the reactors, unless the situation changed markedly. In that Order, we announced that we intended to shut down the two plants unless FEMA determined that the significant deficiencies which it had identified no longer existed, or unless it could be shown that adequate compensating actions had been or would be taken promptly, that the deficiencies were not significant, or that other compelling reasons existed to permit operation.

We are gratified to learn from FEMA's letter of June 8 that our May 5 Order seems to have galvanized some of the participants in the emergency planning and preparedness process into accelerating rapidly the pace of corrective action. In the five weeks since the May 5 Order, the factual situation we confront has altered dramatically. The new commitments on the part of the State and the licensees give us confidence that adequate compensatory measures either have been, or shortly will be, taken for those areas in which shortcomings still remain in the state of emergency planning and preparedness. In Westchester County, for example, letters of intent have been signed that will assure the availability of buses in the event they are needed for evacuation, and programs have begun which should assure the availability of trained bus drivers. The revised emergency response plan submitted by the State of New York — a document which reflects substantial effort, and a demonstration of the State's commitment to the timely resolution of remaining problems — now is explicit in providing that the State, with the assistance of utility personnel, will take over Rockland County's emergency response functions in the upcoming exercise, and in the event of an actual emergency, will supplement, or if necessary take over, the county's efforts. In those areas where the Radiological Advisory Committee found weaknesses in the revised State plan, moreover, the State has committed itself to resolving those problems within 30 days. Lastly, FEMA's letters indicate that the level of the licensees' involvement in the correction of deficiencies, and in working effectively with State and county authorities, has improved significantly since FEMA last reported to us eight weeks ago.

Based on this progress, and the commitments which have been received from the State and licensees to assure that momentum is maintained, we conclude that an order shutting down the two plants is no longer justified. In so finding, we emphasize that we are in no sense abandoning the position we took in our order of May 5, nor are we weakening in our commitment to assure the adequacy of emergency planning and preparedness at Indian Point and all other operating nuclear power plants. Rather, this conclusion reflects the fact that our strong commitment to achieving sound emergency planning and preparedness at Indian Point has helped to bring about a variety of improvements in recent weeks. Those improvements have narrowly tipped the balance in favor of continued operation.

In giving heavy weight to FEMA's evaluation, we are in no sense attempting to evade our own regulatory responsibility. Rather, we are giving due weight, as we have all along, to FEMA's primary responsibility for the evaluation of offsite emergency planning, a position established by Executive Order and recognized in the NRC's own regulations.

It will doubtless be argued that the Commission, having twice before declined to order a shutdown of the Indian Point plants on grounds of emergency planning and preparedness, cannot a third time allow continued operation with anything less than full compliance with the Commission's regulations, proven in a full-scale emergency exercise. That argument would miss the point. Neither the law nor our regulations dictate how many opportunities a licensee has to bring itself into compliance with our emergency planning rules. See *Rockland County v. NRC*, 709 F.2d 760, n.13 (2d Cir., May 27, 1983). The Commission's regulatory process requires us to assess the evolving state of emergency planning and preparedness, as it improves and as it deteriorates, and to frame our regulatory responses accordingly. That is what we have done today.

It must be borne in mind, moreover, what the purpose of the Commission's emergency planning regulations is: to assure that the health and safety of the public will be protected in the event of a radiological emergency at a nuclear power plant. If assuring the public health and safety requires that we shut down a nuclear power plant, we will not hesitate to do so, but it would be inconsistent with our regulatory responsibilities to shut down a facility where the public health, safety, or interest do not so require.

Our order of May 5, indicating our intent at that time to order a shutdown of the facility unless FEMA's evaluation of the situation changed, or the commenters presented strong contrary evidence, was a straightforward statement of the necessary preconditions for continued operation of the facility. We conclude that those preconditions have now been met, and that shutdown of the two plants while further improvements are made would not be warranted. Operation of the two plants may therefore continue.

Commissioners Gilinsky and Asselstine dissent from this decision. The additional views of all Commissioners are attached.
It is so ORDERED.

For the Commission

SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.,
this 10th day of June, 1983.

APPENDIX A

Procedural History

Even before the adoption of the emergency planning rule in 1980, the subject of emergency planning and preparedness at Indian Point had been the subject of special concern on the part of members of the public and of the Commission. On September 17, 1979, the Union of Concerned Scientists filed a petition under 10 CFR §2.206, requesting, among other things, suspension of the operating licenses for Indian Point Units 2 and 3, in part on grounds of emergency planning issues. The petition was referred to the Director, Office of Nuclear Reactor Regulation, who on January 22, 1980, granted the request in part and denied it in part. 11 NRC 351. The Commission, in part in order to address the issues raised by the UCS petition and the Director's partial denial, instituted a special evidentiary proceeding before an Atomic Safety and Licensing Board to take testimony and make recommendations on certain specific questions posed by the Commission, relating to the risks posed by the plants and the consequences of a shutdown. That proceeding is still in progress at this time, with recommendations by the Board expected by the end of August. The Commission also established a Task Force to consider whether operation of the two plants should be permitted during the pendency of the special proceeding. The Task Force found that because of certain design features the risk of an accident for the Indian Point reactors is lower than that for other reactors. Overall risk was found to be about average, however, because of the high population density surrounding the plant. Based on these findings, the Commission decided on July 15, 1980 to allow interim operation of the two plants.

On March 27, 1981, in accordance with the new emergency planning regulations described above, the NRC wrote to the Federal Emergency Management Agency (FEMA), asking for its findings and determinations on State and local offsite emergency plans for Indian Point. FEMA, while stressing that Indian Point plans were still under review and that only an "informal report" could be provided at that time, replied on April 2, 1981, that it found two major problem areas in State and local planning for all five nuclear reactors located in New York State: a conflict in organizational relationships and the assignment of responsibilities for emergency management, and a lack of specificity in the plans. On April 6, 1981, FEMA presented a more detailed statement of its concerns to the New York State Disaster Preparedness Commission, again stressing the problem of conflict between State and county authorities and responsibilities in radiological emergencies.

On April 23, 1981, FEMA forwarded its review of the New York State Plan to NRC, and on the following day, the NRC wrote identical letters to the licensees of the five operating nuclear power plants located in New York State. The letters forwarded the FEMA analyses and informed the licensees that "many of these deficiencies identified by FEMA must be removed in order for us to conclude that appropriate protective measures can and will be taken in the event of a radiological emergency at your facility." The licensees were informed that unless these deficiencies were corrected within 120 days, the NRC would determine whether to shut facilities down or take other enforcement action. The NRC added that it recognizes that correction of the deficiencies might require the enactment of new statutes by the State Legislature.

On July 9, 1981, the State Legislature enacted new legislation dealing with the responsibilities of the State and counties in the area of emergency planning and preparedness. On August 10, as the 120-day period neared its end, the NRC asked FEMA for an updated evaluation of emergency plans. On August 19, 1981, FEMA replied that its earlier concerns had been "partially answered" by the enactment of the new legislation. Observing that other deficiencies were in the process of being corrected, and that emergency exercises would be held in coming months, FEMA concluded that "the present state of planning is generally adequate to carry out the responsibilities of the state and local government in the case of an accident at these sites." It emphasized, however, that a "judgment of the overall adequacy of preparedness cannot be provided until the results of the exercises are evaluated." Five days later, on August 24, the NRC staff wrote identical letters to the nuclear licensees in New York State, forwarding the FEMA

letter and stating the staff's conclusion that "this issue has been resolved satisfactorily."¹

On March 3, 1982, the adequacy of onsite and offsite preparedness for radiological emergencies at Indian Point was the subject of an exercise conducted by FEMA. On May 18, 1982, the Legislature of Rockland County enacted Resolution 320, declaring that the County would not cooperate in emergency planning and emergency exercises for Indian Point, and barring County personnel from offering any assistance to Federal agencies working to assure preparedness for radiological emergencies at the Indian Point plants. On June 16, 1982, the NRC staff asked FEMA for an updated evaluation of the adequacy of offsite preparedness around the site. On August 2, 1982, FEMA forwarded to the NRC its reply, dated July 30, in which it stated that significant deficiencies existed with respect to five of the sixteen planning standards set forth in 10 CFR 50.47(b), and in *Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants*, NUREG-0654/FEMA-REP-1 (1980). FEMA's evaluation was based *inter alia* on its review of the radiological emergency response plans of New York State and the Counties of Orange, Putnam, Rockland, and Westchester; of the performance of those jurisdictions during the March 3 emergency exercise; and on Rockland County's May 18 non-cooperation resolution.

On the following day, August 3, 1982, the Commission notified the Indian Point licensees that unless the significant deficiencies identified by FEMA were corrected within 120 days, the NRC would consider whether to shut the plants down or take other enforcement action.

One day later, on August 4, the Union of Concerned Scientists and the New York Public Interest Research Group wrote to the Commission, commenting on FEMA's July 30 report, and calling upon the Commission to order an immediate shutdown of the Indian Point plants. The Commission, after receiving a briefing on September 9, 1982, from its staff and that of FEMA on Indian Point emergency planning, decided to treat the UCS/NYPIRG request as a petition under 10 CFR §2.206, and it was referred to the Director of the Office of Inspection and Enforcement for action.

On November 26, 1982, the Director of the Office of Inspection and Enforcement denied the UCS/NYPIRG request. The Director's decision

¹ The Union of Concerned Scientists and the New York Public Interest Research Group on October 7, 1981, filed a petition in the United States Court of Appeals for the Second Circuit for review of the August 24 letter (No. 81-4188). On November 18, 1981, the Nuclear Regulatory Commission and the United States filed a Motion to Dismiss, contending that the Petitioners had failed to utilize the administrative remedy available to them (a petition under 10 CFR §2.206), and that the August 24 letter did not represent a "final order" of the agency within the meaning of 28 U.S.C. §2342(4) and 42 U.S.C. §2239(b). On December 15, 1981, the Second Circuit granted the Motion to Dismiss.

noted that the Commission's rules contemplated a 120-day period for the correction of deficiencies (a period not due to expire until December, 1982), and stated that the petitioners had not shown grounds for shortening that time period. The Director acknowledged that some of the deficiencies were the same as those identified in the 1981 "120-day clock." He explained, however, that where a number of items cumulatively constitute a significant deficiency, some lesser deficiencies may remain after the correction of major problems and yet not preclude a finding of general adequacy. In the case of the 1981 "120-day clock" the Director went on, enough progress had been made on the issue of competing State and county authority and on the other deficiencies to permit such a finding of general adequacy. The Director observed that FEMA briefings of the Commission indicated that substantial progress was being made in the correction of identified deficiencies. He concluded that although the Commission would consider the necessity of further corrective action at the end of the 120-day period, he saw no need for enforcement action in advance of that date.

On December 17, 1982, FEMA provided the Commission with a status report on offsite emergency planning for Indian Point, and on December 21, briefed the Commission on the report. The FEMA report addressed the status of remedial actions and concerns raised at public meetings and provided an updated review of the Indian Point emergency plans. The report dealt specifically with each of the 34 sub-elements in which FEMA had found deficiencies, and which cumulatively had led to the finding of significant deficiencies in five planning standards, as described in the July 30 FEMA status report.

Overall, the report concluded that the federal, state, county and utility personnel who had worked since August 3 to remedy the identified deficiencies "have put forth an impressive level of effort and, through effective management, hard work, and dedication, have made significant progress." However, it also found that two of the more than 34 original problems remained. First, the Westchester County Radiological Emergency Response Plan called for reliance on public and commercial buses and drivers for emergency evacuations, but FEMA found that it lacked information on whether the buses and drivers would in fact be available in emergency situations. Although the New York State Division of Military and Naval Affairs had proposed using military forces to replace civilian bus drivers, FEMA's evaluation led it to conclude that this plan would increase evacuation times to an unsatisfactory degree. Letter from L. M. Thomas, FEMA, to W. J. Dircks, dated Dec. 17, 1983, at 2.

Secondly, Rockland County's non-participation in the four-county planning process was found to present continuing problems, although FEMA believed that New York State had ameliorated the situation substantially by

developing a generic compensatory plan for dealing with counties either unwilling to participate or having inadequate plans. *Id.*

On December 23, 1982, the Commission issued its determination (CLI-82-38, 16 NRC 1698) under 10 CFR 50.54(s) that no shutdown or other enforcement action was necessary with respect to Indian Point Unit 2. Indian Point Unit 3 was scheduled to be shut down until March or April, 1983, for reasons unrelated to emergency planning.

The Commission's December 23 decision relied heavily on FEMA's December 17, 1982 Status Report and the major improvements which it described, while noting the remaining problems which FEMA found in the area of bus driver availability and the non-cooperation of Rockland County. The Commission mentioned that it had asked FEMA to conduct a preparedness exercise before the end of the 120-day period for corrective action, but that FEMA had replied that to conduct an exercise sooner than the scheduled date of March, 1983 would not be feasible.

The Commission based its conclusion that no interim enforcement action was needed at that time on a variety of factors. First, substantial progress had been made since July, 1982, when FEMA's Status Report was issued, and additional progress would be made in coming months. Second, FEMA had concluded that the remedial actions already accomplished and those scheduled to be completed in the next few months constituted offsite plans that would be feasible and capable of implementation. Third, the Commission found it very unlikely that a severe accident would occur in the few months (until March or April, 1983) during which those further remedial actions would be taken. The order stated that in April, 1983, upon receipt of FEMA's evaluation of the March exercise, the Commission would revisit the issue of the adequacy of emergency planning and preparedness at Indian Point.

The Commission observed that FEMA and New York State were working together to resolve the problem of bus and driver availability. It noted that compensating measures had been proposed which would probably be adequate in many accident scenarios, and that even in the event evacuation by bus of those without their own cars should prove infeasible because of a lack of drivers and a delayed response by the State, many drivers would carpool, and in any case, taking shelter without evacuation could prove to be the most effective way of reducing radiation doses in a fast-breaking event.

The Commission's decision noted that Rockland County officials had made commitments to cooperate with state and federal officials in developing a plan, and that FEMA hoped to have a workable Rockland plan in early 1983. In assessing the seriousness of the deficiency in this area, the Commission commented, two considerations should be taken into account:

first, the fact that the New York State plan called for State officials to take over county functions where counties could not fulfill those functions, and second, that federal approval of plans, as FEMA had acknowledged in its briefing to the Commission, is not a prerequisite to effective emergency response. The Commission observed that state plans and *ad hoc* responses, even if different from what federal authorities might have preferred, had in many cases proved sufficient in the past. The Commission commented that both remaining problems related to State and local governments and their role in offsite response, matters which lay beyond the power of licensees to control.

The Commission concluded that the two planning standard deficiencies noted by FEMA did not warrant immediate shutdown. The Commission stated that it would continue to monitor the progress of corrective actions; that FEMA would be conducting an emergency exercise in March, 1983; and that the Commission would be receiving an update from FEMA on the status of planning and preparedness soon thereafter. The Commission stated that it would revisit the status of emergency planning after receiving FEMA's post-exercise report, and that in the meantime, FEMA was being asked to give the Commission monthly reports on the status of Rockland County plans and participation, the resolution of the bus driver issue in Westchester County, and any other emergency preparedness issues that might arise.²

On March 9, 1983, FEMA conducted its emergency exercise at Indian Point. In a letter dated April 15, and in a briefing on April 20, FEMA reported to the Commission that it found continuing deficiencies in the area of Rockland County's non-participation and the questionable availability of buses and drivers for evacuations in Westchester County.

On May 5, 1983, therefore, the Commission issued an order (CLI-83-11) in which it described the deficiencies found by FEMA; observed that the Indian Point licensees and the surrounding jurisdictions had twice already been put on notice that the NRC's emergency planning regulations were not being met; provided an opportunity for comment; and

² On May 27, 1983, in *County of Rockland v. NRC* (Nos. 83-4003, 83-4037), the United States Court of Appeals for the Second Circuit upheld the Commission's December 23, 1982 decision not to take enforcement action, and its February 1983 order affirming that decision. The court observed that the Commission's regulations give it broad discretion to decide, on the basis of a variety of factors, whether enforcement action should be taken at the conclusion of a 120-day clock. The court found that the Commission had acted in accordance with applicable law and regulations when it took into account, among other factors, the substantial progress which had been made in correcting deficiencies in emergency planning and preparedness at Indian Point during the 120-day period in question; the likelihood that remaining problems would soon be corrected; and the remote possibility of a nuclear accident in the period during which those corrective actions would be completed. Noting that its review was guided by the "arbitrary and capricious" standard, the court found substantial evidence in the record to support the Commission's decision on the merits.

stated that the Commission's present intent, subject to evaluation of the comments, was

[T]o issue an order by June 9, 1983 promptly suspending operation of the Indian Point plants unless:

- (1) FEMA has determined that the significant deficiencies as determined in FEMA's Post Exercise Assessment dated April 14, 1983 no longer exist; or
- (2) The licensees demonstrate to the satisfaction of the Commission in accordance with 10 CFR 50.54(s)(2)(ii) that:
 - (a) adequate interim compensating actions have been or will be taken promptly, or
 - (b) the deficiencies identified by FEMA as significant are not significant, or
 - (c) other compelling reasons exist to permit operation of the facility, or
 - (d) there are other factors justifying continued operation.

ADDITIONAL VIEWS OF CHAIRMAN PALLADINO

This decision, I believe, has been a difficult one for all Commissioners. I have reviewed the matter at length and studied the information and views we have received. I would not require shutdown of the Indian Point plant. The Commission's Order of May 5, 1983 provides that the Commission will issue an order by June 9 suspending operating authority for Indian Point *unless* specified conditions are met. In my opinion, a sufficient number of those conditions have been met.

As noted in the June 8, 1983 letter of Mr. Frank P. Petrone, Regional Director of Region II, Federal Emergency Management Agency, the course of offsite emergency planning at Indian Point has been one of significant progress to where only two deficiencies existed at the time of FEMA's April 14, 1983 report. Mr. Petrone further notes that since April 14, the actions of the State and the licensees regarding these deficiencies "represent an adequate, positive and important commitment through which emergency preparedness could be achieved for Indian Point." Mr. Petrone's letter also notes that many recommendations regarding plan improvement have been implemented; others are in process and the State has committed to have them in place within 30 days. Further, it notes that commitments have been made with respect to the Westchester deficiency. Among the steps to correct this deficiency are an orientation program, with union support, for bus drivers, in order to inform the drivers themselves, of what is being

asked of them; commitments from the bus companies in the area to provide buses; and the training of approximately 200 licensee employees as a backup pool of drivers.

In reaching my decision I have kept in mind the importance of emergency preparedness even though it is highly improbable that an accident leading to a major offsite release will occur at Indian Point. Even if one were to occur which required emergency response, it most likely would be one that would allow 12 or more hours for responsive actions. Far less likely is a fast-moving accident. For such an accident sheltering even in homes without basements would likely be preferred over immediate evacuation.

Finally, I cannot ignore the economic costs of a shutdown. While the exact amount of those costs can be debated, they are significant, and give added weight to the above reasons for not shutting down the plant.

In closing, let me again say that the decision was a difficult one. I view the two emergency planning deficiencies at Indian Point, which prompted our May 5 order, to be deficiencies in commitments. Now, as evidenced by FEMA's evaluation, the necessary commitments have been made. Of course, they must be fulfilled, and I encourage all participants to continue the initiative and positive direction that characterizes their present activities.

The exercise to verify preparedness should be scheduled at the earliest possible date. The licensees and the government entities should work diligently to prepare for an effective exercise.

ADDITIONAL VIEWS OF COMMISSIONER AHEARNE REGARDING INDIAN POINT ENFORCEMENT ACTION

This is a razor-thin decision — but I must follow the facts as I see them. Therefore, at this time I would allow the Indian Point Units 2 and 3 to continue operation.

On May 5 the Commission concluded it was necessary to consider shutting down the Indian Point plants because it found serious problems continued to exist with regard to Indian Point emergency planning. The Commission indicated it would decide on June 9th whether or not the plants would be allowed to continue to operate. I believed the basic problem was that the State, counties, and utilities were not working effectively on the emergency planning problems. This was reflected in that:

- (1) There were no formal commitments for buses and drivers in Westchester County despite the fact that this appeared to be a

discrete, manageable issue which had been identified as a problem for some time,

- (2) Rockland County apparently did not intend to complete a plan in the foreseeable future and the State had not developed specific plans to step in for Rockland, and
- (3) The utilities apparently saw little need to work with local governments nor provide resources, for example, funds to cover some of Rockland County's emergency planning costs.

These problems led FEMA to conclude there were two major deficiencies.

Since the Commission issued its order, major steps have been taken.

Westchester County now has letters of intent for the buses that would be needed. Although there are not yet any unconditional agreements to provide drivers, programs have begun whose purpose is to arrange for those drivers.

The State of New York has submitted a revised emergency response plan that explicitly provides for the State taking over the emergency functions for Rockland County. An explicit procedure has been developed. It involves a determination the county cannot implement effective emergency response actions and State declaration of an emergency which would lead to the State exercising the emergency control function. Commission staff have indicated this process can be done quite rapidly. This revision apparently solves the major problem which FEMA had found in the previous plan, namely, an explicit plan for State control.

In addition, the State committed to resolving in thirty days a set of weaknesses that the Radiological Advisory Committee found in reviewing the State's plan.¹ I find the State is still lukewarm in addressing what it appears to me is the State's responsibility in the absence of the county's willingness to exercise this responsibility. For example, in transmitting the plan to FEMA,² the State described the plan as the "mechanism available for the several months which Rockland County has indicated it required to complete its own planning." This plan is clearly going to be needed much longer than "several months." However, this lukewarm action is a significant improvement over the arms length treatment that the State had previously taken and apparently is adequate to meet FEMA's major concerns about planning.

¹ Letter from D. Davidoff, Director of the Radiological Emergency Preparedness Group, New York Department of Health to F. Petrone, Regional Director, FEMA (June 7, 1983).

² Letter from D. Axelrod, Chairman, New York State Disaster Preparedness Commission to F. Petrone, Regional Director, FEMA (May 27, 1983).

Finally, the utilities do seem to be getting more involved. As the Chairman of the Rockland County Legislature testified to the Commission, "Since you guys said June 9, all of a sudden I have had a flood of people in my office that weren't there before."³ Both PASNY and Con Ed are also more visible, as in their work with the bus companies and the revised brochure. This increased involvement apparently has had major positive effects, as indicated in FEMA's letters to the Commission on June 8th.

With respect to our May 5th order, I conclude "adequate interim compensating actions have been or will be taken promptly." The Commission should allow the plants to continue to operate pending (1) the exercise which FEMA has committed to running in the near future and (2) the Indian Point special proceeding board submitting its recommendations.

There are three basic questions involved in emergency planning:

1. Is there a plan?
2. Can it be implemented?
3. Can it be successful?

The first question has been answered by FEMA in their recent letter in which they say essentially: yes, there is a plan. I am willing to accept this conclusion. As I explained in May, underlying my judgment is the view that an "ability to take protective measures" does not mean that preparation for an emergency must address every contingency, nor does it mean that there must be confidence all details have been worked out and everything will progress smoothly in the event of an accident. It does mean that a basic framework must be in place for making decisions and taking appropriate actions.

"Can it be implemented?" is the question that FEMA has consistently said requires an exercise to answer and once again we await an exercise.

I recognize FEMA will probably not be able to make a complete finding even after the next exercise. The State plan involves the use of Rockland County employees. Although we have been assured Rockland County will assist in the event of a *real* emergency, I do not expect they will agree to participate in the exercise. However, I believe the exercise will provide an opportunity to assess the ability of the State to come into the county and take over, which is the aspect I would be most interested in if I were going to take part in the Commission's decision. (I do not expect we will ever see a Rockland County plan.)

I would not shut down Indian Point solely because of Rockland County's failure to participate. Initially it may seem entirely appropriate to reach a

³ Transcript of May 26, 1983 Commission meeting at p. 85.

conclusion that emergency planning cannot be done for Indian Point when one of the affected counties concludes:

We do not believe that there is any emergency plan that man or his maker can create which would make it possible to safely evacuate the 260,000 people of Rockland County in the event of a major accident, such as a meltdown at Indian Point, and since we do not believe that we can ever come up with a plan to protect the health and safety of our people, we have repeatedly passed resolutions calling for the closing down of Indian Point, and that is still our current position.⁴

However, it is necessary to recognize exactly what that statement means. In this case, the county also has said:

If we recognize the potential adverse consequences of an accident, emergency response planning must be based upon the worst possible accident scenario and acceptability of a plan must be based upon the ability to react to a worst possible accident.⁵

If one redefines the objectives sufficiently, it is inevitable that one will reach the conclusion that emergency planning is not possible.

There are several aspects to emergency planning. On the one hand, there is an assessment of the type of situation which one must be prepared to respond to and the best approach to that response. This is an area which I believe is the responsibility of NRC and FEMA. It is our responsibility to develop planning guidelines based on radiological hazard (such as the 10 mile zone for evacuation). On the other hand, there must be an assessment of the local ability to satisfy those guidelines. Clearly State and local governments are best able to evaluate their own ability to meet our standards. However, this ability does not extend to redefining the initial guidelines.

"Can it be successful?" normally is treated as implicit in the emergency planning requirements. The implementation of an adequate plan is treated as a measure of a successful plan. For the purposes of this enforcement action, it is appropriate to continue to do so.

However, in the particular case of Indian Point, the Commission years ago established a special proceeding. In initiating the proceeding, the Commission explained its "primary concern is the extent to which the population around Indian Point affects the risk posed by Indian Point as compared to the spectrum of risks posed by other nuclear plants." The Commission explained it was concerned both with the total societal risk and the individu-

⁴ Testimony of Herbert Reisman, Chairman of the Rockland County Legislature, before the Subcommittee on Energy Conservation and Power of the Committee on Energy and Commerce, U.S. House of Representatives at 3 (June 8, 1983).

⁵ *Id.* at 6.

al risk "including that resulting from the difficulty of evacuation in an emergency."⁶ It asked a Licensing Board to examine in detail many questions, which boil down to "Is the risk of operating the Indian Point plants too great to allow operation?" Involved in that question was the judgment of whether emergency plans can be successful for Indian Point in light of the high population. These issues are to be resolved in the Board's recommendations in late summer or early fall.

Two additional points should be made:

- (1) Under current law the final decision on whether emergency planning is adequate must be the NRC's not FEMA's. In April 1980, the NRC submitted a legislative proposal to transfer to FEMA the final authority regarding offsite emergency planning: For those who believe we should take FEMA's position automatically, perhaps they should support the legislative proposal.
- (2) One intervenor has said, "If you don't vote for shutdown today, the emergency planning regulations will be effectively buried forever." I share the fear but do not reach the same conclusion.

Consequently, I reluctantly agree that the plants can continue in operation. The Perils of Pauline development of emergency planning for Indian Point is extremely frustrating for everyone. The intervenors can rightfully claim "the effort at Indian Point has been backward from the start."⁷ The process we are going through with Indian Point is straining the fabric of Federal, State, and local relations. Emergency planning is too important for political posturing on behalf of any participant. Although the events that we are attempting to plan for have a low probability, they could be quite serious and consequently serious planning is necessary.

ADDITIONAL VIEWS OF COMMISSIONER ROBERTS ON INDIAN POINT ORDER

Many individuals, including some Commissioners, have interpreted the NRC's regulations to require plant shutdown if deficiencies remain following the expiration of the "120-day clock." Such interpretations are not correct. The regulations allow the Commission to take a full range of enforcement actions necessary to bring about compliance with emergency planning standards. If assuring the public health and safety requires that the

Commission shut down a nuclear power plant it should not hesitate to do so; however, a shutdown would be a capricious violation of our regulatory responsibilities if it were not mandated for health and safety reasons which is clearly not the case at Indian Point.

The June 8, 1983 letters of the Executive Deputy Director and the Region II Regional Director of FEMA report considerable progress in each of the two areas which were previously reported as significantly deficient. With regard to the first deficiency, agreements have been reached with Westchester bus companies, resolving any uncertainty that there will be a sufficient number of buses to assist in evacuation of those in Westchester County with special transportation needs. Training has been initiated and will soon be completed to ensure that the bus drivers can perform the necessary emergency duties.

The second significant deficiency was addressed by the New York State Interim Compensatory Plan, which is now in place to perform emergency functions in Rockland County. While some deficiencies still exist in the interim plan, FEMA reports that it has discussed those deficiencies with New York State and that it has received adequate, positive, and important commitments to address promptly these deficiencies. Furthermore, FEMA has received a commitment to test the compensatory plan.

In view of improvements and commitments reported by FEMA, combined with the extremely low probability and risk of an accident while the compensating plan is being completed and tested, I conclude that shutdown of the Indian Point Power Plants would serve no constructive purpose. Those actions needed to achieve adequate emergency preparedness have been initiated. Consequently it is my belief that the conditions of the May 5 order have been met. Furthermore, a shutdown order issued today would serve only to penalize the licensees and thousands of rate payers for events totally beyond their control.

Needless to say, the Commission will be revisiting the question of emergency planning and preparedness at Indian Point after it receives FEMA's evaluation of the upcoming exercise. There can be no room for doubt, therefore, that both licensees and public officials must maintain the strong commitments to continued progress on which we have relied in today's decision.

⁶ Consolidated Edison Co. of New York (Indian Point, Unit No. 2), Power Authority of the State of New York (Indian Point, Unit No. 3), CLI-81-1, 13 NRC 1, 6 (1981).

⁷ Statement of J. Holt, Director of NYPIRG's Indian Point Project, submitted to Subcommittee on Energy Conservation and Power, Committee on Energy and Commerce, U.S. House of Representatives at 2 (June 8, 1983).

SEPARATE VIEWS OF COMMISSIONER GILINSKY REGARDING INDIAN POINT

The Indian Point reactors should not be allowed to operate until the Federal Emergency Management Agency advises this Commission that — in the words of our regulations — there is “reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.” FEMA has not yet done so. Although in its letter of June 8, 1983, FEMA said that improvements have been made, it did not modify its earlier finding that emergency preparedness in the surrounding areas was inadequate.

Emergency preparedness is especially important for the area surrounding Indian Point because of the uniquely high population in the vicinity of the site. Yet, the performance record on emergency preparedness around this site is the worst in the country. The State and counties failed their initial test in March, 1982, and a retest a year later. Indian Point is the only nuclear site which has never passed such a test.

The question before the Commission was a simple one: Was it going to enforce its regulations on emergency preparedness? The answer that emerges is that the NRC will settle for “the moral equivalent” of compliance. I am afraid the Commission will pay a heavy price, in terms of increased public cynicism, for this decision.

In order to overcome the lack of a favorable FEMA finding, the Commission was obliged to make its own hurried assessment of the details of off-site emergency preparedness. But the fact is that FEMA has the lead federal responsibility in this area and we have agreed to rely on their advice. We have said repeatedly that FEMA is the government agency with the personnel and the expertise to make these assessments. Unless FEMA’s findings are clearly wrong, the only sensible course is to rely on them to determine whether the standards that have been routinely applied to all other plants are met in this case.

There is another cost, as well, the Commission’s decision to look behind FEMA’s finding in this case may boomerang. The decision will undoubtedly be cited as a precedent by parties who are dissatisfied with FEMA’s favorable findings, which have been made in all cases other than Indian Point, and who hope to obtain a different result from the NRC.

A final note: because we only received FEMA’s letter late Wednesday, it would have been helpful for FEMA to have attended the Commission’s Thursday pre-vote discussion meeting. The Commission majority refused to invite FEMA, apparently for fear that FEMA’s comments might undermine the rationale for their decision.

DISSENTING OPINION OF COMMISSIONER ASSELSTINE

In our May 5 order, the Commission stated its intention to issue an order not later than June 9 promptly suspending operation of the Indian Point plants unless *either* FEMA has determined that the significant emergency planning and preparedness deficiencies identified by FEMA no longer exist *or* the licensees demonstrate to our satisfaction that adequate interim compensating actions have been or will be taken promptly, the deficiencies identified by FEMA are not significant, there are other compelling reasons to permit continued operation of the facility, or there are other factors justifying continued plant operation.

On the first point — whether the significant deficiencies identified by FEMA no longer exist — I believe that FEMA’s June 8 letter is clear. That letter notes that “substantial progress” has been made in meeting FEMA’s concerns, and that work on the two deficiencies of most concern is “progressing favorably.” FEMA’s letter goes on to state that the plans submitted since our May 5 order “offer a sound approach to resolution of remaining difficulties” and that, subject to further evaluation from upcoming exercises, it “appears that continuation of this commitment and momentum should bring about responsive corrections to the deficiencies.” As positive as these statements are on the progress being made and on the likelihood that these deficiencies will be resolved in the future, they clearly fall far short of a judgment by FEMA that the significant deficiencies in emergency planning and preparedness identified in FEMA’s April 14 Post Exercise Assessment no longer exist. Moreover, FEMA’s June 8 letter does not rescind FEMA’s previous bottom-line judgment that it cannot assure that the public health and safety can be protected in the 10-mile emergency planning zone around Indian Point.

On the second point, the licensees, in their written submittals and oral presentations to the Commission, have asserted that the deficiencies identified by FEMA are not significant, that adequate interim compensating actions have been undertaken or are under way, and that the likely economic consequences of shutting down the Indian Point plants provide a compelling reason for allowing continued operation until the deficiencies are corrected.

On the question of whether the deficiencies are significant, I believe that the Commission must give great weight to FEMA’s judgment. I do not believe that the licensees have carried their burden of demonstrating that these deficiencies are not significant.

Nor do I believe that the licensees have provided a sufficient showing of adequate interim compensating actions. The measures identified by the licensees are principally the measures identified by FEMA to resolve the

Westchester bus driver and Rockland County nonparticipation issues. Although FEMA has concluded that significant progress is being made, it is clear from the June 8 letter that the significant deficiencies in each of these areas have not yet been corrected.

The oral presentations to the Commission and FEMA's June 8 letter note that preliminary commitments have been made to provide buses in Westchester County. The licensees are funding the development of a comprehensive transportation plan for Westchester County and, according to the licensees' oral presentation, they are beginning a program to recruit and eventually to train drivers for the buses. However, drivers have not yet committed, and have not yet been trained, to drive the buses needed for an evacuation in Westchester County. In the case of Rockland County, the State of New York has now submitted to FEMA a compensatory plan for emergency preparedness for the county. Yet, the FEMA Region II report accompanying FEMA's June 8 letter notes numerous inadequacies in that plan, including the lack of identification of the many individuals who would be required to implement the plan. Moreover, that plan relies heavily on licensee personnel to carry out the emergency preparedness functions for Rockland County. Those personnel, who have not previously been involved in offsite emergency preparedness, also have not been trained to carry out these new responsibilities.

These efforts to address the Westchester bus driver and Rockland County nonparticipation issues are laudable and, according to FEMA, provide a basis for believing that these significant deficiencies will ultimately be corrected. But to argue at this time that they now constitute interim compensating actions sufficient to provide adequate protection to the public health and safety is simply incorrect and unsupported by the record before the Commission, including the expert judgments provided to the Commission by FEMA.

On the matter of the economic consequences of a shutdown of the plants, I believe that the licensees have shown that there will be an economic burden imposed by the shutdown, although the precise magnitude of that burden is less clear.

All of this leads me to the conclusion that the Indian Point plants should be shut down. It has been more than two years since the Federal Emergency Management Agency first notified the Commission that significant deficiencies in emergency planning and preparedness existed for the Indian Point plants. Significant deficiencies still exist today, and adequate interim compensating measures are not now in place. It is past time for the Commission to insist on positive assurances that these deficiencies have been corrected as an essential precondition to the continued operation of the Indian

Point plants. I believe that the public interest and our own regulations require no less.

It is now clear that a majority of the Commission does not share my view. In my judgment, the majority's decision is unfortunate in several respects. First, it reflects the clear view of the Commission that it is prepared to permit the virtually unlimited future operation of these plants despite continuing significant deficiencies in emergency planning. This makes a mockery of our emergency planning regulations. It is difficult to believe that the Commission's 120-day clock procedure for requiring the correction of deficiencies has any meaning at all in light of today's action. Whatever the majority may say about their commitment to emergency planning at this and other nuclear power plants, their actions speak louder than their words.

Second, the majority's decision may undermine continued progress in correcting the deficiencies at the Indian Point plants. It appears to me that much of the progress that has been made during the past month can be attributed to the Commission's announced intention to order the shutdown of the plants unless certain conditions were met. Clearly, that driving force is now gone, and this decision may well work against the objective that I hope we all share — assuring the adequate protection of the health and safety of the people within the 10-mile emergency planning zone surrounding the Indian Point plants.