FEMA Need Not Review Westchester County's Letters Of Agreement To Maintain Its "Reasonable Assurance" Finding

EXECUTIVE SUMMARY

The Federal Emergency Management Agency ("FEMA") Region II office is considering whether to notify FEMA Headquarters and the U.S. Nuclear Regulatory Commission (NRC") that "reasonable assurance" cannot be provided that New York State (the "State") and the Counties of Orange, Putnam, Rockland and Westchester (the "Four Counties") can take appropriate protective measures pursuant to radiological emergency plans ("REPs") in the unlikely event of an emergency at the Indian Point Energy Center ("Indian Point"). One of the principal concerns expressed by FEMA relates to the refusal of Westchester County ("Westchester" or the "County") to make copies of its letters of agreement ("LOAs") with emergency response organizations available for FEMA review.

This memorandum sets forth and substantiates the view that the failure of Westchester to submit its LOAs for FEMA review does not in itself provide a basis for FEMA to consider whether to reach an initial determination, pursuant to 44 C.F.R. § 350.13(a), that the State and local plans are no longer adequate to protect the public health and safety. This memorandum also makes clear that there is reasonable assurance that Westchester can and will be able to effectively implement its REP, if that became necessary.

The following legal and practical considerations support this conclusion:

1. Westchester's failure to submit or make available for review actual copies of its LOAs to the State Emergency Management Office ("SEMO") or FEMA does not warrant a re-examination of FEMA's long-held finding that "reasonable assurance" exists.

   - FEMA regulations do not require the submittal of LOAs to either SEMO or FEMA.

   - The "periodic review" guidelines set forth in FEMA guidance also do not call for the actual submittal of the Westchester LOAs to FEMA or SEMO. Rather, the pertinent guidance refers only to the need for "verification" that the LOAs are current, and the LOAs may be incorporated into a REP by reference.

   - FEMA can obtain the necessary "verification" of the existence and continued effectiveness of the LOAs through means other than the actual receipt of the LOAs themselves from Westchester. For example, FEMA can review existing records that detail compliance, procure the LOAs from the response organizations themselves, or otherwise confirm their status from responsible persons in the organizations at issue.

   - The current Westchester REP expressly states that the LOAs are "on file" with the County. The State and Entergy further understand that all the Westchester LOAs have been updated or are currently being updated.

   - The State's emergency planning consultant, James Lee Witt Associates, LLC ("Witt"), actually reviewed and analyzed the current Westchester LOAs and identified no material concerns or issues.

2. FEMA can be further assured that, in the event of an actual radiological emergency, Westchester officials would comply with the procedures outlined in the County REP. FEMA has approved the REPs of the State and the Four Counties after extensive review of the plans, and these REPs have been successfully exercised with and without FEMA evaluation on multiple, recent occasions.

   - Under the circumstances, Westchester's formal submittal of "checklists" to SEMO or the production of LOAs to FEMA are ministerial acts that in themselves have no bearing on Westchester's ability to respond to an actual radiological emergency and to protect the health and safety of the public.

   - It is reasonable to presume that Westchester will exercise its best efforts to protect the health and safety of the public in the event of an actual emergency, especially in view of actions and statements by County Executive Andrew Spano that reaffirm his intent to protect Westchester residents, and the fact that Westchester officials continue to take actions to enhance the County's emergency preparedness and response capabilities. Thus, there is no basis for FEMA to conclude that appropriate protective measures will not be taken by Westchester if necessary.

3. In the past, FEMA, state authorities, local authorities, and licensees have typically undertaken cooperative efforts to resolve emergency planning concerns. Consistent with this practice, recent steps have been taken to foster such efforts and to address the planning concerns identified by FEMA. The recent decisions by Orange and Putnam Counties to make their LOAs available to FEMA, and Rockland County's assurance to FEMA that the majority of that county's LOAs are being updated, bear testament to the efficacy of these efforts. In light of these and ongoing cooperation efforts, there is no basis for FEMA to find that appropriate protection measures will not be taken by the State and the Four Counties.

BACKGROUND

In late January 2003, SEMO declined to issue the Annual Letter of Certification ("ALC") for the State's emergency plan in connection with the Indian Point nuclear facility. This action resulted from the refusal of county executives for the Four Counties within the Indian Point 10-mile emergency planning zone ("EPZ") to sign-off on "checklists" requested by SEMO as part of its yearly certification letter to FEMA.[1]

On February 21, 2003, Region II of FEMA issued a Final Exercise Report for Indian Point, which details the results of a full-participation exercise conducted in the Plume Exposure Pathway EPZ around the

[1] Prior to issuance of the draft report by Witt on January 10, 2003 (the "Witt Report"), a spokesperson for Westchester County Executive Andrew Spano indicated that the County would sign its "checklist" regardless of the draft Witt Report findings. See, e.g., "Officials Will Certify Indian Point Evacuation Plans," The Journal News.com, Jan. 7, 2003 (App., Tab 1). In fact, Mr. Spano, in a letter to State Assemblyman Brodsky and Riverkeeper attorneys Robert Kennedy and Alex Matthiessen, stated: "We have a Radiological Emergency Response Plan that I firmly believe is designed to work and adequately protects the public health and safety." "Three County Execs. Back Emergency Plan," The Journal News.com, Jan. 16, 2003 (App., Tab 2). In response to the draft Witt Report, however, Mr. Spano later reversed his position, noting that "FEMA must, at this point, get involved, evaluate the plan, raise the standards, address the criticism in the Witt report. And if they won't do it or can't do it, the plant should be closed immediately." "Indian Point Plan Refused," The Journal News.com, Jan. 31, 2003 (App., Tab 3).

Indian Point facility on September 24, 2002.[2] The purpose of the exercise was to assess the level of State and local preparedness in responding to a radiological emergency in the 10-mile EPZ. In its Final Exercise Report, FEMA Region II also described the results of its review of the State's and the Four Counties' REPs and compared its findings to those presented in the draft Witt Report. FEMA Region II also addressed, and dismissed, a number of the concerns raised in the Witt Report.[3]

Significantly, FEMA Region II concluded that no exercise finding rose to the level of a "deficiency" as defined in 44 C.F.R. Part 350. FEMA Region II stated, however, that "based on the absence of corrected and updated plans from the Counties and State," it could not, at that time, "provide a final recommendation of 'reasonable assurance' that the county and State officials can take appropriate measures."[4] In this regard, as part of its "updated plan review," FEMA Region II identified as one of the "most significant outstanding planning issues" the fact that: "Neither the State nor the counties have submitted their *Letters of Agreement* for FEMA review in order to determine the availability of resources needed by the counties in the event of an incident at the plant."[5]

In the Final Exercise Report, FEMA Region II requested that the State (and the Four Counties) provide, by May 2, 2003, complete plans with a schedule of corrective actions to address the exercise issues. Orange, Putnam, and Rockland Counties have since taken clear and substantial steps to address FEMA's concerns. Westchester, however, refuses to cooperate fully by submitting its LOAs for FEMA review.

FEMA REGULATORY FRAMEWORK FOR OFF-SITE EMERGENCY PLANNING

FEMA conducts its review of state and local off-site REPs pursuant to its emergency planning regulations (44 C.F.R. Part 350). These regulations establish procedures for submitting plans for review by FEMA when a facility is first being licensed. For Indian Point, initial review and approval of the current versions of the State and local REPs took place in 1996. Initial approvals of REPs by FEMA require that FEMA find the plans to "adequately protect the public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency."[6] To make this finding, the FEMA Associate Director must determine that the emergency plans and preparedness are: (1) adequate to protect the health and safety of the public; and (2) capable of being implemented with

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2 Exercise Report, Indian Point 2 Nuclear Power Station, FEMA Region II, Feb. 21, 2003 ("Final Exercise Report").

3 Final Exercise Report at 3 ("FEMA...believes that a number of issues raised by the [Witt] report are not supported by FEMA's own exercise evaluations, plan reviews and knowledge of the REP Program.").

4 Letter from Joseph Picciano, Acting Director, FEMA Region II to Edward F. Jacoby, Jr., Director, New York State Emergency Management Office, RE: Radiological Emergency Preparedness Program – Indian Point Energy Center, Response Due: May 2, 2003, Feb. 21, 2003, at 2 (App., Tab 4).

5 Final Exercise Report, Executive Summary at 2 (App., Tab 5). According to a December 3, 2002, letter from Joseph Picciano (FEMA) to Edward Jacoby (SEMO) cited in the Executive Summary, FEMA requested on March 21, 2002, that SEMO provide updated memoranda of understanding and LOAs to FEMA. The December 3, 2002, letter indicates that SEMO agreed to update any letter or memorandum more than 10 years old, or for which the signatory had left office or become deceased." (App., Tab 6.)

6 44 C.F.R. § 350.5(b).

adequate procedures, training, resources, staffing levels and qualifications, and appropriate equipment.[7] Prior to initial approval by FEMA, state and local REPs are subject to detailed FEMA review, a full participation exercise, and at least one public meeting.[8] Once offsite plans have been approved by FEMA, the only explicit regulatory requirements applicable to those plans are the emergency planning drills and biennial exercise requirements set forth in 44 C.F.R. § 350.9.

FEMA performs its initial review of a REP in accordance with the sixteen planning standards enumerated in 44 C.F.R. § 350.5(a) and the associated evaluation criteria outlined in a joint NRC-FEMA guidance document, NUREG-0654/FEMA-REP-1, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (November 1980) ("NUREG-0654"). The planning standards require, inter alia, the assignment of "[p]rimary responsibilities for emergency response ... by State and local organizations within the Emergency Planning Zones" and the securing of "[a]rrangements for requesting and effectively using assistance resources."[9] The NUREG-0654 evaluation criteria corresponding to these standards further identify the need for written agreements with local response organizations, i.e., the LOAs.[10]

FEMA construes its obligations under Part 350 to require, after the initial review, "[p]eriodic reviews by FEMA and NRC [to] verify the capability of response organizations to implement various aspects of the response plans."[11] In carrying out its periodic reviews, FEMA relies on reporting procedures outlined in FEMA Guidance Memorandum (GM)-PR-1, "Policy on NUREG-0654/FEMA-REP-1 and 44 C.F.R. Part 350 Requirements" ("GM-PR-1") (App., Tab 7). Pursuant to Section C of GM-PR-1, FEMA requests that states with radiological emergency preparedness responsibilities submit an ALC to the appropriate FEMA Regional Director by January 31 of each year documenting the action taken by the state and local governments during the preceding year to comply with the particular planning standards identified in GM-PR-1.[12] Among other things, the ALC should provide "[v]erification that plans and letters of agreement have been reviewed and appropriate changes made."[13] The main mechanism for FEMA's periodic reviews of the capabilities of the response organizations are the periodic exercises that are conducted pursuant to 44 C.F.R. § 350.9.

In accordance with these regulatory procedures, FEMA approved the current versions of the REPs for Indian Point provided by the State and the Four Counties on May 3, 1996, and has since supervised

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7 44 C.F.R. § 350.12(b)(2).

8 44 C.F.R. §§ 350.8(d), 350.9(a), 350.10.

9 44 C.F.R. §§ 350.5(a)(1), (a)(3).

10 See NUREG-0654, FEMA-REP-1, Rev. 1, §§ II.A.3, II.C.4, and II.P.4.

11 NUREG-0654 at 30.

12 GM-PR-1 at 8. In New York State, SEMO prepares the ALC for submission to FEMA. In preparing its ALC for Indian Point, SEMO relies on the submittal of annual "checklists" sent by the Four Counties to SEMO. These checklists, which contain information concerning the Counties' REPs and LOAs, require the Counties to certify that their required REPs are "current."

13 Id. (emphases added).

numerous successful emergency planning exercises, including the most recent exercise conducted in September 2002.[14]

While FEMA regulations (44 C.F.R. § 350.13) provide a mechanism for FEMA withdrawal of approval of a state or local REP, such a withdrawal is an exceptional measure that requires a finding by FEMA that "reasonable assurance" no longer exists. To initiate this process, the FEMA Associate Director must make a threshold finding that a state or local plan is no longer adequate or capable of being implemented. If the Associate Director makes such a determination, then he or she must advise the Governor of the affected state, the appropriate Regional Director, and the NRC in writing. In this notification, the Associate Director must "spell out in detail" the reasons for his or her "initial determination" and describe the deficiencies in the plan or the preparedness of the state. FEMA can make such a determination on its own initiative or on the basis of information supplied by another person; however, it must be supported by "substantial evidence."[15]

After the Associate Director makes an "initial determination," the state has four months (120 days) to correct the cited deficiencies or to submit an acceptable plan for correcting those deficiencies. If the state submits a plan, then FEMA and the state will develop a schedule and timetable to implement the plan.

If, after four months, the state in question fails to correct the deficiencies or to submit an acceptable plan for doing so, then the Associate Director of FEMA is required to withdraw its approval of the state plan and provide notice to the state governor, the NRC, and the public, as set forth in 44 C.F.R. § 350.13(a). This withdrawal is thus a measure of last resort.

ENTERGY'S POSITION

Based on the information presently available to it, FEMA has no reason to retract its long-standing finding that New York State and the Four Counties can take appropriate protective measures in the unlikely event of a radiological emergency at Indian Point. Accordingly, FEMA should take no steps toward potentially withdrawing its approval of the REPs prepared by the State or the Four Counties merely because Westchester has refused to submit its current LOAs to SEMO or FEMA. If necessary, FEMA should defer making an "initial determination" under 44 C.F.R. § 350.13(a) pending the outcome of ongoing efforts (including a request under New York's Freedom of Information Law) to provide FEMA with the information and documentation it seeks.

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14 See Four County Nuclear Safety Committee, Minutes of January 15, 2003 Four County Directors Meeting (Andrew J. Spano, Chairman, and Raymond Albanese, Coordinator), at 1 ("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 [sic], in accordance with 44 CFR 350. 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.") (App., Tab 8).

15 44 C.F.R. § 350.13(c) (emphasis added).

RATIONALE FOR ENTERGY'S POSITION

1. *Actual Submittal of the Westchester LOAs to FEMA is Not Required by FEMA Regulations or Guidance*

Although FEMA regulations address the need for adequate off-site response organization capabilities, they are silent with respect to the need for LOAs. The need for written agreements or LOAs is instead identified in NUREG-0654. The three evaluation criteria from NUREG-0654 presented below address the need for and contents of LOAs, as well as the need to update them. Notably, these criteria do not actually require FEMA to inspect the LOAs:

- "Each plan shall include written agreements referring to the concept of operations developed between Federal, State and local agencies and other support organizations having an emergency response role within the Emergency Planning Zones. The agreements shall identify the emergency measures to be provided and the mutually acceptable criteria for their implementation, and specify the arrangements for exchange of information. These agreements may be provided in an appendix to the plan or the plan itself may contain descriptions of these matters and a signature page in the plan may serve to verify the agreements. The signature page format is appropriate for organizations where response functions are covered by laws, regulations or executive orders where separate written agreements are not necessary."[16]

- "Each organization shall identify nuclear and other facilities, organizations or individuals which can be relied upon in an emergency to provide assistance. Such assistance shall be identified and supported by appropriate letters of agreement.[17]

- Each organization shall update its plan and agreements as needed, review and certify it to be current on an annual basis. The update shall take into account changes identified by drills and exercises.[18]

As stated above, FEMA seeks "[v]erification that plans and letters of agreement have been reviewed and appropriate changes made," typically through the ALC process that is outlined in Section C of GM-PR-1.[19] GM-PR-1 does not address, however, the manner in which this "verification" should be provided by a state that submits an ALC to FEMA, or by the local risk jurisdictions that, in turn, submit information to the state. Another FEMA guidance document, "Guidance Memorandum 5, Rev. 1: Technological Hazards: Agreements Among Governmental Agencies and Private Parties," October 19, 1983 ("GM-5") (App., Tab 9), addresses this issue to a limited extent.

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16 NUREG-0654, FEMA-REP-1, Rev. 1, § II.A.3 (emphases added).

17 Id., § II.C.4 (emphasis added).

18 Id., § II.P.4 (emphases added).

19 The submittal of an ALC by a State to FEMA is not a regulatory requirement per se, but rather a tool intended to "facilitate the monitoring of [emergency] planning and preparedness requirements as prescribed in NUREG-0654/FEMA REP-1 and 44 C.F.R. [Part] 350." GM-PR-1 at 8 (emphasis added). We understand that FEMA Headquarters typically does not receive a copy of the ALC itself or its supporting documentation.

GM-5 purports to aid local governmental agencies in developing the information for existing LOAs, as specified in NUREG-0654/FEMA REP-1 Evaluation Criterion A.3. The stated purpose of GM-5 is to "suggest[] cataloging written agreements referring to the concept of operations developed between Federal, State, and local agencies and other support organizations having an emergency response role within the Emergency Planning Zone."[20] Significantly, GM-5 does not require LOAs to be submitted to FEMA:

> The detailed agreements required by A3 may be incorporated into [a REP] by reference and cataloged by title, type of agreement, and government level, including signatories and effective dates. All parties would merely sign-off on a cover sheet certifying the validity of the materials referenced. The actual agreement must then be filed in the Region and be available for inspection. In short, the detailed agreements could be listed and treated in the same manner as procedures.[21]

GM-5 thus does not require governmental agencies to submit their LOAs directly to FEMA or SEMO.[22] While GM-5 identifies the inclusion of "all agreements in a suitable appendix" to state or local REPs as an alternative to the incorporation by reference method, it recognizes that including "[s]uch agreements or commitments could be voluminous and overburden the plan with paper."[23]

Therefore, while the criteria for establishing LOAs in the first instance are rather explicit, the periodic review criteria for already existing plans only direct that the state and local entities certify that their LOAs are current. Current FEMA guidelines specifically contemplate FEMA receipt of only a "PR-1" certification letter from the state confirming that the LOAs are up to date.[24] Additionally, under the current framework, LOAs may be incorporated into REPs by reference and not actually provided to FEMA.

Furthermore, there is nothing to preclude FEMA from using other means to verify the status of plan updates and LOAs. In this regard, FEMA could contact Westchester or the individual private and governmental agencies that have LOAs with the County to verify that the LOAs are still in force, or to

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20 GM-5 (emphasis added).

21 Id. (emphases added). While the term "the Region" is not further defined in GM-5, the clear context of the discussion indicates that copies of the LOAs have to be present within the geographical confines of the FEMA Region.

22 As reported in an NRC Staff decision, the practice is to keep LOAs on file at the county level, not at the state level. The Staff noted: "There is no federal requirement to maintain copies of agreements between local governmental jurisdictions and private resource providers at the state level." Instead, they "are negotiated and maintained by the cognizant risk county where the resources are to be used." General Public Utilities Nuclear Corp. (Three Mile Island Nuclear Station, Unit 1), DD-94-3, 39 NRC 163, 173-74 (1994) (emphases added) (App., Tab 10).

23 GM-5.

24 This practice is reflected in a 1995 letter from the Director of FEMA Region II to the Director of SEMO, which states in relevant part: "FEMA National concurs that PR-1 Certification is adequate to verify expiration of LOAs. It is assumed that, unless otherwise stated, the LOAs are in effect." Letter from Dr. Rita Meyninger, Regional Director, FEMA Region II to Anthony J. Germano, Director, SEMO (Mar. 8, 1995), at 1 (emphasis added) (App., Tab 11). As evidenced by this letter, the receipt of actual copies of the LOAs by FEMA is neither necessary nor required.

request new or revised LOAs if warranted.[25] Alternatively, FEMA may accomplish its goals by reviewing existing records that detail compliance, procuring the LOAs from the response organizations themselves, or confirming their status from responsible persons in the organizations at issue.[26] FEMA may also obtain relevant information from the licensee, i.e., Entergy. This information might include statements from personnel who have direct knowledge of an activity in question, or documents retained by Entergy. The use of some or all of these measures would obviate any perceived need for Westchester to submit its LOAs to SEMO for inclusion in the ALC or otherwise to forward them to FEMA.

2. *Actual Submittal of the Westchester LOAs to FEMA is Not Necessary in this Case*

FEMA does not need to inspect the Westchester LOAs to find that they are in place and current. Instead, FEMA can accept Westchester's representation in its 2002 REP that the County LOAs are "on file" with the Westchester Office of Emergency Management ("OEM").[27] Consistent with this assertion by Westchester, it is reasonable to conclude that the County LOAs are current and valid or, at a minimum, are in the process of being updated.

The Director of SEMO recently confirmed in an April 2003 letter to FEMA the efforts of the Four Counties, including Westchester, to update their LOAs:

> Since the September exercise, State and County staffs have had several conversations with FEMA regarding [LOAs]. As we have discussed, my talks with the Counties indicate that they are currently working to update their LOAs. Since the number of LOAs differs within each county, the efforts required to satisfy this requirement also differ.
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> I can offer the following information based on discussions with the Counties. Westchester County has put forth a program to update its LOAs, including a letter from its County Executive to organizations participating in the plan.[28]

It is thus reasonable to conclude that Westchester has kept its LOAs current. These include, inter alia, agreements for transportation, fire, police, and EMS support services; the use of reception facilities; and coordination with the American Red Cross and Salvation Army. Even were this updating of LOAs an ongoing process, it still would demonstrate Westchester's commitment to securing the necessary assistance resources.

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25 In connection with its strategic review of the REP program, FEMA expressly noted that "[t]he documentation submitted in the ALC [which should include verification that plans and letters of agreement have been reviewed and appropriate changes made] may be verified during regularly scheduled site visits." Publication of Radiological Emergency Preparedness (REP) Program Strategic Review Draft Final Recommendations, 63 Fed. Reg. 48,222, 48,228 col. 1 (Sept. 9, 1998) (App., Tab 12).

26 FEMA regional personnel have used alternative methods for verifying ALC-related information in the past. In assessing off-site emergency preparedness for the Three Mile Island nuclear facility, FEMA Region III staff telephoned three bus providers for Dauphin County and verified the names and telephone numbers of the contacts, including the phone numbers for off-hours. FEMA staff also reviewed this information in the standard operating procedures and verified its accuracy. See General Public Utilities Nuclear Corp. (Three Mile Island Nuclear Station, Unit 1), DD-94-3, 39 NRC 163, 174 (1994) (App., Tab 10).

27 Westchester Radiological Emergency Plan for the Indian Point Energy Center at B-2 (App., Tab 13).

28 Letter from Edward F. Jacoby, Jr., Director, SEMO to Joseph Picciano, Acting Regional Director, FEMA Region II (Apr. 18, 2003), at 1-2 (emphases added) (App., Tab 14).

Moreover, the Witt team – which actually received and analyzed the Westchester LOAs[29] – raised no material concerns about their content or accuracy.[30] There is no reason to expect that a review of the LOAs by FEMA would lead to a different conclusion.

Finally, disaster preparedness obligations imposed by State law provide further assurance that Westchester will maintain an adequate and current REP, including up-to-date LOAs with off-site response organizations. In particular, New York Executive Law § 23 identifies the need for a local government, once it decides to prepare a REP, "to minimize the effect of disasters" by "identifying appropriate local measures to prevent disasters" and "developing mechanisms to coordinate the use of local resources and manpower for service during and after disasters." Executive Law § 23 further requires the Counties to coordinate with local emergency responders by seeking their "cooperation, advice, and assistance." These coordination efforts are memorialized in written agreements such as the LOAs. For the reasons discussed in this memorandum, there is no basis to presume that Westchester has violated, or has any intention to violate, its State law obligations.

3. *FEMA Can Be Reasonably Assured that Westchester Will Comply With the Procedures Outlined in its REP*

Of paramount importance, Westchester's refusal to submit its LOAs for FEMA review is not an indication that it has failed to update and maintain its REP or LOAs, or that it has done anything to jeopardize the safety of its citizens. Westchester's refusal to cooperate in this regard appears to be intended, instead, to signal the County's concerns over issues raised by the Witt Report, including the threat of a terrorist attack in particular.

There is no reason to believe that Westchester lacks an adequate REP, or that it is incapable of implementing, or unwilling to implement, its plan. All evidence is to the contrary. The following actions and statements by Westchester County Executive Andrew Spano confirm that the County fully appreciates, and is dedicated to fulfilling, its emergency responsibilities:

- In the 2002-03 Westchester emergency planning booklet for Indian Point, Mr. Spano emphasized: "As your County Executive, nothing is more important to me than protecting your health and safety. When it comes to the Indian Point Energy Center, I want you to know that my Department of Emergency Services has been working around the clock to make sure that our Comprehensive Emergency Response Plan protects you and your family in the unlikely event of an emergency. In case of an emergency, you should be aware that the full resources of this county will be used to keep you safe. Over 200 people with knowledge and experience – school representatives, transportation

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29 Letter from Anthony W. Sutton, Deputy Commissioner, Westchester County Department of Emergency Services to James Lee Witt, James Lee Witt Associates, Feb. 7, 2003, at 2 ("Westchester County OEM provided hard copies of all agreements to [Witt's] subcontractor, Innovative Emergency Management (IEM) in September 2002. Westchester County has over 80 letters of agreement currently. We again offer these resources to your staff.") (emphasis added) (App., Tab 15).

30 Final Witt Report (issued in March 2003) at C-52 (App., Tab 16). Witt's only criticism of the County LOAs is a technical one, namely that that the LOAs are maintained under "separate cover." Even this minor concern is dubious because FEMA regulations and guidance permit Westchester, and other local governments, to maintain LOAs under separate cover. In any event, Witt's sole technical criticism falls far short of triggering an "initial determination" by FEMA pursuant to 44 C.F.R. § 350.13(a), particularly when the County clearly is in the process of ensuring that all LOAs "on file" are current.

experts, public safety officials and the medical community have been involved in making plan improvements. Over 300 county employees have been trained.[31]

- County Executive Spano told reporters the day after the Witt Report was issued that "The people of Westchester have to be protected today, and they are protected to the best of our ability today. I can't think of anything else we can do. The plan works. The [Witt] report says the scenario does not address major radiation leaks or terrorist scenarios. But it is still a good plan."[32]

- Mr. Spano reiterated this position in his testimony before Congress on February 25, 2003: "Not only have we met the bar FEMA has put before us, we have exceeded it. We have moved forward in a number of areas to protect the residents of Westchester County. On our own, we have for some time pressed for better technology and more sophisticated modeling of the radiological dispersion; and have worked with IBM Research Labs and others to contribute to this effort. We have included more conservative assumptions about travel time than the current models provide. We have set up a variety of modern communications capabilities, including internal web sites for quick transmission of status information. We have distributed potassium iodide to a large number of families in the emergency planning zone surrounding the plant.... I will continue to do whatever is in my power to protect the residents of Westchester County."[33]

- On March 3, 2003, Mr. Spano again testified before Congress that: "The health and safety of Westchester residents has always been my first priority. During the past five years as County Executive, that priority has translated into creating a professional Department of Emergency Services, increasing the special operations capability of our Department of Public Safety, forming a Bio-terrorism Task Force, prior to September 11th, and since September 11th, developing on-going strategies and interventions to cope with terrorism in all its possible forms – chemical, biological, and, because of Indian Point, radiological.... I will continue to do whatever is in my power to protect the residents of Westchester County." He further acknowledged that "even if the plant were to be shut down tomorrow, because of the spent fuel pools, there still would be a need for a workable response plan."[34]

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31 Emergency Planning for Indian Point: A Guide for You and Your Family, message from Andrew J. Spano, Westchester County Executive (emphasis added) (App., Tab 17); see also Video Clip of Interview with Mr. Spano found at http://www.westchestergov.com/indianpoint/ ("Whether the plant opens or closes, we need a plan that will allow for the safety of the people who live around the plant and surrounding areas.").

32 "Witt Report: Indian Point Evacuation Plan Can't Work," The Journal News.com, Jan 11, 2003 (App., Tab 18); see also "Spano Releases Details on Process for Updating IP Response Plan," Westchestergov.com, Mar. 21, 2002 ("Let there be no doubt in anyone's mind – we have in place already the mechanism to make sure that our emergency plan is up-to-date, realistic and workable.") (App., Tab 19).

33 Testimony of Westchester (N.Y.) County Executive Andrew J. Spano on Emergency Preparedness at the Indian Point Energy Center to the U.S. House of Representatives Subcommittee on Economic Development, Public Buildings and Emergency Management of the Committee on Transportation and Infrastructure, Feb. 25, 2003, at 2, 4 (emphases added) (App., Tab 20).

34 "Testimony of Westchester County Executive Andrew J. Spano Before a Congressional Forum on the Indian Point Energy Center Hosted by Nita M. Lowey Member of Congress," Westchestergov.com, Mar. 3, 2003, at 1, 3 (emphasis added) (App., Tab 21).

- On March 26, 2003, Mr. Spano hosted a public forum, attended by more than 300 people, on how the County would deal with a radiation leak at Indian Point. Mr. Spano, who emphasized that "We have a plan," opened the meeting with an hour-long presentation about Westchester's public safety program, dubbed "Operation Safeguard," and introduced several County department heads who would spearhead emergency efforts. Mr. Spano "also stressed that the county works in cooperation with local municipalities as well as state and federal agencies."[35]

- As recently as April 10, 2003, Mr. Spano noted: "While only Washington has the authority to close the plant, I am doing whatever I can to push in that direction. But as long as Indian Point remains a fixture in our County, I want to make sure it is protected."[36]

In addition, recent and ongoing actions of Westchester with regard to emergency planning and preparedness demonstrate the County's commitment to responding to a potential emergency at Indian Point. These actions encompass multiple facets of emergency preparedness and include participation in exercises, planning activities, equipment and facilities upgrades, and training. Some of the more salient actions aimed at ensuring local emergency preparedness are listed below:

Exercises:

- Westchester successfully participated in the September 2002 full-participation exercise with no deficiencies or ARCAs, a fact that speaks to the County's capability to implement its REP. (See Final Exercise Report.)

- On April 16, 2003, Westchester County emergency management officials conducted a high school reception center "out of sequence exercise" at the White Plains High School. This exercise was observed by personnel from the FEMA Region II office as well as emergency management personnel from the County and Indian Point. This exercise demonstrates the County's continuing participation in the radiological emergency planning process despite its reluctance to provide FEMA with access to the LOAs. Another such exercise is being planned for July 2003. (App., Tabs 24, 25.)

- Westchester has also participated in emergency planning drills outside of FEMA's review. (App., Tab 26.)

Planning:

- During the last quarter of 2002 and the first quarter of 2003, Westchester worked with SEMO to address new State and federal policies pertaining to Potassium Iodide (KI) distribution to the public. It is Entergy's understanding that these plan revisions have been addressed and are pending authorization by the County Executive for submittal to State and federal authorities. (App., Tab 27.)

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35 "Westchester Forum Discusses Security Concerns," The Journal News.com, Mar. 27, 2003 (App., Tab 22). We are attempting to obtain a videotape of this public forum for FEMA's review.

36 Andrew J. Spano, Westchester County Executive, State of the County Address to the People of Westchester County, Apr. 10, 2003, at 4 (emphasis added) (App., Tab 23).

- From April 2002 to as recently as April 2003, the Westchester OEM participated in meetings with Entergy's evacuation time estimate consultant and provided input. (App., Tab 28.)

- Westchester officials have participated in numerous other emergency planning meetings. (App., Tabs 29-32.)

Facilities and Equipment:

- Westchester invested significant resources into upgrading its Emergency Operations Facility to prepare for the September 2002 exercise. FEMA found this facility to be adequate for emergency response purposes. (App., Tab 33.)

- Westchester OEM continues to participate in the scheduling and conduct of FEMA facility baseline evaluations. Schools and reception centers remain the focus of this effort. (App., Tab 34)

Training:

- Westchester continues to schedule and conduct training for emergency responders assigned under the Radiological Emergency Preparedness program. County employees from multiple departments participated in various sessions in March and April 2003 for the purpose of being trained to support reception center operations.

- Westchester also continues to schedule training for other emergency responders, such as fire, police and transportation providers.

It is also noteworthy that the Four County Coordinator, who is responsible for facilitating coordination among the Four Counties on planning, training and other matters related to Indian Point, continues to operate out of the Westchester OEM. (App., Tab 35.) Additionally, Westchester continues to accept REP program assistance in the form of planning advice from consultants who are funded by Entergy and who are working with the OEM on various REP program matters. (App., Tab 35.)

Based on this record, the conclusion is inescapable that if confronted with an actual radiological emergency, Westchester would exercise its best efforts to protect the health and safety of its citizens by complying with the REP. Indeed, this presumption or expectation – i.e., that state and local officials will act to protect the public from harm – underpins the "doctrine of realism" that applies to so-called "decline or fail" situations and is codified in FEMA and NRC regulations. See 44 C.F.R. 352.25(c) and 10 C.F.R. 50.47(c)(1).

For these reasons, FEMA can be reasonably assured that Westchester will comply with the procedures outlined in its REP in the unlikely event of an actual radiological emergency at Indian Point. It is significant that FEMA extensively reviewed and approved the REPs of the Four Counties, and that these REPs – as the Four Counties themselves have publicly acknowledged – have been successfully exercised with FEMA evaluation on multiple occasions. Moreover, Westchester is clearly taking steps, including updating its LOAs, to maintain and improve its emergency response capabilities. These facts indicate that the mere absence of signed checklists, or the failure of Westchester to provide copies of LOAs to FEMA at this juncture, have no bearing on the County's willingness or ability to respond to an actual radiological emergency at Indian Point.

Westchester's refusal to provide certain information to FEMA, therefore, cannot provide the basis for an "initial determination" by FEMA under 44 C.F.R. § 350.13 that "reasonable assurance" no longer exists. Under the existing regulatory framework, the withdrawal of approval of state and local REPs by FEMA is an exceptional measure that can only be taken in response to extreme circumstances not present here. The present circumstances are in fact auspicious given Westchester's continuing efforts to enhance its emergency response capabilities. They certainly do not suggest an inability to protect the health and safety of the public. In reality, Westchester appears to be using ministerial acts (such as failing to provide copies of its LOAs to FEMA) to voice broader concerns about FEMA's generic approach to emergency planning and to prod FEMA into action.

4. *FEMA Regulations, Guidance, and Relevant Precedent Emphasize Cooperative Efforts to Address the Concerns Identified by FEMA*

As noted previously, FEMA withdrawal of its approval of state or local REPs should be taken only if no cooperative efforts are forthcoming to address known defects that make the state plan inadequate or incapable of being implemented. The strong preference is that cooperative efforts between FEMA, state authorities, local authorities, and the licensee be fully exhausted before such extreme action is even considered.

In most cases, such efforts are successful. In fact, during the period in which the most extensive litigation over emergency planning and associated FEMA involvement occurred – the 1980s to early 1990s – FEMA both facilitated and recognized NRC licensee and governmental efforts to resolve emergency planning issues. See, e.g., Toledo Edison Co. (Davis-Besse Nuclear Power Station, Unit 1), DD-86-17, 24 NRC 753, 756-57 (1986) (App., Tab 36); Consolidated Edison Co. of New York (Indian Point, Unit No. 2) & Power Auth. of the State of New York (Indian Point, Unit No. 3), CLI-83-16, 17 NRC 1006, 1012 (1983) (App., Tab 37).

The present situation should be no exception. In this regard, Entergy notes that efforts have been undertaken to resolve the impasse concerning the Four Counties' LOAs with offsite response organizations. These efforts have already proven effective, as evidenced by the recent decisions of Orange and Putnam Counties to make their LOAs available to FEMA, and Rockland County's assurance to FEMA that the majority of that county's LOAs are being updated. Entergy also has undertaken substantial efforts to address the other "significant outstanding planning issues" identified by FEMA in its Final Exercise Report.[37]

Finally, Entergy is filing requests to obtain the Westchester LOAs under the New York Freedom of Information Law ("FOIL") from Westchester. Any "initial determination" by FEMA before the FOIL process runs its course would be premature.

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[37] These planning issues relate to the Joint News Center Procedures and Public Education Work Plan, the Updated Evacuation Travel Time Estimates, and emergency plans for pre-schools and day care centers. These issues are addressed in separate Entergy discussion papers.

RECOMMENDATION

For the foregoing reasons, FEMA has no basis to retract its long-standing reasonable assurance determination that Westchester has sufficient agreements and resources in place to take appropriate protective measures if confronted with a radiological emergency. Accordingly, FEMA should take no steps toward potentially withdrawing its approval of the REP prepared by the State or any of the Four Counties, particularly in view of the ongoing cooperative efforts being taken to resolve the planning concerns identified by FEMA. There has been substantial progress to date in resolving these concerns, and additional progress is reasonably anticipated. In any case, FEMA should defer taking such steps pending the outcome of all ongoing efforts to provide FEMA with the information and documentation it seeks.

The Issues Raised by FEMA Regarding the Joint News Center Have Been Satisfactorily Addressed

EXECUTIVE SUMMARY

In its February 21, 2003 Exercise Report, Indian Point 2 Nuclear Power Station, dated February 21, 2003 ("FEMA Report"), the Federal Emergency Management Agency ("FEMA") identified the Joint News Center Procedures and Public Education Workplan ("JNCP") as inadequate and stated that it interferes with performance of the Joint News Center ("JNC"). In addition, the FEMA Report noted a number of specific areas of JNC performance requiring corrective action.

Since the exercise, the State of New York, Entergy and the four counties surrounding Indian Point – Orange, Putnam, Rockland and Westchester – have aggressively addressed all issues raised in the FEMA Report regarding the JNC. The State has issued a revised JNCP that corrects the matters raised by FEMA. The revised JNCP was successfully used in a January 2003 Tabletop Exercise, observed by FEMA, that demonstrated that the revised procedures address FEMA concerns. In addition, equipment concerns have been resolved by replacing or repairing improperly working hardware, and demonstrating its correct functioning during the January 2003 exercise. Through these actions, the open areas raised by FEMA regarding the JNCP have been properly addressed.

BACKGROUND

On September 24, 2002, FEMA evaluated an exercise in the plume exposure pathway around the Indian Point 2 Nuclear Power Station. The purpose of the exercise was to assess the level of preparedness by the State of New York ("State") and the governments and agencies of the four "risk jurisdictions" in responding to a radiological emergency in the 10-mile Emergency Planning Zone ("EPZ") around the Indian Point Energy Center ("Indian Point").[1] FEMA, Exercise Report, Indian Point 2 Nuclear Power Station, dated February 21, 2003 ("FEMA Report"), Executive Summary at 1. The review was conducted pursuant to the provisions of 44 C.F.R. § 350.9.

FEMA's review of the results of the exercise showed that "[t]he State and local organizations, except where noted in this report, satisfactorily demonstrated knowledge of their emergency response plans and procedures and adequately implemented them." Id. No "Deficiencies"[2] were identified during the exercise, although thirteen specific "Areas Requiring Corrective Action" ("ARCAs") were noted.[3] Id.

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1 The four "risk jurisdictions" located wholly or in part within the 10-mile EPZ around Indian Point are the Orange, Putnam, Rockland and Westchester Counties.

2 A Deficiency is defined as "...an observed or identified inadequacy of organizational performance in an exercise that could cause a finding that offsite emergency preparedness is not adequate to provide reasonable assurance that appropriate protective measures can be taken in the event of a radiological emergency to protect the health and safety of the public living in the vicinity of a nuclear power plant." FEMA Report at 29.

3 An ARCA is defined as "...an observed or identified inadequacy of organizational performance in an exercise that is not considered, by itself, to adversely impact public health and safety." Id. at 30.

In addition, the Executive Summary of the FEMA Report identified as the most significant "planning issues" the following four items:

> 1. Neither the State nor the counties have submitted their *Letters of Agreement* for FEMA review in order to determine the availability of resources needed by the counties in event of an incident at the plant.
>
> 2. *The Joint News Center Procedures and Public Education Workplan*, which is the basic procedure for dissemination of information to the public during a response to an emergency at the plant, is inadequate and continues to interfere with performance, as noted during both the 2000 and 2002 exercises.
>
> 3. The plans do not yet have the information from the *Updated Evacuation Time Estimates* (ETE) that have been prepared to reflect new demographics as well as shadow evacuation. Without the updated ETEs, the plans do not reflect the latest information on the time(s) it would take to evacuate the population of an emergency response planning area under various conditions (i.e., time of day, day of week, time of year, weather conditions, etc
>
> 4. While the procedures for schools in the plans are adequate, the individual school district, preschool and day care center plans also need to be submitted to FEMA for review.

FEMA Report, Executive Summary at 2. This paper addresses the second of these four outstanding planning issues.

STATEMENT OF THE ISSUE

The JNC is the facility from which public information is coordinated and released. The Joint News Center Procedures and Public Education Workplan is a document that defines the actions needed to accomplish coordinated public information functions at the JNC in an emergency involving the Indian Point nuclear power plants. They complement the radiological emergency response plans of New York State, the four counties (Westchester, Rockland, Orange and Putnam) and the operating utility. The most recent JNCP (prepared by the State of New York) was in effect as of September 13, 2002, and was utilized during the September 2002 exercise at Indian Point Unit 2. An updated version of the JNCP, the 2003 Joint News Center Procedures and Public Education Workplan, ("the 2003 JNCP") was prepared to address concerns raised during the September 2002 exercise and is currently being reviewed by FEMA to determine if any additional changes are needed.

The executive summary of FEMA's report on the September 2002 exercise states that the Joint News Procedures and Public Education Workplan is "inadequate and continues to interfere with performance, as noted during both the 2000 and 2002 exercises." However, no deficiencies were written about the JNCP in either the 2000 or 2002 FEMA exercise reports. While there are ARCAs relevant to the JNC in both exercise reports, none of the ARCAs specifically refers to the procedures or workplan. During the 2000 exercise, three ARCAs relating to the Joint News Center were noted – failure to include the rumor control telephone number on printed information (Issue No. 75-00-11-A-03), failure to confirm receipt of faxed bulletins as provided by the JNC procedures (Issue No. 75-00-11-A-04), and conducting media briefings about events before they had occurred (Issue. No. 75-00-12-A-05). These ARCAs appear to refer to deficiencies in implementation of the JNCP rather than inadequacies with the JNCP itself. Likewise, during the 2002 exercise, issues were raised related to the coordination of information with the

county and state offices before a warning is issued to the public. The FEMA exercise report noted seven new ARCAs regarding the Joint News Center:

- Videoconference link in the Media Briefing Room and between Orange County and the Joint News Center was non-operational. Issue No. 32-02-1.d.1-A-03.
- Audio multi-box in the Main Briefing Room was non-functional during the exercise. Issue No. 32-02-1.e.1-A-04.
- Emergency Alert System (EAS) messages and Follow-On-News Bulletins (FONB) did not provide timely or accurate information to the public. Issue No. 32-02-5.a.1-A-05.
- Major delays between actual time events occurred and when information was given to members of the media. Issue No. 32-02-5.b.1-A-06.
- Emergency response protective area numbers were not described adequately in announcing protective action decisions. Issue No. 32-02-5.b.1.-A-07.
- Discrepancies between EAS and FONB messages. Issue No. 32-02-5.b.1-A-08.
- Protective action decisions were not adequately explained by the personnel at the Joint News Center in EAS and FONB messages. Issue No. 32-02-5.b.1-A-09.

In addition to the above-mentioned ARCAs, the three open ARCAs from the previous 2000 exercise remained unresolved. None of these issues, however, specifically relate to the JNCP.

ENTERGY'S POSITION

The State and the counties, with Entergy's assistance, have developed an updated JNCP that establishes procedures for the dissemination of information to the public in the event of a radiological emergency at Indian Point. The JNCP implements the guidance in Planning Standard E of NUREG-0654 and addresses the issues raised in the FEMA Report. That it does so successfully has been demonstrated, *inter alia*, in the January 2003 tabletop exercise.

RATIONALE FOR ENTERGY'S POSITION

Specific Issues

Between the time the September 2002 exercise was completed and the issuance of the February 2003 FEMA Report, the State and the counties took significant actions to address the deficiencies noted during the exercise. On January 29, 2003, a team of representatives from FEMA observed an Indian Point Tabletop Drill/Working Meeting that was conducted at the Indian Point Energy Center Joint News Center. FEMA's report on that tabletop exercise recognizes that the State and the counties "have undertaken a major effort to rapidly address the issues" identified during the September 24, 2002 evaluation. "Observation Report for JNC Tabletop Exercise," Memorandum for NYSEMO, Michael S. Beeman, Chief, External Affairs, FEMA, dated February 5, 2003 ("JNC Exercise Report"). The tabletop exercise also took note of several procedural changes to address the ARCAs, which are being incorporated into the 2003 JNCP by the State of New York.

Additionally, a working videoconference link between Orange County and the Joint News Center was demonstrated during the tabletop exercise, addressing ARCA Issue No. 32-02-1.d.1-A-03. JNC Exercise Report at 2. A working audio multi-box was also demonstrated during the tabletop exercise, addressing Issue No. 32-02-1.e.1-A-04.

The current status of the ten 2000 and 2002 ARCAs relating to the JNC is as follows:

- Issue No. 75-00-11-A-03 (2000 Exercise Report) -- failure to include the rumor control telephone number on printed information – Status: Addressed in the 2003 JNCP and discussed during the January 2003 tabletop exercise. See, e.g., 2003 JNCP, App. 12 at 44, see also 2003 JNCP, App. 1 and 5; see generally JNC Exercise Report at 1.

- Issue No. 75-00-11-A-04 (2000 Exercise Report) -- failure to confirm receipt of faxed bulletins as provided by the JNCP – Status: Addressed in the revised 2003 JNCP and during the January 2003 tabletop exercise. 2003 JNCP at 8.

- Issue No. 75-00-11-A-05 (2000 Exercise Report) -- conducting media briefings about events before they had occurred – Status: Addressed in the revised 2003 JNCP and during the January 2003 tabletop exercise. See, e.g., 2003 JNCP at App. 10 and 12.

- Issue No. 32-02-1.d.1-A-03 -- Videoconference link in the Media Briefing Room and between Orange County and the Joint News Center was non-operational. – Status: Demonstrated during the January 2003 tabletop exercise.

- Issue No. 32-02-1.e.1-A-04 --Audio multi-box in the Main Briefing Room was non-functional during the exercise. Status: Demonstrated during the January 2003 tabletop exercise.

- Issue No. 32-02-5.a.1-A-05 -- Emergency Alert System (EAS) messages and Follow-On-News Bulletins (FONB) did not provide timely or accurate information to the public. Status: Addressed in the revised 2003 JNCP and the January 2003 tabletop exercise. See, e.g., 2003 JNCP at 7-8, 12, and App. 2.

- Issue No. 32-02-5.b.1-A-06 -- Major delays between actual time events occurred and when information was given to members of the media. Status: Addressed in the revised 2003 JNCP and during the January 2003 tabletop exercise. See, e.g., 2003 JNCP at 3, 5-6.

- Issue No. 32-02-5.b.1-A-07 -- Emergency response protective area numbers were not described adequately in announcing protective action decisions. Status: Addressed in the revised 2003 JNCP and the January 2003 tabletop exercise. See, e.g., 2003 JNCP, App. 11.

- Issue No. 32-02-5.b.1-A-08 -- Discrepancies between EAS and FONB messages: Addressed in the revised 2003 JNCP and the January 2003 tabletop exercise. See, e.g., 2003 JNCP at 7-8, 12, and App. 2.

- Issue No. 32-02-5.b.1-A-09 -- Protective action decisions were not adequately explained by the personnel at the Joint News Center in EAS and FONB messages. Status: Generally addressed in the revised 2003 JNCP and during the tabletop exercise.[4]

Generic Issues

The preparation of a Joint News Center Procedures and Public Education Workplan is not specifically required by a regulation, nor is it directly addressed by NUREG-0654/FEMA-REP-1, Rev. 1, Criteria for the Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (1980) ("NUREG-0654") or other FEMA guidance. NUREG-0654's Planning Standard E, "Notification Methods and Procedures," provides that the following need to be established: 1) procedures "for notification, by the licensee of State and local response organizations and for notification of emergency personnel by all response organizations"; 2) "the content of initial and follow-up messages to response organizations and the public"; and 3) "means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone." NUREG-0654's Planning Standard E, "Notification Methods and Procedures," ("Planning Standard E") at 43. The JNC activities, as described in the 2002 Exercise Report, address primarily three evaluation criteria under Planning Standard E: "Notification Methods and Procedures": Evaluation Criteria E.5, E.6, and E.7.

Evaluation Criterion E.5 provides that:

> The offsite response organization shall establish a system for disseminating to the public appropriate information contained in initial and follow-up messages received from the licensee including the appropriate notification to appropriate broadcast media, e.g., the Emergency Broadcast System (EBS).

Planning Standard E at 11. Evaluation Criterion E.6 further provides that "the offsite response organization shall establish administrative and physical means, and the time required for notifying and providing prompt instructions to the public within the plume exposure pathway Emergency Planning Zone." Id.

Evaluation Criterion E.7 provides, in part:

> The offsite response organization shall provide written messages intended for the public, consistent with the licensee's classification scheme. In particular, draft messages to the public giving instructions with regard to specific protective actions to be taken by occupants of affected areas shall be prepared and included as part of the offsite plans.

Id. The procedures to be used to satisfy Evaluation Criteria E.5 and E.7 are not specified by FEMA guidance. NUREG-0654, Appendix 3, "Means for Providing Prompt Alerting and Notification of Response Organizations and the Population," provides guidance regarding acceptance criteria for plans by State and local governments that detail how the governments will provide prompt alerting and notification of response organizations and the public under Evaluation Criterion E.6. Such plans are to include:

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[4] While the written news release used in the September 2002 exercise did not specifically state why the protective actions were being implemented, the lead public information officer stated during the media briefing that the actions are being taken to protect the public health and safety for those living within the area surrounding Indian Point. FEMA has agreed that ultimate resolution of this item can be deferred until the next biennial exercise for Indian Point.

> Specific organizations or individuals, by title, who will be responsible for notifying response organizations and the affected population and the specific decision chains for rapid implementation of alerting and notification decisions;
>
> A capability for 24-hour per day alerting and notification;
>
> Provision for the use of public communications media or other methods for issuing emergency instructions to members of the public; and
>
> A description of the information that would be communicated to the public under given circumstances, for continuing instructions on emergency actions to follow, and updating of information.

NUREG-0654, App.3 at 3-1 to 3-2.

With respect to the generic issue as to the adequacy of the JNCP, the 2003 JNCP has been submitted to FEMA and the Staff of FEMA's Region II is currently reviewing the document against the above cited Evaluation Criteria in Planning Standard E. After review of the 2003 JNCP, FEMA will recommend changes to the document, if any are needed. The Staff of FEMA Region II has advised Entergy that the review will not be completed by May 2, 2003 and that FEMA expects no additional actions by the State or the counties with respect to the JNCP before that date.

RECOMMENDATION

The State and the counties, with Entergy's assistance, have upgraded the JNCP to address the concerns raised by FEMA and have also taken action to remedy the outstanding JNC ARCAs. The success of these remedial actions was demonstrated in the January 2003 tabletop exercise and so recognized by FEMA. FEMA has agreed that any remaining issues can await closure until the next biennial exercise. These actions close out the second planning issue in the FEMA Report.

306012.1

The Evacuation Time Estimates for the Areas Surrounding Indian Point Have Been Updated to Reflect Current Population Estimates and Potential Shadow Evacuation

EXECUTIVE SUMMARY

One of the outstanding planning issues identified by the Federal Emergency Management Agency ("FEMA") in its review of the September 24, 2002 emergency response exercise for Indian Point was the failure of the radiological emergency plans ("REPs") of the State of New York ("State") and the four counties surrounding the Indian Point facility to include information from updated Evacuation Time Estimates ("ETEs") that reflect current demographics in the area and take into account shadow evacuation.[1] Entergy has had updated ETEs prepared that incorporate those features. Entergy has provided drafts of the updated ETEs to the State and the counties, and to FEMA itself, and has addressed the comments received from the counties. Final updated ETEs will be provided to FEMA on the week of May 5, 2003 and the information they contain will be incorporated in the State and county REPs.

BACKGROUND

On September 24, 2002, FEMA reviewed and evaluated an emergency response exercise in the plume exposure pathway around the Indian Point 2 Nuclear Power Station. The purpose of the exercise was to assess the level of preparedness by the State and the governments and agencies of the four "risk jurisdictions" in responding to a radiological emergency in the 10-mile Emergency Planning Zone ("EPZ") around the Indian Point Energy Center ("Indian Point").[2] FEMA Region II, Exercise Report: Indian Point 2 Nuclear Power Station, dated February 21, 2003 ("FEMA Report"), Executive Summary at 1. The review was conducted pursuant to the provisions of 44 C.F.R. § 350.9.

FEMA's review of the exercise determined that "[t]he State and local organizations, except where noted in this report, satisfactorily demonstrated knowledge of their emergency response plans and procedures and adequately implemented them." FEMA Report, Executive Summary at 1. FEMA

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1 The term "shadow evacuation" refers to those people who are not in present in the area affected by the emergency and have not been told to evacuate, but do so nonetheless. The term "spontaneous evacuation" refers to the evacuation departures that occur prior to official recommendations. It occurs in most evacuation situations. Shadow evacuation may impede the evacuation of the population at risk by crowding escape routes upstream of the affected area and causing traffic backlogs. Spontaneous evacuation typically facilitates evacuations because a portion of the population has begun moving through the evacuation network before peak loading has been reached. Indian Point Emergency Preparedness Independent Expert Task Force, Comments on the Draft Report: Review of Emergency Preparedness at Indian Point and Millstone – James Lee Witt and Associates, LLC, January 10, 2003, February 7, 2003 ("Expert Report"), Appendix D at 32.

2 The four "risk jurisdictions" located wholly or in part within the 10-mile EPZ around Indian Point are the Orange, Putnam, Rockland and Westchester Counties.

identified no Deficiencies[3] during the exercise, although thirteen specific Areas Requiring Corrective Action ("ARCAs") were noted.[4] Id. In addition, the Executive Summary of the FEMA Report identified the following four "planning issues" as most significant:

> 1. Neither the State nor the counties have submitted their *Letters of Agreement* for FEMA review in order to determine the availability of resources needed by the counties in event of an incident at the plant.
>
> 2. *The Joint News Center Procedures and Public Education Workplan,* which is the basic procedure for dissemination of information to the public during a response to an emergency at the plant, is inadequate and continues to interfere with performance, as noted during both the 2000 and 2002 exercises.
>
> 3. The plans do not yet have the information from the *Updated Evacuation Time Estimates* (ETE) that have been prepared to reflect new demographics as well as shadow evacuation. Without the updated ETEs, the plans do not reflect the latest information on the time(s) it would take to evacuate the population of an emergency response planning area under various conditions (i.e., time of day, day of week, time of year, weather conditions, etc
>
> 4. While the procedures for schools in the plans are adequate, the individual school district, preschool and day care center plans also need to be submitted to FEMA for review.

FEMA Report, Executive Summary at 2. This paper addresses the third of these four outstanding planning issues.

STATEMENT OF THE ISSUE

Evacuation Time Estimates are studies performed to determine the time that it would take to evacuate various sectors of the 10-mile EPZ surrounding a nuclear power plant. NUREG-0654/FEMA-REP-1, Rev. 1, Criteria for the Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (1980) ("NUREG-0654/FEMA-REP-1"), Section II.J.10.l. ETEs are performed to help the decision-maker select the most appropriate protective action for individuals in the plume exposure pathway EPZ. See NUREG-0654/FEMA-REP-1, Section II.J.

ETEs are performed by the licensee and are expected to be included in the licensees' emergency response plans. Id. The NRC and FEMA have provided guidance on how to perform evacuation time estimates. See Appendix 4 to NUREG-0654/FEMA-REP-1.

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3 A Deficiency is defined as "...an observed or identified inadequacy of organizational performance in an exercise that could cause a finding that offsite emergency preparedness is not adequate to provide reasonable assurance that appropriate protective measures can be taken in the event of a radiological emergency to protect the health and safety of the public living in the vicinity of a nuclear power plant." FEMA Report at 29.

4 An ARCA is defined as "...an observed or identified inadequacy of organizational performance in an exercise that is not considered, by itself, to adversely impact public health and safety." Id. at 30.

For Indian Point, the most recent (1994) ETEs available at the time of the FEMA Report used 1990 Census population data to calculate evacuation times. Entergy engaged KLD Associates ("KLD") to prepare a new ETE for Indian Point based on current population estimates, extrapolated from n the 2000 Census data.[5] The updated ETE fully accounts for shadow evacuation, a phenomenon of interest to FEMA.

Just before the September 24, 2002 exercise, FEMA acknowledged the then ongoing KLD effort as follows:

> Throughout the development of these plans, the issue of spontaneous evacuation or shadow evacuation has been anticipated and will be handled by the establishment of traffic control points which will channel the egress from affected areas. Local law enforcement agencies routinely control traffic flow.
>
> While not a specific objective of the exercise, the concept of shadow evacuation is a key component in the preparation of the new evacuation time estimates. The state, counties and the federal agencies will receive the new evacuation time estimates in December. This information will become the basis of future planning.

"Feds To Test Indian Point Emergency Responders," FEMA News, September 20, 2002, available online at http://www.fema.gov/nwz02/nwz02_151.shtm.

Entergy submitted a draft of the updated ETEs prepared by KLD to the State and the Counties for their review. In addition, Entergy held a number of meetings with State and county officials to brief them on the updated study and receive their comments. While some concerns were raised by Westchester and Rockland Counties, Entergy satisfactorily resolved the issues raised by the surrounding counties.[6] Entergy also provided a draft of the updated ETEs to FEMA on March 18, 2003, and FEMA has expressed no concerns about the adequacy of the updated ETEs.[7] Entergy intends to deliver final ETEs to FEMA during the week of May 5, 2003.

ENTERGY'S POSITION

Preparation of the updated ETEs in the manner done by Entergy satisfies FEMA guidelines.

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5 KLD is one of the foremost organizations in the United States in the development of computer simulation models for use in traffic, transit and transportation planning activities. KLD was responsible, among others, for many of the standard computer simulation models used in the industry, including most of the traffic simulation models sponsored by the US Federal Highway Administration. More information on KLD's qualifications and experience can be found online at http://www.kldassociates.com.

6 For example, Rockland County was concerned that the analysis of shadow evacuation should encompass evacuees from a larger shadow evacuation area than the one defined in the study. Entergy has committed to have KLD perform a supplementary study for Rockland County that expands the shadow evacuation area in the manner requested by the county.

7 It should be noted that the report "Review of Emergency Preparedness at Areas Adjacent to Indian Point and Millstone – James Lee Witt Associates, LLC, 2003" (the "Witt Report"), while critical of other aspects of emergency planning and preparedness at Indian Point, endorsed the methodology used by KLD in preparing the updated ETE. See Witt Report at 94, 97, 98.

RATIONALE FOR ENTERGY'S POSITION

The preparation of ETEs is not required by FEMA regulations, although FEMA includes the use of ETEs in its guidance regarding radiological emergency response planning. There is no specified time interval before an ETE needs to be updated. See generally NUREG-0654/FEMA-REP-1, § II.J.10.l, App. 4. FEMA's guidance states only that "the [ETEs] should be updated as local conditions change." Id., App. 4 at 4-1.[8] Consistent with FEMA's guidance, Entergy has prepared updated ETEs and has provided them to FEMA, the State of New York and the counties surrounding the Indian Point site for their comments. As noted above, Entergy expects to submit final, updated ETEs to FEMA, the State and the counties in early May, 2003, and the State and the counties have indicated that they will incorporate the updated ETEs into their REPs.

RECOMMENDATION

The final version of the updated ETEs will be delivered to FEMA under an Entergy transmittal letter that will confirm that the State and the counties are modifying their REPs to incorporate the updated ETEs. This action will close out the third open item noted by FEMA in its review of the September 2002 emergency planning exercise.

306013.1

[8] ETEs are also discussed in NUREG/CR-4831, "The State of the Art in Evacuation Time Estimate Studies for Nuclear Power Plants" (1992) ("NUREG/CR-4831"). The guidance in NUREG/CR-4831 is only that as "a general rule, a 10 percent increase in population indicates a need to check evacuation times." NUREG/CR-4831 at 12 (emphasis added).

FEMA Has Verified The Adequacy Of The School Radiological Emergency Plans During Emergency Response Exercises And The Plans Are Up-To-Date Or Are Being Updated

EXECUTIVE SUMMARY

The Federal Emergency Management Agency ("FEMA") has requested that it be allowed to review radiological emergency plans ("REPs") for school districts, preschools and daycare centers in each of the four counties – Orange, Putnam, Rockland, and Westchester – surrounding the Indian Point Energy Center ("Indian Point"). Since FEMA made its request, three of the four counties have allowed FEMA to review these plans. FEMA has reviewed the school district REPs for these three counties and has found them satisfactory. Only Westchester refuses to provide FEMA access to its school REPs. Westchester, however, has independently committed to making sure that its school plans are up-to-date and FEMA continues to seek access to its plans. The adequacy of the school plans of all counties has been demonstrated, in accordance with FEMA's guidance, through interviews conducted as part of the 2000 and 2002 exercises. FEMA's review of the actual school plans of three of the counties and its awareness of the steps taken by Westchester to keep its school plans up-to-date demonstrate that the counties are properly managing their school REPs.

BACKGROUND

On September 24, 2002, FEMA evaluated an exercise in the plume exposure pathway around the Indian Point 2 Nuclear Power Station. The purpose of the exercise was to assess the level of preparedness by the State of New York ("State") and the governments and agencies of the four "risk jurisdictions" in responding to a radiological emergency in the 10-mile Emergency Planning Zone ("EPZ") around the Indian Point Energy Center.[1] FEMA, Exercise Report, Indian Point 2 Nuclear Power Station, dated February 21, 2003 ("FEMA Report"), Executive Summary at 1. The review was conducted pursuant to the provisions of 44 C.F.R. § 350.9.

FEMA's review of the results of the exercise showed that "[t]he State and local organizations, except where noted in this report, satisfactorily demonstrated knowledge of their emergency response plans and procedures and adequately implemented them." Id. No "Deficiencies"[2] were identified during the exercise, although thirteen specific "Areas Requiring Corrective Action" ("ARCAs") were noted.[3] Id.

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1 The four "risk jurisdictions" located wholly or in part within the 10-mile EPZ around Indian Point are the Orange, Putnam, Rockland and Westchester Counties.

2 A Deficiency is defined as "...an observed or identified inadequacy of organizational performance in an exercise that could cause a finding that offsite emergency preparedness is not adequate to provide reasonable assurance that appropriate protective measures can be taken in the event of a radiological emergency to protect the health and safety of the public living in the vicinity of a nuclear power plant." FEMA Report at 29.

3 An ARCA is defined as "...an observed or identified inadequacy of organizational performance in an exercise that is not considered, by itself, to adversely impact public health and safety." Id. at 30.

In addition, the Executive Summary of the FEMA Report identified as the most significant "planning issues" the following four items:

> 1. Neither the State nor the counties have submitted their *Letters of Agreement* for FEMA review in order to determine the availability of resources needed by the counties in event of an incident at the plant.
>
> 2. *The Joint News Center Procedures and Public Education Workplan*, which is the basic procedure for dissemination of information to the public during a response to an emergency at the plant, is inadequate and continues to interfere with performance, as noted during both the 2000 and 2002 exercises.
>
> 3. The plans do not yet have the information from the *Updated Evacuation Time Estimates* (ETE) that have been prepared to reflect new demographics as well as shadow evacuation. Without the updated ETEs, the plans do not reflect the latest information on the time(s) it would take to evacuate the population of an emergency response planning area under various conditions (i.e., time of day, day of week, time of year, weather conditions, etc
>
> 4. While the procedures for schools in the plans are adequate, the individual school district, preschool and day care center plans also need to be submitted to FEMA for review.

FEMA Report, Executive Summary at 2. This paper addresses the last of these four outstanding planning issues.

The counties have been active in assisting the schools within the ten-mile EPZ in preparing their REPs in accordance with FEMA guidance and the content of the county plans. All schools within each county receive annually updated information regarding radiological emergency planning specific to the school, including information on relocation centers, evacuation routes, contact telephone numbers, and procedures to follow in the event of a radiological emergency. One of the counties, with Entergy's assistance, is in the process of developing a "model" plan for schools to use if they need to revise their existing REPs. Entergy is committed to the ongoing provision of assistance to the schools to assure that all have adequate procedures in place.

On April 9, 2003, FEMA visited Putnam County and was able to review the plans for the school districts in Putnam County. Entergy's understanding of this visit was that FEMA was satisfied with the content of the school plans reviewed and that this issue, in regard to Putnam County, has been satisfactorily addressed. FEMA conducted similar visits to two of the remaining three counties (Rockland and Orange) on April 29 and May 1, 2003 to allow FEMA, *inter alia,* to review school plans. Entergy understands that the schools in Rockland County have adequate REPs in place and that the county annually provides each school with information concerning radiological emergency planning for that school. Entergy also understands that Orange County provides radiological emergency planning information for each school on an annual basis. Orange County has held a meeting with school principals during the preceding year to discuss radiological emergency planning. Entergy understands that Westchester County schools have adequate REPs in place, and that the plans for the four Westchester school districts within the ten-mile EPZ for Indian Point are on file with the County. It is unclear whether Westchester County will voluntarily allow FEMA to review these school plans.

STATEMENT OF THE ISSUE

Schools, pre-schools, and day care centers are not specifically addressed by the planning standards of NUREG-0654/FEMA-REP-1, Rev. 1, Criteria for the Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (1980) ("NUREG-0654/FEMA-REP-1"). However, the State and county emergency response plans are expected to address, in their evacuation time estimates, schools as "special facility populations." See NUREG-0654, Appendix 4 at 4-2 to 4-3. FEMA provides further, specific guidance regarding State and local planning and preparedness for schools in FEMA Guidance Memorandum EV-2, "Protective Actions for School Children", dated November 13, 1986 ("GM-EV-2"). FEMA guidance in GM-EV-2 includes criteria for reviewing school performance during exercises and drills. GM-EV-2 provides specific guidelines for federal officials to evaluate the schools' emergency plans and preparedness during a radiological emergency. GM-EV-2 also provides guidance to State and local government officials and administrators of public and private schools in their development of emergency response plans and preparedness for protecting the health and safety of school children. GM-EV-2 at 1.

ENTERGY'S POSITION

The Counties, with Entergy's assistance, have made certain that their schools have complete, up-to-date plans. Entergy expects that FEMA will have been able to review school plans either directly or in conjunction with technical visits in three of the four counties surrounding Indian Point by May 2, 2003.

FEMA may not be able to review the Westchester County school plans by May 2, 2003 because Westchester has declined to provide FEMA with access to its school plans. This should not be a concern for three reasons: (1) FEMA noted no problems with school plans as part of its 2000 or 2002 Exercise Reports, meaning that the performance of the schools in all counties, including Westchester, was adequate; (2) Despite Westchester County's failure to cooperate with FEMA's review of the school REPs, the county has recently discussed REP issues with its school districts, and has provided to the schools up-to-date planning-related materials; and (3) Entergy is committed to helping address any issues that may arise out of the review of school plans by FEMA, should FEMA eventually determine that additional follow up corrective action be necessary after review of the school plans.

RATIONALE FOR ENTERGY'S POSITION

Pursuant to FEMA's guidance, local governments are responsible for the key planning requirements concerning the evacuation of students from schools,[4] including identifying and contacting "all public and private school systems within the designated plume exposure pathway EPZ to assure that both public and private school officials address appropriate planning for protecting the health and safety of their students...." Id. at 5 (emphases omitted).

[4] GM-EV-2 defines the term "school" to encompass "public and private schools, and licensed or government supported pre-schools and day-care centers." Id. at 4.

GM-EV-2 specifies two planning standards that are partially relevant to the emergency response plans for and preparedness of schools: Planning Standard J, "Protective Response" and Planning Standard N, "Exercises and Drills."[5] GM-EV-2 provides that the school plans should include:

- Institution-specific information, including:[6]

    1. The name and location of the school;
    2. The type of school and age grouping (e.g., public elementary school, grades kindergarten through sixth);
    3. The total population of the institution (students, faculty and other employees);
    4. The means for effecting the protective actions;
    5. Specific resources allocated for transportation and supporting letters of agreement if the resources are provided from an external source;
    6. Name and location of the relocation center(s);
    7. Transportation routes for evacuation to the relocation centers, if applicable.

- The basis for determining the proper protective action (e.g., evacuation, early preparatory measures, early evacuation, sheltering, early dismissal or a combination thereof) that includes:

    1. Identification of the organization and officials responsible for planning the protective action;
    2. Identification of the organization and officials responsible for effecting the protective action.

- Time frames for effecting the protective actions;

- Means for alerting and notifying appropriate persons and groups associated with the schools and the students, including:

    1. Identification of the organization responsible for providing emergency information to the schools;
    2. The method (e.g., siren and telephone calls) for contacting and providing emergency information on recommended protective actions to school officials;
    3. The method (e.g., siren, tone alert radios and telephone calls) for contacting and activating designated dispatchers and school bus drivers; and
    4. The method (e.g., EBS messages) for notifying parents and guardians of the status and location of their children.

Id. at 5-6. GM-EV-2 provides that "local governments should ensure that appropriate organizational officials assume responsibility for the emergency planning and preparedness for all of the identified schools," and that such planning is "integrated within the larger offsite framework for the particular

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5 Additionally, under Planning Standard P, FEMA treats schools as one of the types of "institutions, the mobility of whose population may be impaired during a radiological emergency, because most students are dependent on school officials for transportation to and from their residences." Id.

6 If parts of the institution-specific information described apply to many or all schools, the information may be presented generically. Id. at 6.

nuclear power plant site." Id. at 5. GM-EV-2 does not provide that school plans must be provided directly to FEMA.

GM-EV-2 also provides guidance as to how periodic exercises and drills are to be used to assess the preparedness of local governmental organizations for protecting school children. Evaluation Criteria N.1.a, N.1.b, and N.4 are applicable to school populations. Specifically, FEMA interprets the periodic requirements of 44 C.F.R. § 350.9 to encompass the ability to evacuate students. Id. at 8. As such, FEMA suggests that the following functions must be demonstrated and evaluated during an exercise in which it is necessary to evacuate students:

1. Alerting and notification of appropriate school officials by local emergency officials with respect to status of radiological emergency and need to implement protective actions, including evacuation;
2. The contacting and notification of dispatchers and school bus drivers, as appropriate, to inform them of any potential or actual need for them to transport students; and
3. The provision of information to the parents and guardians, as appropriate, concerning the status and intended location or destination of the students.

Id. GM-EV-2 provides that FEMA will determine compliance with NUREG-0654 Planning Standard N during a simulation of an evacuation of school children by having an exercise evaluator interview (or directly observe) relevant personnel at the Emergency Operations Center(s), the School Superintendent's Office, the School Principal's Office, and the Dispatcher's office, as well as the bus driver, to determine their awareness of and preparedness for the evacuation of the school children. Id.

As called for in guidance document GM-EV-2, FEMA's practice with respect to school emergency planning is to determine the status of school planning and preparedness by interviewing key school personnel subsequent to drills and exercises in which school evacuation is involved.

School interviews were conducted following the 2000 Exercise at Indian Point. None of the interviews conducted subsequent to the 2000 Exercise raised new ARCAs, and a number of ARCAs that had been written regarding Rockland County schools during the previous exercise were cleared during the interviews that were part of the 2000 Exercise. See Exercise Report: Indian Point 3 Nuclear Power Station, dated April 30, 2001 at 40-46 ("2000 Exercise Report"). Likewise, the 2002 Exercise included interviews with school officials and bus drivers at schools in the four counties that needed evacuation under the simulation. None of the interviews with school officials or bus drivers resulted in any deficiencies or ARCAs during the 2002 Exercise. See Exercise Report at 53-54, 64-66, 78-79, and 88-89. Indeed, in the September 2002 Indian Point exercise, FEMA found that "the procedures for schools in the plans are adequate." FEMA Report Executive Summary at 4. FEMA has not separately requested school plans in the past, but has reviewed school plans during the process of conducting interviews with school personnel as part of the exercise evaluation process. Such review should not be necessary in this instance either.

Regardless, by May 2, 2003 FEMA will have had the opportunity to review the district school plans in three of the counties, and has substantial evidence that the school district ERPs for Westchester County are adequate and are kept up-to-date.

RECOMMENDATION

The review of the plans in these three counties, along with substantial evidence that the Westchester County school district plans are adequate, close out the fourth open item noted by FEMA in its review of the September 2002 emergency planning exercise.

FEMA Need Not Review Westchester County's Letters Of Agreement To Maintain Its "Reasonable Assurance" Finding

Appendix

Tab	Description
1	"Officials will Certify Indian Point Evacuation Plans," The Journal News.com, Jan. 7, 2003
2	"Three County Execs. Back Emergency Plan," The Journal News.com, Jan. 16, 2003
3	"Indian Point Plan Refused," The Journal News.com, Jan. 31, 2003
4	Letter from Joseph Picciano, Acting Director, FEMA Region II to Edward F. Jacoby, Jr., Director, New York State Emergency Management Office, RE: Radiological Emergency Preparedness Program – Indian Point Energy Center, Response Due: May 2, 2003, Feb. 21, 2003
5	Executive Summary to FEMA Exercise Report, Indian Point 2 Nuclear Power Station, FEMA Region II, Feb. 21, 2003
6	Letter from Joseph Picciano, Acting Director, FEMA Region II to Edward F. Jacoby, Jr., Director, New York State Emergency Management Office, RE: Radiological Emergency Preparedness Program – November 1, 2002 meeting, Dec. 3, 2002
7	Federal Emergency Management Agency, Guidance Memorandum (GM)-PR-1, Policy on NUREG-0654/FEMA-REP-1 and 44 C.F.R. Part 350 Requirements
8	Four County Nuclear Safety Committee, Minutes of January 15, 2003 Four County Directors Meeting
9	Federal Emergency Management Agency, Guidance Memorandum 5, Rev. 1: Technological Hazards: Agreements Among Governmental Agencies and Private Parties, October 19, 1983
10	General Public Utilities Nuclear Corp. (Three Mile Island Nuclear Station, Unit 1), DD-94-3, 39 NRC 163 (1994)
11	Letter from Dr. Rita Meyninger, Regional Director, FEMA Region II to Anthony J. Germano, Director, SEMO, Mar. 8, 1995
12	Publication of Radiological Emergency Preparedness (REP) Program Strategic Review Draft Final Recommendations, 63 Fed. Reg. 48,222 (Sept. 9, 1998)
13	Excerpt from Appendix B to Westchester Radiological Emergency Plan for the Indian Point Energy Center, Rev. June 2002; Westchester Radiological Emergency Plan for the Indian Point Energy Center, Rev. June 2002 (on CD-ROM)

Tab	Description
14	Letter from Edward F. Jacoby, Jr., Director, SEMO to Joseph Picciano, Acting Regional Director, FEMA Region II, Apr. 18, 2003
15	Letter from Anthony W. Sutton, Deputy Commissioner, Westchester County Department of Emergency Services to James Lee Witt, James Lee Witt Associates, Feb. 7, 2003
16	Excerpt from Review of Emergency Preparedness at Areas Adjacent to Indian Point and Millstone – James Lee Witt Associates, LLC, March 2003 (final Witt Report)
17	Emergency Planning for Indian Point: A Guide for You and Your Family, prepared by Westchester County, New York State Disaster Preparedness Commission, and Entergy Nuclear Northeast
18	"Witt Report: Indian Point Evacuation Plan Can't Work," The Journal News.com, Jan 11, 2003
19	"Spano Releases Details on Process for Updating IP Response Plan," Westchestergov.com, Mar. 21, 2002
20	Testimony of Westchester (N.Y.) County Executive Andrew J. Spano on Emergency Preparedness at the Indian Point Energy Center to the U.S. House of Representatives Subcommittee on Economic Development, Public Buildings and Emergency Management of the Committee on Transportation and Infrastructure, Feb. 25, 2003
21	Testimony of Westchester County Executive Andrew J. Spano Before a Congressional Forum on the Indian Point Energy Center Hosted by Nita M. Lowey Member of Congress, Westchestergov.com, Mar. 3, 2003
22	"Westchester Forum Discusses Security Concerns," The Journal News.com, Mar. 27, 2003
23	Andrew J. Spano, Westchester County Executive, State of the County Address to the People of Westchester County, Apr. 10, 2003
24	E-mail from Cynthia J. Brovarski to Frank Inzirillo, Subject: WPHS Reception Center Evaluation – April 16, 2003, April 16, 2003
25	E-mail from William Murphy to Neil Sweeting, Subject: Reception Center Exercise Dates, March 6, 2003
26	Dress Rehearsal & Drill Plan Schedule and Indian Point 2002 FEMA Exercise Training/Exercise Schedule

Tab	Description
27	Assorted documents pertaining to potassium iodide (KI) distribution in the vicinity of Indian Point
28	Assorted documents reflecting Westchester County participation in meetings with Entergy consultant KLD
29 – 32	Assorted documents reflecting Westchester County participation in various Indian Point emergency planning meetings
33	Excerpt from FEMA Exercise Report, Indian Point 2 Nuclear Power Station, FEMA Region II, Feb. 21, 2003 (pages 12 –13 of Plan Review for Westchester County)
34	Emergency Planning Issue Statements from Westchester County emergency planning website
35	Correspondence between Entergy and Westchester County reflecting financial assistance provided by Entergy to Westchester County for emergency preparedness activities
36	Toledo Edison Co. (Davis-Besse Nuclear Power Station, Unit 1), DD-86-17, 24 NRC 753, (1986)
37	Consolidated Edison Co. of New York (Indian Point, Unit No. 2) & Power Auth. of the State of New York (Indian Point, Unit No. 3), CLI-83-16, 17 NRC 1006 (1983)

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Officials will certify Indian Point evacuation p

By ROGER WITHERSPOON
THE JOURNAL NEWS
(Original publication: January 7, 2003)

The annual certifications that evacuation plans for the Indian Point nuclear power plants have been effectively updated will be signed and forwarded to the federal government, regardless of the findings of a five-month study into the plans' ability to protect the public.

Representatives for the State Emergency Management Office and Westchester County Executive Andrew Spano said yesterday that the $804,000 study by James Lee Witt Associates, commissioned by Gov. George Pataki last year, would not affect their decision to certify the evacuation plans.

"We haven't seen the report, and we know nothing about it," said Susan Tolchin, Spano's chief adviser. "But what we turn in is simply a checklist that is due by the end of the month; and if we have done everything we are supposed to have done, then we will check it off. And we fully expect to have done everything on the checklist."

Rockland County Executive C. Scott Vanderhoef said he would wait to see the Witt report before sending out the annual certification notice.

"I believe the plan can work for Rockland County," Vanderhoef said. "But no matter how good it is and no matter how well we use it, there could be injuries and fatalities in Rockland in the event of a catastrophe because that plant shouldn't be there. But I want to see the Witt report before I take any actions on the Indian Point issue."

The report was delivered Dec. 16 to Ed Jacoby, who heads SEMO, the state's Disaster Preparedness Commission and the state's office of Homeland Security. It has yet to be publicly released. Pataki said during his re-election campaign that he would use the report to determine whether the twin nuclear plants in Buchanan pose too great a risk to keep operating in an era of terrorism. The state and local governments are nonetheless not bound by any of Witt's recommendations.

Since the Sept. 11, 2001, terrorist attacks, there has been intense public focus on safety issues related to Indian Point and the ability of residents to flee safely in the event of a nuclear emergency. More than 30 municipal bodies — including the Westchester, Rockland and Putnam legislatures — have approved resolutions calling for the plants to close.

SEMO spokesman Don Mauer said the state's position was that a letter of certification did not mean that an emergency evacuation plan was effective. "It certifies that all the work

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and maintenance needed to support the plans was done," Mauer said. "Its effectiveness is certified by the Federal Emergency Management Agency."

The federal agency has to approve emergency plans for all nuclear reactors in the country and forward its letters of approval to the Nuclear Regulatory Commission.

FEMA's approval is based on the certification by state and local governments that they have met all requirements for a plan that will effectively protect the public's health and safety.

State Assemblyman Richard Brodsky, D-Greenburgh, a critic of the Indian Point evacuation plans, criticized Spano for planning to certify them before reading the Witt report. "This is about whether the people of our county are safe, and that is why we have a certification process," he said.

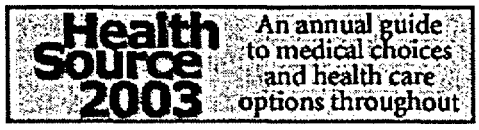
The Witt report was supposed to have been publicly released Dec. 20, but it was ultimately withheld.

Officials said at the time that they needed to determine if any information in the report posed a security threat. The state also has tried to seek modifications of the report, said Ray Williams, project manager for Witt Associates.

Williams said his group met with state officials several days ago to discuss objections to some of their findings. "We looked at where they think we made factual errors," he said. "In some cases, we agreed and made changes, and in some cases, we didn't and left it in. They cannot remove anything we don't agree to remove, and we will not remove anything unless they prove us wrong. We will not remove anything just because they don't like it or they don't agree."

Indian Point's owner, Entergy Nuclear Northeast, has not seen the report or been asked to comment on it, company spokesman Jim Steets said. It was unclear yesterday when the report may be made public.

Send e-mail to Roger Witherspoon



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Special Reports

Our nuclear neighbor: INDIAN POINT

Three county execs back emergency plan

By ROGER WITHERSPOON
THE JOURNAL NEWS
(Original publication: Jan. 16, 2002)

Evacuation plans for Indian Point would effectively protect the public in a nuclear emergency, county executives from Westchester, Putnam, Rockland and Orange counties said yesterday.

Following a conference call yesterday afternoon, the group agreed to send special reports to the State Emergency Management Office that will be used to support a state certification that Indian Point's emergency plans will work.

But by agreeing to send the PR-1 reports to the state, the county executives rejected requests from critics of the plan that they deny the annual certification. Opponents, led by state Assemblyman Richard Brodsky, D-Greenburgh, said "no one should be telling this county that the plan, as currently constituted, will actually evacuate people and protect them.

"I am sorry they are lending themselves to a process that is not honestly informing the people of the truth. I think it was a mistake."

The decisions to certify the emergency plans were made by Westchester County Executive Andrew Spano, Putnam County Executive Robert Bondi, Rockland County Executive C. Scott Vanderhoef and Orange County Executive Edward Diana.

They were equally adamant that the certification process should proceed, even if there are reservations about various aspects of the evacuation plan.

Spano, in a letter to Brodsky and Riverkeeper attorneys Robert Kennedy and Alex Matthiessen, said, "We have a Radiological Emergency Response Plan that I firmly believe is designed to work and adequately protects the public health and safety."

He asserted that as long as Indian Point is open, there has to be an emergency plan, and "I believe Westchester County is fully prepared for any emergency."

"Andy Spano is a terrific county executive and a great environmentalist," said Matthiessen, "but on Indian Point, he is dead wrong."

Bondi said Putnam's emergency officials have worked hard to make sure that even the most controversial aspects of the plan — relocating schoolchildren — could be performed effectively.

"We have faith in the individuals who make up our response team," Bondi said. "We feel people would be willing to lay their lives on the line for the schoolchildren."

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All nuclear power plants are required by the U.S. Nuclear Regulatory Commission to have emergency plans approved by the Federal Emergency Management Agency. But certification is an indirect process that critics contend masks flaws in the plans and assumes they will work.

Don Mauer of the State Emergency Management Office said the counties within 10 miles of plant are asked only to certify they have worked to upgrade plans. They are not, said Mauer, asked to certify the effectiveness of the plan.

"The report demonstrates that local counties have met existing federal requirements to update their plans and policies and procedures," Mauer said.

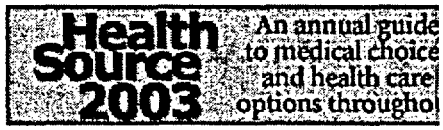
But these limited forms are then used by SEMO as the basis for an official state certification to the federal emergency agency that the plans would protect the public.

Vanderhoef said the form to the state indicates the county has worked to improve its plans. "It doesn't indicate one way or another the effectiveness of the plan," he said. "We do not know that it would work in a terroristic attack, and I have concerns about that."

Brodsky said the county executives should not participate in the process. "The county letters certify they had drills, and that doesn't tell you the plan works. The fact that the sirens went off on time doesn't mean you have a good plan," he said. "When people in government say the plan may not save lives but, boy, the drills sure went well, then the government isn't performing its function. This isn't about who can conduct good fire drills. This is about protecting our community. And this plan doesn't do that."

Meanwhile, the Rockland Legislature voted unanimously last night to ask the federal government to shut down Indian Point because it said it's vulnerable to attack and a proposed evacuation plan isn't adequate.

Send e-mail to Roger Witherspoon



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Indian Point plan refused

By ROGER WITHERSPOON
THE JOURNAL NEWS
(Original publication: January 31, 2003)

New York state, in an unprecedented decision, has refused to certify to federal officials that emergency plans for the four counties around the nuclear plants at Indian Point are up-to-date.

The decision by the State Emergency Management Office to withhold its annual certification now forces the Federal Emergency Management Agency to determine if the emergency plans it has previously approved are still effective. FEMA's decision will be used by the U.S. Nuclear Regulatory Commission to determine if the plants are operating in violation of their license requirements.

In that regard, the state's decision not to certify the plans is the most significant development in the public debate over Indian Point's future since the Jan. 10 release of an extensive analysis of the plans by James Lee Witt, the former head of FEMA. The Witt report, commissioned by Gov. George Pataki at a cost of $804,000, concluded that the emergency plans cannot protect the public in the event of a catastrophe at the Buchanan facility, particularly if it is a fast-breaking, terrorist event.

"We are in the process of evaluating the plans," Joseph Picciano, FEMA's regional director, said yesterday. "Our job is to provide a statement on reasonable assurance that the plans will protect the public to the NRC. We are looking at the state report and will have something out next month."

It is not clear, Picciano said, if his agency has the authority to approve the emergency plans for Indian Point without the concurrence of the state and counties.

"It is new ground for me," he said. "I hope it won't come to that. I don't think that has ever happened, so I'm not certain what we will do."

Edward Jacoby, head of the State Emergency Management Office, sent Picciano a letter yesterday stating that the annual certification does not "comment on the effectiveness of the current radiological emergency preparedness plans." Instead, the state letter only confirms that appropriate improvements have been made to the plans to keep them current so FEMA can decide if they are adequate to protect the public.

Jacoby wrote that since the county executives of Westchester, Rockland, Putnam and Orange counties refused to sign their letters of certification, "I am unable to transmit checklists for the Indian Point planning area at this time."

The state did submit certifications for the Ginna, FitzPatrick, and Nine-Mile nuclear power plants upstate.

Pataki said in a statement that the state's position shows the findings of the Witt report "has heightened our concerns about the adequacy of the emergency plans for these communities. I strongly urge FEMA and the NRC to consider the concerns raised by the counties and continue working with us to ensure that these plans will protect our residents in the event of a nuclear emergency."

Pataki declined, however, to say if he has any opinion on the effectiveness of the emergency plans as a result of the Witt report. The governor "does not wish to make a rush to judgment," said Suzanne Morris, a Pataki spokeswoman.

Westchester County Executive Andrew Spano, the most prominent supporter of the plans prior to the Witt report's release, led the four-county revolt against signing the local certifications.

"The ball is in FEMA's park," Spano said yesterday. "FEMA must, at this point, get involved, evaluate the plan, raise the standards, address the criticism in the Witt report. And if they won't do it or can't do it, the plant should be closed immediately."

Rockland County Executive C. Scott Vanderhoef said the local certification "has a line which indicates that the county has a plan which is current. That clearly can't be true, given the Witt report. If current means it is up-to-date and ready to go, then we have problems."

Reaction to the state's decision ranged from praise for SEMO and pleas to FEMA to decertify the emergency plans, to hope that the action would help improve the plans.

"What the state did is more powerful than the tone of the letter indicates," said Assemblyman Richard Brodsky, D-Greenburgh, who issued a report last year asserting that the plans would not work. "This gives us an enormous weapon, and now FEMA is the last remaining domino in a chain. This house of cards that was the evacuation plan has collapsed, and all that is left is for FEMA to acknowledge it."

Jim Steets, spokesman for Entergy Nuclear Northeast, which owns the plants, called the state's decision "a milestone, a beginning of a process that improves the plan. It doesn't concern us that the governor is not sending the reports on. We expect to get an improved emergency response plan and expect to operate the plants for a long time to come."

U.S. Rep. Nita Lowey, D-Harrison, also praised the state's decision.

"FEMA must decertify the plans," she said. "The agency simply must not bury its head in the sand by ignoring the Witt report and the concerns of New York residents and public officials."

*Staff writer Glenn Blain contributed to this report. Reach Roger Witherspoon at rwithers@thejournalnews.com or 914-696-8566.**Staff writer Glenn Blain contributed to this report. Reach Roger Witherspoon at rwithers@thejournalnews.com or 914-696-8566.*

Federal Emergency Management Agency
Region II
Jacob K. Javits Federal Building
26 Federal Plaza, Room 1307
New York, NY 10278-0002

February 21, 2003

Mr. Edward F. Jacoby, Jr., Director
New York State Emergency Management Office
Building #22, Suite 101
1220 Washington Avenue
Albany, New York 12226-2251

RE: Radiological Emergency Preparedness Program – Indian Point Energy Center
Response Due: May 2, 2003

Dear Mr. Jacoby:

Please find enclosed five copies of the Final Exercise Report for the Indian Point 2 Full-Participation Plume Exposure Pathway conducted September 24, 2002 (Attachment A). The State of New York and the counties of Westchester, Rockland, Orange and Putnam in New York, and Bergen in New Jersey participated during the exercise.

There were no Deficiencies and thirteen Areas Requiring Corrective Action (ARCAs) identified as a result of this exercise. There are also six unresolved ARCAs from the November 2000 plume exercise and one ARCA that remains unresolved from the May 1999 ingestion pathway exercise. Twenty-two prior ARCAs were adequately demonstrated and are now closed.

In addition to the Exercise Report, please find attached an update of our review of the 2000 plans for the State and the four risk counties including a review of the plan changes submitted in 2002 (Attachment B). The attached identifies all the plan issues previously raised by FEMA in past reviews and cross-references them against the State's independent. We have included additional information on the status of each plan issue identified. As you are aware, the State agreed to update all plans prior to the September 24, 2002, exercise. It is important to note that significant planning items have yet to be addressed almost five months after the September exercise.

No exercise finding rose to the level of a Deficiency as defined in 44 C.F.R. Part 350. However, based on the absence of corrected and updated plans from the counties and State, as outlined in the enclosures, at this time, I am not able to provide a final recommendation of "reasonable assurance" that the county and State officials can take appropriate measures.

The primary concern of FEMA is the health and safety of the public. The State and FEMA, as demonstrated by our efforts and cooperation in the REP Program over the last 20 years, have always worked closely in resolving any issues regarding emergency preparedness. If the State of New York, as previously requested, can provide updated plans on or before May 2, 2003, then this decision will be re-evaluated. If, in the event the State is unable to do so, in my capacity as Acting Regional Director, I will proceed with advising FEMA headquarters that I cannot provide a recommendation of reasonable assurance that the State and local plans are adequate to protect the health and safety of the public. In this event, FEMA headquarters would notify the Nuclear Regulatory Commission (NRC) and the Governor of New York State of the decision.

During this process, if initiated, you will have an opportunity to provide a plan for corrective action with a negotiated completion date from FEMA. Failure to comply would result in formal notification to the NRC that "reasonable assurance" cannot be issued. In any event, Region II and our FEMA headquarters will assist the State in addressing all planning issues.

Please feel free to contact me for further information.

Sincerely,

Joseph Picciano
Acting Regional Director

Attachments

Exercise Report

INDIAN POINT 2
NUCLEAR POWER STATION

Licensee:	ENTERGY
Exercise Date:	September 24, 2002
Report Date:	February 21, 2003

FEDERAL EMERGENCY MANAGEMENT AGENCY
REGION II
26 Federal Plaza
New York, New York 10278

I. EXECUTIVE SUMMARY

On September 24, 2002, the Federal Emergency Management Agency (FEMA) evaluated an exercise in the plume exposure pathway around the Indian Point 2 Nuclear Power Station. Specifically, the purpose of the exercise was to assess the level of State and local preparedness in responding to a radiological emergency in the 10 mile Emergency Planning Zone (EPZ). This exercise was held in accordance with FEMA's policies and guidance concerning the exercise of State and local radiological emergency response plans (RERP) and procedures.

FEMA wishes to acknowledge the efforts of the many individuals in New York State; Westchester, Rockland, Orange, and Putnam Counties; and Bergen County, New Jersey who participated in this exercise.

Protecting the public health and safety is the full-time job of some of the exercise participants and an additional assigned responsibility for others. Still others have willingly sought this responsibility by volunteering to provide vital emergency services to their communities. The cooperation and teamwork of all participants were evident during this exercise.

This report contains the final evaluation of the biennial exercise and the evaluation of the following out-of-sequence activities in Orange, Putnam, Rockland and Westchester counties: Reception Centers; Congregate Care Centers; Emergency Worker Personnel Monitoring Centers; General and Special Population Bus Companies; School Bus Companies; Traffic Control Points; School Interviews; Medical Drills and Siren Tests.

Exercise Results

The State and local organizations, except where noted in this report, satisfactorily demonstrated knowledge of their emergency response plans and procedures and adequately implemented them. While no Deficiencies were identified during the exercise, thirteen (13) Areas Requiring Corrective Action (ARCAs) were identified and are discussed in more detail in this report. Seven of these involved the Joint News Center and the provision of information to the media and the general public. The remaining were county operational ARCAs.

In addition, twenty-one ARCAs from the previous exercise have been resolved; thirteen were resolved either immediately (at the time of demonstration) or on follow-up before December 31, 2000. One ARCA, concerning dose assessment at the State EOC, was resolved at the full-scale exercise for the Nine Mile Point plant on December 4, 2001. Five ARCAs from the November 2000 plume phase exercise and one ARCA from the May 1999 ingestion exercise remain unresolved. The prior ARCAs that either were or were not resolved at the September 2002 exercise are described in this report.

Planning Issues

FEMA Region II staff, assisted by the Regional Assistance Committee (RAC), composed of representatives of 11 federal agencies, performed a review of the State and county Radiological Emergency Response Plans and procedures for Indian Point. The results of that review were provided to the State on January 15, 2002. This was followed up with a letter dated December 3, 2002, which summarized remaining concerns and the State's commitment to take corrective action. Although the State and counties have responded to a number of FEMA's concerns with the plans as described in the plan review, there remain weaknesses in the plans. Some of these concerns were included in the State's own draft report "Review of Emergency Preparedness at Indian Point and Millstone"1 (the State Report). While FEMA's review is more comprehensive, the State Report did validate a number of our previous findings. Moreover, we value many of the findings in the State Report and understand the concerns it generated among State and local officials surrounding the facility. It should be noted that all of the planning findings in the State Report were previously raised by FEMA, and the State and counties have previously agreed to correct the weaknesses or to provide missing information. FEMA's updated plan review "Reviews of the Radiological Emergency Response Plans for the State of New York, and the Indian Point Counties" (based on the State and county 2002 plans) includes similar planning issues raised by the State in its own report. This review is provided under separate cover and includes further comment on the State Report and related information. Among the issues raised in FEMA's updated plan review, the most significant outstanding planning issues include:

1. Neither the State nor the counties have submitted their *Letters of Agreement* for FEMA review in order to determine the availability of resources needed by the counties in event of an incident at the plant.

2. *The Joint News Center Procedures and Public Education Workplan*, which is the basic procedure for dissemination of information to the public during a response to an emergency at the plant, is inadequate and continues to interfere with performance, as noted during both the 2000 and 2002 exercises.

3. The plans do not yet have the information from the *Updated Evacuation Time Estimates* (ETE) that have been prepared to reflect new demographics as well as shadow evacuation. Without the updated ETEs, the plans do not reflect the latest information on the time(s) it would take to evacuate the population of an emergency response planning area under various conditions (i.e., time of day, day of week, time of year, weather conditions, etc

1 "Review of Emergency Preparedness at Indian Point and Millstone – Draft," James Lee Witt Associates, LLC, January 10, 2003.

4. While the procedures for schools in the plans are adequate, the individual school district, pre-school and day care center plans also need to be submitted to FEMA for review.

New York State Report Findings

On August 1, 2002, Governor George Pataki announced that James Lee Witt Associates (JLWA) would conduct a comprehensive and independent review of emergency preparedness around the Indian Point Energy Center and that portion of New York that is near the Millstone Nuclear Power Plant located in Connecticut. On January 10, 2003, a draft report entitled "Review of Emergency Preparedness at Indian Point and Millstone" was released by JLWA for public comment. Comments on this draft State report were to be submitted by February 7, 2003.

FEMA has reviewed the draft State report and prepared written responses to the major findings contained in the report. FEMA believes that the draft State report raises a number of issues that should be considered for enhancing the level of preparedness in the communities surrounding the Indian Point Energy Center. These include better education of the public, more training of offsite responders and improved emergency communications. Some of these issues should be evaluated for their applicability program-wide. However, FEMA also believes that a number of issues raised by the state report are not supported by FEMA's own exercise evaluations, plan reviews and knowledge of the REP Program.

FEMA's detailed responses to these issues can be found in the second attachment to the letter to the Director of the New York State Emergency Management Office entitled "Reviews of the State and County Radiological Emergency Response (REP) Plans for the Indian Point Energy Center and Comments on the REP Program, Planning and Exercise Issues Raised by Others." FEMA will obtain and review the final state report when it is released to ensure that any revisions that could affect our final determination are taken into consideration.

Out-of-Sequence Activities

Numerous out-of sequence activities were demonstrated and evaluated as part of the 2002 exercise for Indian Point. Out-of-sequence activities are demonstrations of facilities and knowledge of procedures that occur out of sequence with the full-scale exercise scenario. The following activities were conducted and evaluated by FEMA personnel in order to develop a better understanding of the level of preparedness:

18 School Interviews
10 School Bus Company Interviews
9 Special Population Bus Company Interviews
8 Congregate Care Centers

4 Reception Centers
4 Emergency Worker Personnel Monitoring Centers
6 Traffic Control Points
4 Medical MS-1 Drills
Full-System Siren Test – March 26, 2002

Conclusions

Although, as noted above, no exercise finding rose to the level of a Deficiency as defined under 44 CFR Part 350, at this time, FEMA, in the absence of fully corrected and updated plans for the counties and State, cannot provide "reasonable assurance" that appropriate measures can be taken in the event of a radiological emergency. However, should the State of New York provide complete plans on or before May 2, 2003, with a schedule of corrective actions to address the exercise issues, then this decision will be re-evaluated. If the State is unable to do so, FEMA will proceed with notification to FEMA Headquarters that assurance cannot be provided regarding the adequacy of the plans to protect the health and safety of the public. At that time, FEMA headquarters would notify NRC and the Governor of the decision.

FEMA and the State of New York and the counties in the emergency planning zone have worked together to assure the safety and health of the public in the event of an incident at Indian Point Energy Center. FEMA anticipates that the planning issues cited above and the exercise issues described in the report will be addressed and resolved in a timely fashion.

FEDERAL EMERGENCY MANAGEMENT AGENCY
Region II
Jacob K. Javits Federal Building
26 Federal Plaza, Room 1337
New York, New York 10278-0002

December 3, 2002

Mr. Edward F. Jacoby, Jr., Director
New York State Emergency Management Office
Building #22, Suite 101
1220 Washington Avenue
Albany, New York 12226-2251

RE: Radiological Emergency Preparedness Program – November 1, 2002 meeting

Dear Mr. Jacoby,

We met with your staff in Albany on November 1, 2002 to discuss my letter of October 24, 2002. I am pleased to acknowledge that a number of the items requested in that letter were provided at this meeting and others were being addressed. We also agreed upon submission dates for the many of the remaining items that are still outstanding. For FEMA to issue a finding of reasonable assurance for a nuclear power plant, all areas in the Annual Letter of Certification must be addressed, including adequacy of radiological emergency plans and procedures, and the implementation of the plans and procedures for that site must be successfully demonstrated in a Federally evaluated, biennial full-scale exercise.

A summary of the information that is outstanding for all sites (Indian Point, Ginna, and Nine Mile Point/Fitzpatrick) follows:

- A response to my letter of March 21, 2002 concerning your Annual Letter of Certification (ALC)). The meeting on November 1, 2002, and subsequent conversations, has constituted a response to the letter of March 21, 2002 on the ALC.

- Updated Memoranda of Understanding (MOUs) and Letters of Agreement (LOAs) as requested in our letter to you of March 21, 2002. It was agreed that any letter or memorandum more than 10 years old would be updated. In addition we agreed that these letters or memoranda would be updated if any of the signatories have left office or are deceased. We understand that updating the letters and memoranda is a work in progress. It was agreed that copies of all LOAs and MOUs will be provided to FEMA with completion by February 15, 2003.

- The Annual Reports for the Siren Tests conducted in 2001. This information was provided to FEMA on November 1, 2002. It was also agreed that all siren failures reported to the NRC would also be reported directly to FEMA by the State.

- A Schedule for Corrective Actions for the Unresolved Ingestion ARCA (Objective 29) from the May 25-27, 1999 Ingestion Pathway exercise held at Indian Point. It was agreed on November 1 that this objective and ARCA would be included in the Extent of Play for the Fitzpatrick exercise on June 10, 2003. FEMA will be flexible in allowing the state to build this into the exercise with limited impact on normal play for this non-ingestion exercise.

- The Monroe and Wayne Counties interim compensating measures for failures in the prompt notification system for the R. E. Ginna Nuclear Power Plant. It is noted that a new siren feedback or verification system has been installed and is operational as shown in the tests by RG&E on September 27, 2002. It was agreed a copy of the report on the test results would be forwarded shortly. Additionally, FEMA will be provided any information relevant to the NRC's "white finding" on the inadequacy of the compensating measures taken during the time that the siren verification system was being replaced.

- The test results for the May 9, 2002 sirens activation in Monroe and Wayne Counties. This will be provided to FEMA by the middle of December when it is received by SEMO from NRC.

As we discussed, there are several items specific to the Indian Point Energy Center that we require as soon as possible, including:

- Missing Plan Sections and Procedures for Indian Point (See Attachment 3 for a table showing Plan Sections and Procedures received, and those that have not been received). Although the State provided a response to the FEMA/RAC plan review that stated that the Inadequacies identified would be responded to, only State Procedures B & H were provided to FEMA shortly before the September full-scale exercise. The state understands that outstanding planning issues raised in the RAC review beyond Procedures B & H still are required and will be forwarded for review at the earliest possible date.

- Prompt Notification Coverage Information for the Indian Point Site (missing from the current version of the plan). It was agreed that this information would be provided by January 31, 2003. It is noted that the siren contour maps are being revised and will not be available until June 2003 so that the effect of summer foliage can be fully reflected. FEMA would like to receive any currently available information relevant to this issue by January 31, 2003, as well as the new contour maps in June.

- An evaluation of private bus company resources in Orange and Rockland Counties during annual summer layoffs of bus drivers. The State indicated that

they would provide information on this by January 31, 2003. Understanding the State reports that the counties are indicating that the bus drivers are available even during the summer layoff, FEMA would like a more complete description of resources and capabilities available in the summer months by January 31, 2003.

- A schedule for the completion of Baseline Evaluation of all offsite facilities within the four IP counties as outlined in FEMA's June 2002 letter and in the April 25, 2002 Federal Register notice on the new exercise evaluation methodology. The State agreed to provide this information by 12/1/02 at the November meeting. It is now indicated that the State will be meeting with the four counties to discuss the schedule on 12/19/02 and will get back to FEMA with a more complete schedule after that meeting. It is also acknowledged that FEMA HQ is drafting clarification guidance on what is required for the Baseline Evaluations and FEMA will provide that information to the State as soon as it is available. Meanwhile, it would be best to proceed with scheduling demonstrations of all facilities, with particular emphasis to be placed on those facilities that have not been demonstrated or demonstrated recently.

- Confirmation of the Facilities to be evaluated (i.e., Rockland and Westchester Counties have indicated changes in designated facilities are going to be made. This information was to be provided to FEMA by 12/1/02. However, the State indicates that it is waiting for their meeting with the counties on 12/19/02 to determine if there will be any changes in designated facilities. I was agreed FEMA would be provided with this information as soon after the 12/19/02 meeting as possible; any new facilities designated will constitute a plan change and will need to be demonstrated and evaluated.

- Confirmation of the responsibilities of each School District, including emergency notifications of public, private and parochial schools; and day care centers. The State has agreed to provide FEMA with the School Notification Plans for each school district by January 31, 2003; an effort that will be coordinated with the State Department of Education. Additionally the State understands that FEMA still requires copies of the school plans and procedures to review as part of our comprehensive plan review and will work with the State Department of Education to provide this information as soon as possible.

- The update of all plans consistent with the Evacuation Time Estimate (ETE) Study for the Indian Point Site, currently being conducted by Entergy and will be available by December 31, 2002. This will be used to update, where appropriate, traffic management plans and evacuation routes in each of the four risk counties. The new ETE study will reflect "shadow evacuation" and will be available for use by the counties. The State expects the new ETEs to be reflected in the new traffic management plans likely to be completed in the spring of 2003. FEMA will be provided a copy of the draft ETE study as soon as it is finished, as well as the new traffic management plans in the spring of 2003.

- The Draft Plans for Provision of KI to the General Public within the Emergency Planning Zones for all sites. FEMA understands that this information will be provided by February 28, 2003.

We also discussed several draft areas requiring corrective actions involving Alert and Notification, and Public Information issues at the Indian Point exercise. These issues will be included in the Draft Exercise Report that will be provided to the state for comment by December 3, 2002. The state has agreed to review the entire process updating plans to reflect greater state leadership and a more realistic approach for media and public information activity. FEMA has agreed to work with the state in this area and will support the state as follows:

- A tabletop exercise to be held at the Joint News Center in January 2003.
- A workshop with FEMA and the public information officers for the state, counties and licensees in January or February 2003.

We note that the State has developed a draft JNC "concept" and will be providing it to us shortly. This new procedure/process will be demonstrated at the Ginna Practice Drill scheduled for January 22, 2003. It is important that the new JNC procedures be demonstrated, as agreed at the November meeting, at the Indian Point JNC within the same timeframe. SEMO will advise us when they plan to demonstrate at Indian Point, and the schedule for the above-mentioned workshop.

We look forward to continuing to work with you and your staff on these important issues with you and your staff. I welcome your willingness to move expeditiously with this important process.

Sincerely yours,

Joseph F. Picciano
Acting Regional Director

Attachment 2

n Needed to Complete Review of IP RERPs and to Respond to Inquiries for Information

Received	Not Received
.. NYS REPP Procedure B – Communications/Warning !. NYS REPP Procedure H – Assessment/Evaluation ı. 2002 IP JNC Procedures & Public Education Work Plan	1. Updated NYS REPP & Procedures except for Procedures B and H
.. Rev. 6/02 of the Westchester County Radiological Plan for the Indian Point Energy Center Volume I – Basic Plan and Volume 2 – Procedures	1. Copies of Letters of Agreement (List of letters is in Appendix B) 2. Specific School or School District Plans
.. Rev. 05/02 of the Rockland County Radiological Emergency Preparedness Plan & Response Agency Procedures (on CD)	1. Copies of Letters of Agreement (List of letters is in Appendix K) 2. Specific School or School District Plans
.. Rev. 4/02 of the Putnam County Radiological Emergency Response Plan (note that not all portions of the plan were updated – a variety of dates is shown throughout) Volume I -Basic plan and Appendices and Volume II -Procedures	1. Copies of Letters of Agreement (List is in Appendix K) 2. Specific School or School District Plans
.. Rev. 6/02 of the Orange County Radiological Emergency Response Plan and Procedures (note that not all portions of the plan have the 6/02 date on them)	1. Copies of the Letters of Agreement (List in Appendix M) 2. Specific School or School District Plans
.. Rev. 05/02 updates of 3 of the 5 Rockland County/Bergen County (RC/BC) Procedures contained within the Rockland County Plan)	1. Copies of Letters of Agreement (listed in the RC/BC-2 Bergen County Office of Emergency Management Procedures)

Federal Emergency Management Agency

Washington, D.C. 20472

OCT 1 1985

GUIDANCE MEMORANDUM PR-1

POLICY ON NUREG-0654/FEMA-REP-1
AND 44 CFR 350 PERIODIC REQUIREMENTS

Purpose

This Guidance Memorandum (GM) provides interpretation and clarification of requirements contained in the Federal Emergency Management Agency (FEMA) rule, 44 CFR 350, and NUREG-0654/FEMA-REP-1, related to periodic planning and exercise activities and other requirements affected by the biennial exercise frequency and other REP program emphases.

Background

With the publication of the final FEMA rule, 44 CFR 350, on September 28, 1983, and the the Nuclear Regulatory Commission (NRC) final regulation, 10 CFR 50, on July 6, 1984, it has become necessary to clarify some of the requirements contained in these rules and our common guidance criteria document, NUREG-0654 /FEMA-REP-1. Also, as we are approaching the fifth year of the implementation of our joint (NRC/FEMA) radiological emergency preparedness (REP) program, it is appropriate to highlight and clarify requirements related to periodic assessments, especially those made in the fifth and sixth year of a State's REP program.

Guidance

The changes and program emphases related to the referenced planning standards and evaluation criteria of NUREG-0654/FEMA-REP-1 and 44 CFR 350 are addressed to State and local governments and to Federal reviewers of plans and preparedness. This guidance is divided into three sections. Section A contains planning standards, evaluation criteria and other REP program requirements that have been revised and/or clarified to facilitate compliance. Section B includes those which remain unchanged but are highlighted here to ensure completion and compliance. Section C describes the Annual Letter of Certification which is submitted by the State to the FEMA Regional Director documenting actions taken on the requirements presented in sections A and B.

SECTION A: THE FOLLOWING EVALUATION CRITERIA INCLUDE CHANGES FROM EXISTING REQUIREMENTS

PLANNING STANDARDS AND EVALUATION CRITERION

N. Exercises and Drills

Planning Standard

Periodic exercises are (will be) conducted to evaluate major portions of emergency response capabilities, periodic drills are (will be) conducted to develop and maintain key skills, and deficiencies identified as a result of exercises and drills are (will be) corrected. (NUREG-0654/FEMA-REP-1, p.71).

N.1.b. Evaluation Criterion 96

An exercise shall include mobilization of State and local personnel and resources adequate to verify the capability to respond to an accident scenario requiring response. The organization shall provide for a critique of the biennal ~~annual~~* exercise by Federal and State observers/evaluators. The scenario should be varied from exercise to exercise ~~year to year~~ such that the major elements of the plans and preparedness organizations are tested within a six-year ~~five-year~~ period. Each organization should make provisions to start an exercise between 6:00 p.m. and 4:00 a.m. ~~6:00 p.m. and midnight, and another between midnight and 6:00 a.m.~~ once every six years. Exercises should be conducted during different seasons of the year within a six-year period for exercising under various weather conditions. At least one exercise over a period of six years ~~some exercises~~ should be unannounced.

Areas of Review

Evaluation criterion, N.1.b., addresses several periodic exercise requirements. All of these requirements are modified. The most important change is to permit the testing of major planning and preparedness elements within a six rather than five-year period. All of the remaining exercise requirements are placed within this six-year period.

Attendant Criteria

In addition to meeting specific exercise requirements, State and local governments should meet the following requirements:

1. For those requirements related to the six-year compliance period for selected exercise activities delineated in N.1.b. above, the six-year period commences with the date of the first joint (utility and State and local governments) exercise conducted after November 3, 1980, the effective date of the Nuclear Regulatory Commission Final Regulations on Emergency Planning, 10 CFR Part 50 (Appendix E) (45 FR 55410, August 19, 1980). For example, if the date of the first joint exercise was March 23, 1981, the end of the six-year period is March 23, 1987. All of the major elements are to be tested within the six-year period on a site-specific basis except for ingestion-related elements as the testing of such elements is not tied to a particular site for State governments. (See Attendant Criteria 3 below.)

2. Scenarios for periodic exercises should be sufficiently varied so that all of the major elements of the plans and preparedness of offsite organizations are tested within a six-year period. The major elements of plans and preparedness are incorporated in the 35 exercise objectives contained in the August 5, 1983, memorandum: "Procedural Policy on Radiological Emergency Preparedness Plan Reviews, Exercise Observations and Evaluations, and Interim Findings."

3. Implicit in evaluation criterion, N.1.b., is the requirement for each State which has a nuclear power plant within its borders to fully

* To highlight changes to criteria in NUREG-0654/FEMA-REP-1, the new language is underlined and the old language is lined through.

exercise its plans and preparedness related to ingestion exposure pathway measures at least once every six years in conjunction with a plume exposure pathway exercise for some site ~~for that site.~~ This requirement is reflected in the 35 exercise objectives and is presented in 44 CFR 350.9(c)(4). Each State with ingestion exposure pathway responsibilities for two or more sites located within its borders will fully participate at some site on a rotational basis and partially participate at the other sites once every six years. A State which has ingestion related responsibilities for a site(s) located within its borders and which is also within the 50-mile ingestion exposure pathway of a site(s) located in a bordering State(s), shall partially participate in all of the ingestion related exercises for those bordering State site(s). For those States that do not have a power plant located in its borders, but are located within the 50-mile Emergency Planning Zone of a bordering State's power plant, they should fully participate in at least one exercise over a six-year period and partially participate in all others. These ingestion-related requirements represent revision of provisions contained in both NUREG-0654/FEMA-REP-1 and 44 CFR 350.9(c)(4).

4. The definition of full participation in ingestion aspects of exercises is guided by 44 CFR 350.2(j). Since local governments are not usually required to develop and test ingestion plans and preparedness, State officials would be the emergency personnel primarily involved in the ingestion portion of exercises. However, in some States, local governments have responsibilities that require their participation in such exercises. The number and function of personnel needed should be sufficient for carrying out all those ingestion measures that are necessitated by a particular accident scenario. Also, organizations fully participating in the ingestion portion of an exercise should deploy field teams to secure and analyze media samples as required by the accident scenario.

5. The definition of partial participation in ingestion aspects of exercises is guided by 44 CFR 350.2(k). As stated in item 4 above, State officials would be the emergency personnel primarily involved in the ingestion portion of exercises. The number and function of State personnel needed should be determined on the basis of verifying capabilities for carrying out the following responsibilities: Direction and control and related communications for protective action decisionmaking and dissemination of emergency information to appropriate individuals, groups and the general public. Organizations partially participating in the ingestion portion of an exercise will not have to deploy field teams to secure and analyze media samples as such sections can be simulated.

6. Offsite organizations should make provision to start an exercise between 6:00 p.m. and 4:00 a.m. once every six years.

7. Offsite organizations should schedule exercises at different seasons over a six-year period to increase the likelihood for exercising under various weather conditions. This provision can be fulfilled through the regular scheduling of exercises and in conjunction with items 2 and 3 above.

8. Offsite organizations should make provision to participate in unannounced exercises at least once every six years. An unannounced exercise is a regularly scheduled exercise in which the knowledge of the exact date of the exercise is restricted to only those persons with a need to know. Although the knowledge of the exact date is restricted, a time frame of 7 days within which the unannounced exercise is to be conducted will be established and known to all parties involved.

9. Items 2,3,6,7 and 8 may be combined in the same exercise or addressed in separate exercises within a six-year period.

SECTION B: OTHER PERIODIC REQUIREMENTS HIGHLIGHTED TO CALL ATTENTION TO THE NEED FOR COMPLIANCE *

PLANNING STANDARDS AND EVALUATION CRITERIA

F. Emergency Communications

Planning Standard

Provisions exist for prompt communications among principal response organizations to emergency personnel and to the public. (NUREG-0654/FEMA-REP-1, p.47)

Evaluation Criteria

F.3. Each organization shall conduct periodic testing of the entire emergency communications system (See evaluation criteria N.2.a., N.2.d. and Appendix 3.)

G. Public Education and Information

Planning Standard

Information is made available to the public on a periodic basis on how they will be notified and what their initial actions should be in an emergency (e.g., listening to a local broadcast station and remaining indoors), the principal points of contact with the news media for dissemination of information during an emergency (including the physical location or locations) are established in advance and procedures for coordinated dissemination of information to the public are established. (NUREG-0654/FEMA-REP-1, p.49)

Evaluation Criteria

G.1. Each organization shall provide a coordinated periodic (at least annually) dissemination of information to the public regarding how they will be notified and what their actions should be in an emergency. This information shall include, but not necessarily be limited to:

a. educational information on radiation;
b. contact for additional information;

* Language for some of the evaluation criteria has been changed to clarify intent, but the requirements are not changed.

c. protective measures, e.g., evacuation routes and relocation centers, sheltering, respiratory protection, radioprotective drugs; and
d. special needs of the handicapped.

Means for accomplishing this dissemination may include, but not necessarily limited to: information in the telephone book, periodic information in utility bills and publications distributed on an annual basis.

G.2. The public information program shall provide the permanent and transient adult population within the plume exposure EPZ an adequate opportunity to become aware of the information annually. The programs should include provision for written material that is likely to be available in a residence during an emergency. Updated information shall be disseminated at least annually. Signs or other measures (e.g., decals, posted notices or other means, placed in hotels, motels, gasoline stations and phone booths) shall also be used to disseminate to any transient population within the plume exposure pathway EPZ appropriate information that would be helpful if an emergency or accident occurs. Such notices should refer the transient to the telephone directory or other sources of local emergency information and guide the visitor to appropriate radio and televison frequencies.

G.5. Each organization shall conduct coordinated programs at least annually to acquaint news media with emergency plans, information concerning radiation and points of contact for release of public information.

H. Emergency Facilities and Equipment

Planning Standard

Adequate emergency facilities and equipment to support the emergency response are provided and maintained. (NUREG-0654/FEMA-REP-1, p.52)

Evaluation Criterion

H.10. Each organization shall make provisions to inspect, inventory and operationally check emergency equipment/instruments at least once each calendar quarter and after each use. There shall be sufficient reserves of instruments/equipment to replace those which are removed from emergency kits for calibration or repair. Calibration of equipment shall be at intervals recommended by the supplier of the equipment.

N. Exercise and Drills

Planning Standard

Periodic exercises are (will be) conducted to evaluate major portions of emergency response capabilites, periodic drills are (will be) conducted to develop and maintain key skills, and deficiencies identified as a result of exercise and drills are (will be) corrected. (NUREG-0654/FEMA-REP-1, p.71)

Drill Requirements (Evaluation Criteria)

N.2. Definition: A drill is a supervised instruction period aimed at testing, developing and maintaining skills in a particular operation. A drill is often a component of an exercise. A drill shall be supervised and evaluated by a qualified drill instructor. Each organization shall conduct drills, in addition to the biennial annual exercise at the frequencies indicated below:

N.2.a. Communication Drills: Three types of communication drills are addressed: (a) Communications with State and local governments within the plume exposure pathway emergency planning zone shall be tested monthly; (b) communications with Federal emergency response organizations and State(s) within the ingestion pathway shall be tested at least once quarterly in conjunction with the testing of plume exposure pathway measures of the State plan and (c) communications between the nuclear facility, State and local government emergency operations centers and field assessment teams shall be tested at least once every year. Communication drills shall also include the aspect of understanding the content of messages.

N.2.c. Medical Emergency Drills: A medical emergency drill involving a simulated contaminated individual that contains provisions for participation by local support service agencies (i.e., ambulance and offsite medical treatment facility) shall be conducted annually.

N.2.d. Radiological Monitoring Drills: Requirements are set forth for two types of radiological monitoring drills: (a) Radiological monitoring drills related to the plume exposure pathway emergency planning zone shall be conducted at least annually and shall include provisions for communications and recordkeeping. (b) Radiological monitoring drills related to the ingestion exposure pathway emergency planning zone shall be conducted at least annually and shall include provisions for communications and record keeping.

N.2.e. Health Physics Drills: Health Physics drills shall be conducted semi-annually by State governments with licensees to test response to and analysis of simulated elevated airborne and liquid samples and direct radiation measurements in the environment. The State drills can be conducted at any site.

O. Radiological Emergency Response Training

Planning Standard

Radiological emergency response training is provided to those who may be called on to assist in an emergency. (NUREG-0654/FEMA-REP-1, p.75)

Evaluation Criteria

O.1. Each organization shall assure training of appropriate individuals.

O.1.b. Each offsite response organization shall participate in and receive training. Where mutual aid agreements exist between local agencies such as fire, police and ambulance/rescue, the training shall also be offered to the other departments who are members of the mutual aid district.

O.4. Each organization shall establish a training program for instructing and qualifying personnel who will implement radiological emergency response plans. The specialized initial training and periodic retraining programs shall be defined with respect to their scope and frequency and should be provided in the following categories:

a. Directors or coordinators of response orgranizations;
b. Personnel responsible for accident assessment;
c. Radiological monitoring teams and radiological analysis personnel;
d. Police, security and fire fighting personnel;
f. First aid and rescue personnel;
g. Local support services personnel including Civil Defense/Emergency Service personnel;
h. Medical support personnel; and
j. Personnel responsible for transmission of emergency information and instructions.

O.5. Each organization shall provide for the initial and annual retraining of personnel with emergency response responsibilities.

P. Responsibility for the Planning Effort: Development, Periodic Review and Distribution of Emergency Plans

Planning Standard

Responsibilities for plan development and review and for distribution of emergency plans are established, and planners are properly trained. (NUREG-0654/FEMA-REP-1, p.78)

Evaluation Criteria

P.4. Each organization shall update its plan and agreements as needed, review and certify it to be current on a annual basis. The update shall take into account changes identified by drills and exercises.

P.5. The emergency response plans and approved changes to the plans shall be forwarded to all organizations and appropriate individuals with responsibility for implementation of the plans. Revised pages shall be dated and marked to show where changes have been made.

P.10. Each organization shall provide for updating telephone numbers, call-down lists and maps in emergency procedures at least quarterly.

Appendix 3: Means For Providing Prompt Alert and Notification of Response Organizations And The Population

Periodic requirements related to alert and notification will be discussed and delineated in a forthcoming GM.

SECTION C: ANNUAL LETTER OF CERTIFICATION

In order to facilitate the monitoring of REP planning and preparedness requirements as prescribed in NUREG-0654/FEMA-REP-1 and 44 CFR 350 as delineated in this memorandum, an Annual Letter of Certification shall be submitted from each State to the appropriate FEMA Regional Director. The State submission of the Annual Letter of Certification to the FEMA Regional Director should be made by January 31 of each year and should address compliance with periodic requirements for the preceding year. This letter shall include assurances that the requisite activities have been undertaken or completed, as appropriate, by the State and local organizations for the following functions:

1. Public Education and Information (G): Means of dissemination of information, dates, participants, sponsoring organizations and description of any programs conducted to increase public and media radiological emergency planning and response awareness.

2. Emergency Facilities and Equipment (H): Type of equipment/instrument, quantity and dates of check/test.

3. Exercises (N): Testing of all major elements, conducting exercises under various time and seasonal conditions, unannounced exercises and testing of State (and local, as appropriate) plans for implementing ingestion pathway measures.

4. Drills (N): Types, dates held and participating organizations.

5. Radiological Emergency Response Training (O): Scope and purpose of training, dates held, number of participants, agencies represented and sponsors of trainings.

6. Update of Plans and Letters of Agreement (P): Verification that plans and letters of agreement have been reviewed and appropriate changes made. Updates of plans should include telephone numbers, call-down lists and maps.

7. Alert and Notification (Appendix 3): Type of tests conducted in accordance with established schedule, dates held, and operability percentage achieved based on periodic testing.

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 negations 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.

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

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 lows 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 Meeding:

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 ll
Chris Holmes	SEMO Region ll
Alyse Peterson	NYSERDA
Ray Albanese	4 County Coordinator

Federal Emergency Management Agency

Washington, D.C. 20472

October 19, 1983

Guidance Memorandum 5, Revision 1
Technological Hazards

AGREEMENTS AMONG GOVERNMENTAL AGENCIES AND PRIVATE PARTIES

Purpose

This guidance memorandum suggests cataloging written agreements referring to the concept of operations developed between Federal, State, and local agencies and other support organizations having an emergency response role within the Emergency Planning Zone.

Background

NUREG-0654/FEMA-REP-1, Rev. 1, evaluation criteria A3, calls for the presentation of agreements in each plan. Such agreements or commitments could be voluminous and overburden the plan with paper.

Guidance

The detailed agreements required by A3 may be incorporated into the plan by reference and cataloged by title, type of agreement, and government level, including signatories and effective dates. All parties would merely sign-off on a cover sheet certifying the validity of the materials referenced. The actual agreement must then be filed in the Region and be available for inspection. In short, the detailed agreements could be listed and treated in the same manner as procedures. This is a method similar to that used previously by the Regional Assistance Committees in dealing with supporting materials.

Alternatively, State and local plans may include all agreements in a suitable appendix.

Regardless of how the agreements are cataloged and referenced, their current status must be periodically verified by the Federal Emergency Management Agency. The Regions should have a tickler file on all agreements and ask for new ones, or updated signatories if they expire or the authorities of signatories are foreclosed by reorganizations or statutory limitations. These statutory limitations should be available as references in the legal basis element A2b.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION

William T. Russell, Director

In the Matter of **Docket No. 50-289**

GENERAL PUBLIC UTILITIES NUCLEAR CORPORATION (Three Mile Island Nuclear Station, Unit 1)

March 31, 1994

The Director of the Office of Nuclear Reactor Regulation denies a Petition dated July 10, 1992, filed with the Nuclear Regulatory Commission (NRC) by Robert Gary, on behalf of the Pennsylvania Institute for Clean Air (PICA), requesting that the NRC take action with respect to GPU Nuclear Corporation (GPUN). The Petitioner alleged discrepancies in the Dauphin County Radiological Emergency Response Plan (RERP) and that the Pennsylvania Emergency Management Agency (PEMA) and the Dauphin County RERPs fail to provide for the use of military vehicles in the event of a radiological emergency, and requested that the NRC order GPUN to "power down" Three Mile Island Nuclear Station Unit 1 (TMI-1) until a workable emergency evacuation plan is in place. In various supplements to the Petition, the Petitioner alleged additional deficiencies in emergency preparedness planning and drills, and requested that the 10-mile plume exposure pathway for TMI-1 be expanded to include the City of Harrisburg, that the NRC conduct an independent *de novo* investigation of Petitioner's concerns, that the NRC require GPUN to remit $1 million per year to the Commonwealth of Pennsylvania for emergency planning around TMI-1, or in the alternative that the NRC federalize the collection and distribution of emergency preparedness funds, and that the NRC require that the RERP for Dauphin County be limited to 100 pages, tabbed, waterproofed, color-coded, and in large type for ease of use in an emergency, and include all implementing procedures. After an evaluation of the PEMA and Dauphin County RERPs by the Federal Emergency Management Agency, the Director concludes that Pe-

titioner raised no substantial public health or safety concerns and that there is reasonable assurance that adequate offsite protective measures can and will be taken to protect the health and safety of the public in the event of a radiological emergency at TMI-1.

DIRECTOR'S DECISION UNDER 10 C.F.R. § 2.206

I. INTRODUCTION

By letter dated July 10, 1992, Robert Gary, on behalf of the Pennsylvania Institute for Clean Air (Petitioner or PICA), submitted a Petition pursuant to section 2.206 of Title 10 of the *Code of Federal Regulations* (10 C.F.R. § 2.206) to Ivan Selin, Chairman, U.S. Nuclear Regulatory Commission (NRC or staff), requesting that the NRC take action with respect to General Public Utilities Nuclear Corporation (GPUN or Licensee). The Petitioner requested that as soon as possible (preferably within 5 working days) (1) the Federal Emergency Management Agency (FEMA) examine certain alleged transportation-related discrepancies in the Dauphin County Radiological Emergency Response Plan (RERP), and (2) the NRC order GPUN to "power down" Three Mile Island Nuclear Station Unit 1 (TMI-1) and not permit the plant to generate power until the discrepancies are corrected and a valid, workable emergency evacuation plan is in place. Dauphin County is one of five risk counties that lie partially or wholly within the 10-mile plume exposure pathway emergency planning zone (EPZ) for TMI-1.

The Petition alleged a number of deficiencies in the Dauphin County RERP. The Petitioner raised three major areas of concern, as follows:

1. The Dauphin County emergency operations center (EOC) fails to adequately maintain letters of intent for the county's transportation providers.
2. The Dauphin County RERP lists out-of-date names and telephone numbers for the bus providers and lacks after-hours telephone numbers for those providers, and fails to account for approximately 60 of the 450 required buses.
3. The Pennsylvania Emergency Management Agency (PEMA) and the Dauphin County RERPs fail to provide for the use of military vehicles in the event of a radiological emergency.

II. BACKGROUND

Because the concerns raised by the Petitioner relate to state and local emergency response plans, the Staff requested assistance from FEMA in a letter

dated July 22, 1993, in accordance with 10 C.F.R. § 50.47(a)(2), as well as the memorandum of understanding (MOU) between the NRC and FEMA, as updated on June 17, 1993, *see Federal Register* at 58 Fed. Reg. 47,996 (Sept. 14, 1993). FEMA is the federal agency with primary responsibility for offsite emergency planning for nuclear power plants. Exec. Order No. 13,657 (*see* 53 Fed. Reg. 47,513), *reprinted in* 50 U.S.C.A. § 2251, app. at 199 (1988).

By letter dated August 5, 1992, to Mr. Gary, the Staff acknowledged receipt of the Petition and informed the Petitioner of the NRC's request for assistance from FEMA.

Mr. Gary submitted information supplementing the Petition in letters to the NRC dated December 2, 1992, January 15, 1993, February 14, 1993, and October 7, 1993. Mr. Gary also provided supplemental information in a telephone call to the Staff on July 10, 1992, as documented in a letter to Mr. Gary dated October 28, 1992. The Staff forwarded this correspondence to FEMA to consider in evaluating the concerns raised in the Petition.

In two letters to the NRC, one undated letter received on July 18, 1993, and one dated January 6, 1994, the Petitioner submitted additional information supplementing the Petition, which did not require further assistance from FEMA to evaluate, and which has been considered in this Decision.

On February 2, 1994, Mr. Gary made additional requests on behalf of PICA at a public meeting with the NRC Staff.

FEMA Interim Report

By letter dated October 27, 1992, FEMA provided the NRC with an interim report of the actions that FEMA had taken to date in response to the Petition. On September 4, 1992, FEMA Region III Staff met with representatives of PEMA and the Dauphin County Emergency Management Agency to discuss the issues raised by the Petitioner. As a result of the meeting and FEMA's initial review of the Dauphin County plans, FEMA found that:

1. The letters of intent at the Dauphin County emergency operations center were not current. However, in early August 1992, Dauphin County sent out new letters of intent to the county transportation providers for their signatures. FEMA reviewed the content of these letters and determined that they did not include pertinent information on the number and capacity of transportation vehicles available. Amended letters requesting the number and capacity of vehicles were sent to these transportation providers, but these letters had not yet been signed and returned.
2. A review of the Dauphin County RERP indicated that all groups (general and special populations) requiring transportation had been identified and were current as of September 1992. However, there were discrepancies between sections of the Dauphin County RERP that concerned the

number of buses available for general population evacuation. PEMA and Dauphin County were revising the Dauphin County RERP to include more accurate, up-to-date numbers concerning buses.

3. Both the State and Dauphin County RERPs contained provisions for the deployment of the Pennsylvania Army National Guard (PAARNG) to Dauphin County, if necessary, during a radiological emergency. However, FEMA requested further information from PEMA regarding (a) the general type and amount of resources that are available to the county through the PAARNG during such an emergency, and (b) the extent to which PAARNG personnel have been trained and exercised in responding to radiological emergencies.

FEMA informed the NRC that additional time would be required to (1) give PEMA and Dauphin County adequate time to complete the activities that were undertaken to address the Petitioner's concerns, and (2) allow FEMA time to review the plan revisions, signed letters of intent, and other materials to ensure that the Petitioner's concerns had been adequately addressed and alleviated.

By letter dated November 24, 1992, the NRC forwarded FEMA's initial findings to Mr. Gary.

Letter from R. Gary to T. Murley, Director, Office of Nuclear Reactor Regulation, Dated December 2, 1992

By letter dated December 2, 1992, to the NRC, the Petitioner acknowledged receipt of FEMA's interim report and submitted the following additional questions:

- If there is a plan for use of the PAARNG to evacuate people using military trucks, where is it?
- What are the names and telephone numbers of the PAARNG Commanding Officers or Duty Officers who would be called to activate the evacuation trucks? On what page of the Dauphin County RERP can that information be found?
- What military units are tasked with responding to an evacuation need involving those trucks? Are there designated drivers and company commanders? What kind of briefings have these people had? Where is a list of their names?
- Are there any particular military trucks that are designated for the task of evacuating Harrisburg or any other area of Dauphin County?
- Are there routes and staging areas for these trucks? Does deployment of the PAARNG intend an evacuation procedure or a law-and-order-keeping mission?
- What about coordination between the PAARNG and local officials?

Licensee Response

By letter dated December 30, 1992, the Licensee responded to the Petition. GPUN contends that PICA failed to proffer any evidence of a violation of NRC regulations or of a substantial health and safety issue warranting institution of an enforcement proceeding against GPUN. Additionally, GPUN asserts that the relevant issue for the NRC is whether there is reasonable assurance that adequate protective steps can and will be taken in the event of a radiological emergency, not whether continued improvements in offsite emergency planning could be made.

In addition, GPUN contests three of the Petitioner's allegations. GPUN disputes that emergency preparedness in Dauphin County is substandard because of a lack of letters of agreement with transportation providers. GPUN states that three bus companies have participated in biennial emergency preparedness exercises which FEMA has consistently approved, and GPUN submitted "Statements of Understanding" between the Dauphin County Emergency Management Agency and the Capital Area Transit Bus Company, the Hegins Valley Lines, Inc., Bus Company, and the Capitol Bus Company, all executed in September and October 1992. Secondly, GPUN disagrees that the name and telephone numbers of contact personnel at the bus companies must be in the Dauphin County RERP (the plan). GPUN states that the names and telephone numbers of contact personnel are in the implementing procedures, which is the appropriate location, and that the names and telephone numbers are updated quarterly. Thirdly, GPUN contends that although PEMA has the authority to use military vehicles in radiological emergencies, PEMA does not presently contemplate doing so because of the excessive time required to mobilize military vehicles.

Letter from R. Gary to I. Selin, Chairman, U.S. Nuclear Regulatory Commission, Dated January 15, 1993

By letter dated January 15, 1993, to the NRC, the Petitioner provided a "rejoinder" to the Licensee's response to the Petition and expressed the following concerns:

- PICA's position is that scheduled bus drills show only that walkie-talkies work and that people can be directed to go through a choreography when everyone has been notified prior to the drill. These bus drills would not meet military standards.
- Names and phone numbers of emergency response personnel and organizations should be placed in the RERP for ease of reference by responders in an emergency. Placing this information in implementing procedures may take it out of the public domain in which it could be reviewed by public-interest organizations.

- In addition, the Petitioner posed several questions directed at PEMA:
  - Why aren't the letters of intent for private bus companies on file at PEMA where they are supposed to be?
  - What is PEMA doing to supervise the counties and to ensure that they are in compliance with standard procedures for emergency readiness?
  - Why does PEMA feel that its role is confined to communications, coordination, and liaison?
  - Is PEMA in violation of its founding statute which calls for it to:
    (a) backstop the counties,
    (b) build two warehouses and stock them with emergency supplies?
  - What are the names and telephone numbers of current executives at the bus companies and are there any other deficiencies in the county plans that PEMA doesn't know about, and if there are such deficiencies, what steps are being taken to screen these plans for adequacy?
  - Why is Dauphin County 50 school buses short?
  - Why hasn't PEMA aggressively sought more resources from the Pennsylvania General Assembly? Why doesn't PEMA obtain more resources from the General Assembly or the nuclear utility licensees to make distributions to the counties that would be commensurate with their task in the event an evacuation was required?
  - Does the Dauphin County RERP meet the standards in terms of its goal of evacuating those persons within the 10-mile EPZ?
  - Is a 10-mile EPZ reasonable for Three Mile Island, considering that a highly populated area, the City of Harrisburg, is just outside the 10-mile limit and is, therefore, excluded from PEMA's evacuation plans?
  - Are school bus drills, conducted in the middle of workdays when everyone involved has been put on notice ahead of time, adequate tests of emergency preparedness? What standard does PEMA seek to meet its emergency preparedness drills? Are the drills purporting to test the equipment or the emergency responders? If the drills are to test the responders, then they should be unannounced and held at various times of the day and night and, therefore, more closely approximate an actual emergency event.

Letter from R. Gary to I. Selin, Chairman, U.S. Nuclear Regulatory Commission, Dated February 14, 1993

By letter dated February 14, 1993, to the NRC, the Petitioner supplemented his rejoinder of the Licensee's response to the Petition. This supplement included a letter from Stephen R. Reed, Mayor, City of Harrisburg, Pennsylvania, to Mr. Gary, dated February 8, 1993. The following concerns were presented or reiterated in Mr. Gary's and Mayor Reed's letters:

- PEMA should request more funding from the General Assembly, at least $5 million dollars per year, not $500,000, to protect all the citizens in the Commonwealth of Pennsylvania in the event of a radiological emergency.
- It is appropriate to use Department of Defense (DOD) equipment to evacuate people from the EPZ, and from the other 90% of Harrisburg as well.
- Mayor Reed states that the City of Harrisburg "remains of the strong view" that the Dauphin County Emergency Management Plan must include specific details for the use of military vehicles from the New Cumberland Army Depot and Indiantown Gap and vehicles and personnel from Mechanicsburg Ships Parts and Control Center.
- The City of Harrisburg opposes the removal of "critical operational data" from the Dauphin County RERP. The data referred to are the names and phone numbers of emergency response personnel and organizations that appear in the implementing procedures.
- Mayor Reed's position is that the entire City of Harrisburg should be included in the 10-mile EPZ around Three Mile Island.

PEMA's Response

By letter dated July 12, 1993, from Mr. Joseph LaFleur, Director, PEMA, to Mr. Robert Adamcik, Chief, Natural and Technological Hazards Division, FEMA Region III, PEMA provided its response to FEMA regarding the concerns raised in the Petition and supplements to the Petition. PEMA has also engaged in direct dialogue and correspondence with Mr. Gary to answer his questions and concerns. PEMA's response is discussed below in addressing Petitioner's concerns.

Letter from R. Gary to I. Selin, Chairman, U.S. Nuclear Regulatory Commission, Received July 18, 1993 (Undated)

The NRC received a letter from the Petitioner (undated) on July 18, 1993, requesting, "at a minimum, . . . the NRC to take over the investigation and complete it with dispatch" due to the length of time that had expired since

submittal of the original Petition. The Petitioner's request for the NRC and/or independent counsel or commission to conduct an independent investigation of the concerns raised in the Petition was reiterated in letters to the NRC dated October 7, 1993, and January 6, 1994. The Petitioner also made this request during a February 2, 1994 meeting with NRC and FEMA staff.

Letter from R. Gary to I. Selin, Dated October 7, 1993

By letter dated October 7, 1993, to the NRC, the Petitioner reiterated several concerns that had been forwarded to the NRC in previous correspondence. Specifically:

- It makes sense to include the residents of Harrisburg in the 10-mile EPZ around Three Mile Island because they would have to evacuate anyway.
- The use of trains and military trucks from New Cumberland and Indiantown Gap should be fully integrated into the county, state, and federal plans for evacuation of the population around TMI-1.
- Emergency preparedness drills should be conducted on an unscheduled basis.
- The evacuation plan based on school buses and private buses is 50 buses short.

FEMA's Final Report

FEMA issued its final report evaluating the State of Pennsylvania and Dauphin County RERPs on December 16, 1993, in response to the concerns raised in the Petition and the supplements to the Petition. FEMA's December 16, 1993 report is discussed below in addressing the Petitioner's concerns.

Letter from R. Gary to I. Selin, Chairman, U.S. Nuclear Regulatory Commission, Dated January 6, 1994

By letter dated January 6, 1994, to the NRC, the Petitioner commented on FEMA's findings and requested that the comments be considered as a supplement to the Petition. The Petitioner's comments are as follows:

- Military vehicles could be activated much faster than buses and much more reliably. The NRC should obtain a "certificate" from the PAARNG stating that they could not respond in less than 6 hours. The NRC should also confirm that there are no other military forces of any kind that could contribute to an emergency evacuation of Harrisburg. A "certificate" from the Secretary of Defense would be appropriate evidence to indicate that DOD has no forces that could respond in less than 6 hours. A military unit that can respond in 1 hour should be found.
- NRC should determine whether PEMA has complied with Pennsylvania law by stockpiling emergency supplies at Torrence State Hospital and Pike Center, rather than building two warehouses. Lack of funds is not an excuse for PEMA's failure to comply.
- PEMA's conclusion that $500,000 per year is adequate for radiological emergency preparedness for the entire State of Pennsylvania is unjustified. The NRC should determine the needs and resources for emergency preparedness.
- The NRC should investigate PEMA assertions of the availability of emergency supplies at Torrence State Hospital and Pike Center. The NRC should inventory those stockpiles and prepare a "certificate" stating that PEMA is in compliance with Pennsylvania statutory requirements regarding emergency supplies.
- Both PICA and the Mayor of Harrisburg propose that the size of the plume exposure pathway EPZ for Three Mile Island be 20 miles in radius, rather than 10 miles.
- Congress relied on witnesses who promised military standards of preparedness in authorizing the civilian nuclear power program. PEMA's use of unannounced drills only once every 6 years does not meet military standards.
- Although no deficiencies were identified during the May 19, 1993 full-participation exercise for Three Mile Island, it cannot be said that there are no deficiencies in overall emergency preparedness; TMI was cited by the NRC for a delay in staffing of their emergency response facilities during an unauthorized intrusion event on February 7, 1993.

Meeting with Mr. Gary on February 2, 1994

At the request of the Petitioner, the NRC and FEMA held a meeting with the Petitioner on February 2, 1994. This meeting was open to the public and was attended by representatives from GPUN, PEMA, the Nuclear Management and Resources Council, the Union of Concerned Scientists, and the Associated Press. Mr. Gary discussed four concerns at the meeting and stated that he believed that all "other matters raised by PICA are either dependent on these . . . main issues, or they have already been satisfactorily dealt with . . . ." The four issues were:

- Evacuation planning for the City of Harrisburg should be in place. To this end, a contingency planning area (CPA) could be established for Harrisburg that would allow for a layered response if the City would be required to be evacuated.

- Use of military vehicles to evacuate the EPZ and the balance of Harrisburg is an option and should not be rejected without a study on its efficacy.
- The $500,000 per year budget for the state and local radiological emergency preparedness programs is inadequate. The Petitioner believes $5 million to be a more appropriate amount, or an assessment of $1 million per year for each nuclear power facility in the state.
- The RERP for Dauphin County should be limited to 100 pages, tabbed, waterproofed, color-coded, and in large type for ease of use in an emergency. Additionally, the RERP should include the implementing procedures.

Petitioner requested that the NRC perform a *de novo* investigation to resolve these issues. Specifically, Petitioner requested that the NRC should contact the appropriate military authorities and investigate the availability and type of military vehicles and personnel, and military response times. Petitioner also suggested a survey of county executives and mayors to determine the level of funding appropriate to meet their emergency preparedness needs.

III. DISCUSSION

The Commission's regulation governing emergency plans for nuclear power reactor applicants seeking operating licenses states in 10 C.F.R. § 50.47(a)(1) that no operating license for a nuclear power reactor will be issued unless a finding is made by the NRC that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. In accordance with 10 C.F.R. § 50.47(a)(2), the NRC will base its finding, in part, on a review of FEMA's findings and determinations as to whether state and local emergency plans are adequate and whether there is reasonable assurance that they can be implemented. FEMA, in making its determinations, evaluates the state and local plans against the criteria established in NUREG-0654/FEMA-REP-1, Rev. 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (November 1980), in accordance with 44 C.F.R. § 350.5(a).

By memoranda to the NRC, dated June 16, 1981, and September 18, 1981, FEMA provided its interim findings and determinations relating to the status of state and local emergency preparedness around Three Mile Island. FEMA concluded that state and local plans possess an adequate "capability to protect the public in the event of a radiological emergency."

For operating reactors, the conditions of the license are delineated in 10 C.F.R. § 50.54. Concerning emergency planning and preparedness, 10 C.F.R. § 50.54(s)(2)(ii) in part, requires the following:

> If . . . 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 . . . and if the deficiencies . . . are not corrected within four months of that finding, the 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.

In accordance with 10 C.F.R. § 50.54(s)(3), the NRC will base this finding, in part, on a review of FEMA's findings and determinations as to whether state and local emergency plans are adequate and capable of being implemented. In accordance with 44 C.F.R. § 350.13(a), FEMA may withdraw its approval of state or local emergency plans if it finds that the state or local plan is no longer adequate to protect public health and safety by providing reasonable assurance that appropriate protective measures can be taken, or is no longer capable of being implemented. The basis for FEMA's withdrawal of approval is the same basis used for making its initial determinations, i.e., the criteria in NUREG-0654/FEMA-REP-1. Subsequent to its interim findings of June and September 1981, FEMA has continued to confirm, through exercise observations and plan reviews, its reasonable assurance finding for the offsite emergency plans and preparedness around Three Mile Island.

A. The July 10, 1992 Petition

Summarized below for each of the three major areas of concern raised in the original Petition is NRC's evaluation of those concerns, based upon FEMA's final report dated December 16, 1993, and PEMA's response to FEMA in a letter dated July 12, 1993.

1. *The Dauphin County EOC failed to maintain letters of intent for the county's transportation providers.*

PEMA has begun to place more emphasis on such documentation and to obtain letters of intent, in the form of statements of understanding (SOUs), from their resource providers. PEMA provided FEMA with SOUs dated September 1992 and October 1992 between Dauphin County and the three bus transportation providers. FEMA finds that these SOUs meet the requirement of demonstrating the provider's intent to respond to emergencies.

In subsequent correspondence the Petitioner questioned why these SOUs were not on file at PEMA. In a letter to Mr. Gary, dated July 15, 1992, PEMA answered this by stating that the SOUs are negotiated and maintained by the

cognizant risk county where the resources are to be used. There is no federal requirement to maintain copies of agreements between local governmental jurisdictions and private resource providers at the state level. Accordingly, Petitioner has neither raised a substantial safety concern, nor demonstrated that the RERP fails to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

2. *The Dauphin County RERP lists out-of-date names and telephone numbers for the bus providers, lacks after-hours telephone numbers for those providers, and does not account for some buses required by the RERP.*

The Dauphin County RERP has been revised as of February 1993. Contact names and telephone numbers for bus providers have been updated. Because telephone numbers are not needed or intended to be shown in the Dauphin County RERP, PEMA moved them to the standard operating procedures (SOPs) for the applicable county staff personnel.

FEMA Region III staff telephoned the three bus providers listed for Dauphin County and verified the names and telephone numbers of the contacts, including the phone numbers for off-hours. The FEMA Region III staff subsequently reviewed this information in the SOPs and verified its accuracy. In addition, during the May 1993 exercise, FEMA observed the Dauphin County transportation staff make actual telephone calls to the three bus companies. The FEMA staff ascertained the number of buses available from these companies and notified the municipalities that their unmet needs would be met. According to the plan, 56 buses would be needed to fill the municipalities' unmet needs, in addition to the 96 buses already available from county resources. PEMA was apprised of the county's unmet need of 56 buses and demonstrated that 56 buses could be supplied from state resources.

In subsequent correspondence the Petitioner questioned the removal of contact names and phone numbers from the Dauphin County RERP and their relocation into the SOPs; thus, according to the Petitioner, taking them out of the public domain. The Petitioner also presented a letter from Mayor Reed of Harrisburg supporting the position that this type of information should remain in the RERP.

The Dauphin County RERP is intended to provide a broad perspective of its objectives and of the organization's concept of operations, including a description of the emergency response organization, facilities, responsibilities and authorities, and interorganizational relationships. It is not intended to contain details that are subject to change, such as names, phone numbers, step-by-step procedures, etc. These details are maintained in procedures (SOPs) that are used by specific response organization personnel to implement the plan objectives. Therefore, it is reasonable and appropriate to place information such as names and phone numbers in the applicable SOPs.

Petitioner has not raised a substantial safety concern or demonstrated that the RERP fails to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

3. *The PEMA and the Dauphin County RERPs fail to provide for the use of military vehicles for evacuation in the event of a radiological emergency.*

In a letter to Mr. Gary dated September 23, 1992, Stephen R. Reed, Mayor of Harrisburg, Pennsylvania, supported the "view that military vehicles, of which there are plenty in the immediate Harrisburg area, be a part of the Dauphin County Plan." In subsequent correspondence with the NRC, the Petitioner submits that military trucks could also be used to evacuate the balance of Harrisburg that is outside the established 10-mile EPZ.

PEMA states in its letter dated July 12, 1993, that Pennsylvania's emergency response plans do not rely upon military vehicles for the initial response during an emergency, because to do so would be more time-consuming than the process currently outlined in emergency response plans. Rather, the PAARNG will support counties on a contingency basis for radiological and other emergencies. The PAARNG provides a battalion to assist each risk and support county. Dauphin County is actually supported by one primary battalion with backup, as necessary, by a second specified battalion. The units are directed to forward assembly areas (to be determined 2 hours after notification). Each battalion takes approximately 6 hours to assemble and be prepared to move from their armories. The specific tasks of each battalion will be determined when the units become available and the needs of the county emergency management agency are solidified in light of the events as they unfold. The PAARNG is equipped with combat, combat support, combat service support vehicles, and aircraft that do not lend themselves to the safe and orderly movement of civilians. According to PEMA, the depots referenced by the Petitioner and Mayor Reed do not have assigned to them Table of Organization and Equipment truck companies. Instead, they rely primarily on commercial trucking companies and, occasionally, U.S. Army Reserve truck companies using flatbed trailers. Therefore, PEMA does not plan to utilize National Guard trucks to evacuate civilians. Moreover, PEMA states that it has identified sufficient civilian bus assets to evacuate that portion of the population that may not have a method of personal transportation.

The NRC has no requirements that specify the precise means and methods to be used in carrying out prompt protective actions for the public, including evacuation, in the event of a radiological emergency. The choice of such means and methods is at the discretion of the cognizant state and local authorities. Once such means and methods have been selected and proceduralized, FEMA will review and evaluate their adequacy. FEMA's evaluation of the state and local plans is based upon the criteria established in NUREG-0654/FEMA-REP-1, in accordance with 44 C.F.R. § 350.5. FEMA has evaluated the offsite

emergency plans for the 10-mile EPZ surrounding Three Mile Island Nuclear Station, including the provisions for evacuating the EPZ, and found them to be adequate. Accordingly, Petitioner has failed to raise a substantial safety concern or to provide evidence that offsite emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

B. Additional Questions Raised by Mr. Gary

As discussed in Section II, *supra*, Mr. Gary supplemented the July 10, 1992 Petition in subsequent correspondence to the NRC. The NRC forwarded this supplemental information to FEMA for its consideration in reviewing Mr. Gary's concerns. FEMA provided its response in a report to the NRC, dated December 16, 1993.

1. *Why is Dauphin County 50 school buses short and what does this mean for the affected residents?*

The February 1993 Dauphin County plan reflects an overall unmet need for 56 buses. The county plan states that unmet county needs will be reported to PEMA. The state plan requires the Pennsylvania Department of Transportation to develop and maintain an inventory of statewide transportation assets for use in evacuating risk counties. PEMA states that information about transportation providers is maintained in computerized data banks at the state EOC and that procedures for meeting the unmet county needs are part of the state and county SOPs. During the May 19, 1993 biennial radiological emergency preparedness (REP) exercise, FEMA observed that the procedures for reporting and meeting the unmet county transportation needs for Dauphin County were successfully exercised. Accordingly, Petitioner has neither raised a substantial safety concern, nor demonstrated that the RERP fails to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

2. *What are the telephone numbers of the PAARNG commanding officer and/or duty officers who would be called to activate the evacuation trucks? Where in the Dauphin County RERP can this information be found? Which military units are tasked with supplying vehicles for evacuation? Are designated drivers and company commanders designated by name? What type of briefings have these personnel received? Have specific trucks been designated for use in evacuating Harrisburg or other Dauphin County jurisdictions? Have staging area locations and evacuation routes for these trucks been delineated on Dauphin County maps?*

PEMA concluded that since Pennsylvania plans rely entirely upon civilian vehicles for evacuation in the event of a radiological emergency, and military vehicles are only used if the PAARNG has been activated and evacuation assistance is specifically requested, it is not necessary for the Dauphin County plan to include this type of information. FEMA agrees.

With concern to training, PEMA concluded that due to the PAARNG's limited mission in radiological emergency response, their full training schedule, and turnover rate, PAARNG personnel need not receive "civilian radiological" training beyond that provided in their Army annual training program. FEMA agrees. This training satisfies NRC requirements for radiological emergency response training of personnel who may be called upon to assist in an emergency. *See* 10 C.F.R. § 50.47(b)(15).

Accordingly, Petitioner has not raised a substantial safety concern or demonstrated that there is a lack of reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

3. *Has a mechanism been set up to coordinate the activation and use of the PAARNG with local officials?*

FEMA's review of the state plan identified two different procedures to be followed when a county requests PAARNG's assistance; however, the plan fails to clearly identify the circumstances for triggering each procedure. In addition, the Dauphin County plan does not reference a specific procedure to be followed by the County when requesting PAARNG assistance. The state plan calls for a Department of Military Affairs (DMA) representative to be dispatched to each of the risk counties to coordinate requests for PAARNG assistance. However, the Dauphin County plan does not reiterate this requirement. Instead, the County plan specifies that, after PAARNG activation, the PAARNG will send liaison personnel to the County EOC. FEMA concluded that the Dauphin County RERP should be revised to specify greater detail regarding county requests for PAARNG assistance and PAARNG response.

While FEMA continues to work with PEMA in resolving this issue, FEMA has concluded that the state and county plans are adequate and continue to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

In view of the above, the NRC Staff concludes that the state and county plans make adequate provision for coordinating with the PAARNG, and provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

4. *Are there any maps that indicate that the PAARNG will be activated for evacuation purposes, rather than for peace-keeping purposes?*

FEMA reports that Appendix 8 of the February 1993 Dauphin County plan states that the PAARNG, once activated, will provide direct support to Dauphin County by performing a variety of radiological emergency response missions as a supplement to the County's resources. Most of these missions, such as traffic control, emergency transportation, emergency fuel on evacuation routes, and emergency clearing of roads, are evacuation-related, not peace-keeping, missions. A specific PAARNG battalion is assigned to Dauphin County for these potential missions.

5. *What is PEMA doing to supervise the counties and to ensure that they are in compliance with standard procedures for emergency readiness? Is PEMA in violation of its founding statute (Title 35, Pennsylvania Consolidated Statutes, § 101) which calls for PEMA to backstop the counties and build two warehouses and stock them with emergency supplies?*

PEMA's letter dated July 12, 1993, states that during an October 2, 1992 meeting attended by Mr. Gary, Senator Schumaker of the Pennsylvania General Assembly, Commissioner Scheaffer (Chairman of the Dauphin County Board of Commissioners), and Mr. Joseph LaFleur, (Director of PEMA), the level of supervision by PEMA of the counties, and PEMA's actions to provide supplies and equipment to the counties during emergencies, were discussed with Mr. Gary.

In a letter to Mr. Gary, dated July 15, 1992, PEMA's General Counsel stated that the legislature had not allocated funds for the construction and stockpiling of two regional warehouses, and that such expensive facilities would be ill-advised because PEMA has adequate stockpiles of emergency supplies at other departmental facilities located at Torrence State Hospital and Pike Center. Although Petitioner requested that the NRC examine stockpiles at Torrence State Hospital and Pike Center, Petitioner presented no evidence to question the validity of PEMA's conclusion regarding the adequacy of those stockpiles. Accordingly, Petitioner's request for an NRC audit of emergency stockpiles at Torrence State Hospital and Pike Center is denied. The NRC requires that emergency response plans provide for maintenance of adequate emergency equipment and supplies. *See* 10 C.F.R. § 50.47(b)(8). Based upon FEMA's review of emergency stockpiles maintained by Dauphin County and the Commonwealth of Pennsylvania, the NRC Staff concludes that the offsite emergency response plans for TMI-1 are in compliance with section 50.47(b)(8), and that offsite emergency plans and preparedness for TMI-1 provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

In regard to Petitioner's concern as to whether PEMA is in compliance with Pennsylvania State law, the NRC and FEMA do not make determinations of

compliance by state and local emergency response plans with state requirements. This is a matter Petitioner must raise with appropriate state authorities.

6. *Are there deficiencies in the county plans, similar to the failure to maintain current information on bus company contacts, that PEMA does not know about? If there might be such deficiencies, what steps are being taken to review these plans for adequacy?*

As a result of the Petitioner's inquiries, FEMA reviewed the February 1993 Dauphin County plan and identified some omissions and discrepancies with respect to the plan's transportation and ambulance resource numbers. However, given the nature of emergency plans as living documents that are continuously being revised and updated, FEMA concluded that these discrepancies do not adversely impact the adequacy of the county plan.

PEMA explained the cycle of plan reviews and updates to Mr. Gary at the October 2, 1992 meeting. FEMA also reviews annual plan revisions to identify areas of required and recommended plan improvements. In addition, FEMA will thoroughly review all the plans related to TMI-1, including the Dauphin County RERP, when they are submitted to FEMA for formal plan review and administrative approval under 44 C.F.R. Part 350.

7. *In order to assist the counties in planning for and executing evacuation logistics, why does PEMA not obtain more resources from the General Assembly or nuclear licensees and make distributions of these resources to the counties?*

At the October 2, 1992, meeting, the Director of PEMA explained to Mr. Gary that there is insufficient justification from the counties to ask the utility ratepayers to assume the cost of the total $5 million annual expenditure advocated by Mr. Gary to support county radiological emergency response activities. Senator Schumaker of the Pennsylvania General Assembly, also in attendance at the meeting, stated that he would not place such a burden on the ratepayers due to the state's economic situation.

Mr. Gary, in subsequent correspondence with the NRC, and at the February 2, 1994 meeting with representatives of the NRC and FEMA, reaffirmed his claim that additional monies to support offsite emergency planning are necessary. During the February 2, 1994 meeting, the Petitioner proposed that the NRC require that GPUN remit $1 million per year to the Commonwealth of Pennsylvania to be earmarked for emergency planning around TMI-1. The Petitioner requested that in the alternative the NRC federalize the collection and distribution of these funds.

The NRC has no requirements concerning the size and allocation of budgets for offsite emergency response organizations. Since FEMA has evaluated offsite planning and preparedness for TMI-1 and concluded that they are adequate, there is no basis under NRC regulations to address the funding of state and local

radiological emergency preparedness programs. Moreover, the Petitioner has not presented any information to demonstrate that current funding is inadequate. Accordingly, Petitioner's request for NRC action to require additional funding through the Commonwealth of Pennsylvania's statutory mechanism or a federal scheme is denied.

8. *Is a strictly delineated 10-mile emergency planning zone (EPZ) reasonable for Three Mile Island, considering that a highly populated area, the capital city of Harrisburg, is just outside the 10-mile limit?*

In PEMA's letter dated July 12, 1993, PEMA states that the 10-mile EPZ for TMI-1 is based upon NRC and EPA studies in NUREG-0396, "Planning Basis for the Development of state and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," December 1978. When evacuation is called for, the Commonwealth of Pennsylvania will direct the immediate evacuation of the entire 10-mile EPZ. PEMA also states that the emergency response organization within 10 miles of TMI-1 can be expanded beyond 10 miles if conditions warrant. FEMA is in agreement with PEMA's interpretation of the requirements governing the size of the 10-mile EPZ.

In a letter from Stephen R. Reed, Mayor of Harrisburg, to Mr. Gary, dated February 8, 1993, Mayor Reed agreed with Mr. Gary's concern that the City of Harrisburg should be included in evacuation plans for TMI-1. To this end the Mayor noted that although the city is not "officially recognized" as part of the 10-mile EPZ, the city has identified, and would be able to mobilize, sufficient resources to support evacuation of both Harrisburg's portion of the 10-mile EPZ and the contiguous areas of Harrisburg to the north.

In the February 2, 1994 meeting, Mr. Gary suggested that a "contingency planning area" could be established for the City of Harrisburg to provide for a preplanned layered response that would not require rulemaking for an expansion of the established EPZ around TMI-1. Mr. Gary did not explain how a contingency planning area differs from expansion of the 10-mile EPZ, nor is any difference apparent.

The size of the EPZ for a commercial nuclear power plant is established by the NRC in 10 C.F.R. § 50.33(g) and Appendix E to 10 C.F.R. Part 50. The choice of the size of the EPZs (about 10 miles in radius for the plume exposure pathway and about 50 miles in radius for the ingestion pathway), as discussed in NUREG-0396, represents a judgment that a 10-mile EPZ provides sufficiently detailed planning that must be performed to ensure an adequate emergency response. In a particular emergency, protective actions might well be restricted to a small part of the planning zones. On the other hand, the response measures established for the 10-mile and 50-mile EPZs can and will be expanded if the conditions of a particular accident warrant it. Although an

EPZ is generally circular in shape, the actual shape is established based on local factors such as demography, topography, access routes, and governmental jurisdictional boundaries.

The Commission reaffirmed the reasonableness of the 10-mile EPZ in 1989. The Commission stated:

> Implicit in the concept of "adequate protective measures" is the fact that emergency planning will not eliminate, in every conceivable accident, the possibility of serious harm to the public. Emergency planning can, however, be expected to reduce any public harm in the event of a serious but highly unlikely accident. Given these circumstances, it is entirely reasonable and appropriate for the Commission to hold that the rule precludes adjustments on safety grounds to the size of an EPZ that is "about 10 miles in radius." In the Commission's view, the proper interpretation of the rule would call for adjustment to the exact size of the EPZ on the basis of such straightforward administrative considerations as avoiding EPZ boundaries that run through the middle of schools or hospitals, or that arbitrarily carve out small portions of governmental jurisdictions. The goal is merely planning simplicity and avoidance of ambiguity as to the location of the boundaries.

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-87-12, 26 NRC 383, 384-85 (1987).

The 10-mile EPZ for the TMI-1 facility has been determined to satisfy NRC requirements. *Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit 1), LBP-81-59, 14 NRC 1211, 1553-69 (1981), *aff'd*, ALAB-697, 16 NRC 1265 (1982), *aff'd*, CLI-83-22, 18 NRC 299 (1983). Moreover, the City of Harrisburg, Pennsylvania, filed a petition under 10 C.F.R. § 2.206 on May 30, 1984, to include the city in evacuation plans for TMI-1. The Director's Decision in response to that petition concluded that "the currently configured plume exposure pathway EPZ is in conformance with emergency planning requirements and is adequate to provide a basis for emergency response efforts including evacuation in the event of an emergency at the TMI-1 facility," and denied the request to include the City of Harrisburg in the 10-mile EPZ. *Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit 1), DD-84-18, 20 NRC 243 (1984). Petitioner has presented no information to justify disturbing these decisions.

9. *What standard does PEMA seek to meet in its emergency preparedness drills? Are the drills purporting to test the equipment or the emergency responders? If the drills are to test the responders, then they should be unannounced and held at various times of the day and night and, therefore, more closely approximate an actual event.*

FEMA-REP-14, "Radiological Emergency Preparedness Exercise Manual," and FEMA-REP-15, "Radiological Emergency Preparedness Exercise Evaluation Methodology," outline the standards that should be met by state and local emergency response organizations, including PEMA, during full-scale emer-

gency preparedness exercises. Those standards apply to personnel and equipment.

During an October 2, 1992 meeting, PEMA explained to Mr. Gary that, due to funding limitations, the state relies heavily on volunteers to staff the county and municipal EOCs, and schedules the biennial REP exercises in the late afternoon to accommodate these volunteers. Although the volunteers would be willing to respond to an actual emergency at any time, they cannot afford to leave their regularly scheduled work activities for an exercise. In its July 12, 1993 letter to FEMA Region III, PEMA states that military standards, as suggested by the Petitioner, cannot be applied to a civilian system that relies to any significant degree on volunteers. FEMA agrees with the reasonableness of PEMA's position and notes that under FEMA-REP-14, all offsite response organizations are required to demonstrate their emergency response capabilities in an unannounced mode and in an off-hours mode once every 6 years through an unannounced and off-hours exercise or drill. TMI-1 last conducted an unannounced, off-hours exercise with state and local participation on June 26, 1991.

Petitioner has presented no evidence to contradict FEMA's conclusion that the scheduled biennial REP exercise and the unannounced drill or exercise every 6 years are adequate and provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC Staff concludes that the Petitioner has presented no evidence that the standard of 10 C.F.R. § 50.47(b)(14) is not being met. Accordingly, Petitioner has not demonstrated any substantial safety concern.

10. *PICA requests an inquiry to DOD about the use of military vehicles. Is it possible? What would be the response time? How many people could be moved? What other services could be provided?*

The DOD is a participating agency in the Federal Radiological Emergency Response Plan (FRERP). The FRERP was developed by FEMA and eleven other federal agencies, including DOD, pursuant to Executive Order 12241, for use in responding to peacetime radiological emergencies. The FRERP outlines the federal government's concept of operations and responsibilities for providing assistance to state and local governments with jurisdiction in an emergency. Under the FRERP, DOD will provide assistance in accordance with DOD policies subject to essential operational requirements. DOD may provide assistance in the form of manpower, logistics, and telecommunications, including airlift services. However, DOD is not intended to be a first responder and, therefore, would not be called upon for such immediate protective measures as evacuation of the 10-mile EPZ. Further information on the FRERP is provided at 50 Fed. Reg. 46,559 (Nov. 8, 1985). Petitioner has presented no evidence

to justify disturbing this multiagency federal scheme for emergency response. (*See also* Section III.A.3, *supra.*)

11. *The population numbers in the Dauphin County plan do not reflect current (1990 census data) population figures.*

The Dauphin County plan was updated with 1990 census data in February 1993.

12. *Evacuation time estimates have not been revised since the early 1980s.*

Revised evacuation time estimates, based upon 1990 census data, were recently completed by a contractor to the Licensee and have been approved by PEMA. The new evacuation time estimates will be incorporated in the 1994 update of the TMI-1 plans and procedures.

13. *It is misleading to cite the success of the May 19, 1993 exercise and conclude that the plant is in great shape. TMI was given a violation based on taking too long to mobilize its emergency response organization during a security event in early 1993.*

A notice of violation was issued to the Licensee following the security event of February 7, 1993, specifically relating to onsite planning and preparedness, and is unrelated to the issues raised by the Petitioner concerning offsite emergency preparedness. The violation does not in any way demonstrate any inadequacy in offsite emergency preparedness. Additionally, the Severity Level III violation was issued to the Licensee due to a delay in staffing of its emergency response facilities, and the violation was self-identified by the Licensee, and prompt corrective actions were taken. The NRC did not conclude, as a result of this enforcement action, that the Licensee's onsite emergency response plans were inadequate.

14. *Petitioner requested an independent investigation of Petitioner's concerns by the NRC Staff, or an independent commission, rather than reliance upon FEMA.*

NRC regulations require that the NRC will base its finding of whether offsite emergency planning and preparedness provide reasonable assurance that adequate protective measure can and will be taken in the event of a radiological emergency upon a review of the FEMA findings concerning offsite emergency planning and preparedness. *See* 10 C.F.R. § 50.47(a)(2) and 10 C.F.R. § 50.54(s)(3). Moreover, although Petitioner has claimed in various submissions that FEMA is either biased or unable to conduct an adequate review, Petitioner has presented no evidence to warrant such a conclusion. Accordingly, Petitioner's request for an investigation by some entity other than FEMA is denied. The NRC, however, is not precluded from considering information in

addition to the FEMA review, before reaching a decision regarding the adequacy of offsite emergency planning and preparedness for TMI-1, and the NRC has considered the additional information submitted by Petitioner.

15. *Petitioner requested that the NRC require that the RERP for Dauphin County be limited to 100 pages, tabbed, waterproofed, color-coded, and in large type for ease of use in an emergency. Additionally, Petitioner requested that the RERP should physically include all implementing procedures and that implementing procedures should be publicly available.*

There are no NRC requirements concerning the size, organization, typeface, tabbing, or impermeability of offsite emergency response plans. Nor are there any requirements concerning physical organization of implementing procedures for offsite emergency response plans.

The RERP is a publicly available document providing a broad overview of the emergency response organization's concept of operations. The implementing procedures provide detailed instructions to emergency response personnel who need not and do not use the publicly available RERP. Accordingly, there is no reason to require offsite emergency response organizations to maintain the RERP and implementing procedures together physically. Additionally, NRC regulations require that the Licensee submit the emergency response plans of cognizant state and local entities. *See* 10 C.F.R. § 50.33(g). There is no NRC requirement to submit implementing procedures for offsite emergency plans or to make them publicly available. Accordingly, Petitioner's requests are denied.

FEMA's Findings and Conclusions

Recognizing that (1) RERPs are dynamic, living documents that are always being changed and updated through the annual review process to reflect changes in the EPZ, emergency management policies, and organizational relationships, and (2) PEMA is actively engaged in the development and refinement of RERPs for all of its sites in compliance with established FEMA/NRC planning standards, FEMA reports that the offsite emergency planning issues raised by Mr. Gary are being satisfactorily addressed. FEMA concluded in its report, dated December 16, 1993, that "the offsite radiological emergency response plans and preparedness for TMI-1 are adequate to provide reasonable assurance that appropriate measures can be taken offsite to protect the public health and safety." FEMA based its conclusion on the following factors:

1. PEMA's continuing efforts in the development, revision, and refinement of the RERPs for TMI-1,
2. FEMA's review of the concerns identified in the 10 C.F.R. § 2.206 Petition, related correspondence, and PEMA's response to those concerns, and

3. the results of the May 19, 1993, TMI-1 exercise in which FEMA did not identify any deficiencies but did identify some areas recommended for improvement, areas requiring corrective action, and planning issues that were unrelated to the concerns raised by the Petition. The Commonwealth of Pennsylvania received a copy of the FEMA draft report for the May 19, 1993, exercise and responded to the inadequacies identified in the report. FEMA Region III staff will monitor the state and local governments' correction of all exercise inadequacies.

Petitioner has presented no evidence to prevent the NRC from concluding, as did FEMA, that the offsite emergency response plans and preparedness for TMI-1 provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

IV. CONCLUSION

The institution of proceedings pursuant to 10 C.F.R. § 2.202 is appropriate only if substantial health and safety issues have been raised. *See Consolidated Edison Co. of New York* (Indian Point Units 1, 2, and 3), CLI-75-8, 2 NRC 173, 175 (1975), and *Washington Public Power Supply System* (WPPSS Nuclear Project No. 2), DD-84-7, 19 NRC 899, 924 (1984). This is the standard that has been applied to the concerns raised by the Petitioner to determine whether the action requested by the Petitioner, or other enforcement action, is warranted.

FEMA, as the federal agency primarily responsible for oversight of offsite emergency planning for nuclear power plants, has evaluated the concerns raised by the Petitioner and concluded, for the reasons discussed above, that the emergency response plans for the Commonwealth of Pennsylvania and Dauphin County continue to be adequate and that there is reasonable assurance that adequate protective measures can and will be taken offsite in the event of a radiological emergency at TMI-1.

Based upon the above, the NRC Staff concludes that Petitioner has not raised any substantial health or safety concern. After review of FEMA's findings and conclusions and the material submitted by the Petitioner, the NRC Staff also concludes that there is reasonable assurance that adequate offsite protective measures can and will be taken to protect the health and safety of the public in the event of a radiological emergency at TMI-1. Accordingly, based on the above, Petitioner's requests for an independent *de novo* investigation of Petitioner's concerns, for a shutdown of TMI-1, for the inclusion of the City of Harrisburg in the 10-mile EPZ or its addition to the 10-mile EPZ as a contingency planning area, for NRC action to require $5 million annual expenditure for radiological emergency preparedness in the Commonwealth of Pennsylvania or to determine the needs and resources of the Commonwealth regarding emergency planning,

for NRC to impose specifications upon the physical characteristics and length of the Dauphin County RERP, and for inclusion of implementing procedures in the publicly available RERP are denied.

A copy of this Decision will be filed with the Secretary for the Commission to review as provided in 10 C.F.R. § 2.206(c). The Decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision in that time.

FOR THE NUCLEAR
REGULATORY COMMISSION

William T. Russell, Director
Office of Nuclear Reactor
Regulation

Dated at Rockville, Maryland,
this 31st day of March 1994.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Ivan Selin, Chairman
Kenneth C. Rogers
Forrest J. Remick
E. Gail de Planque

In the Matter of **Docket No. 40-08027-MLA (Source Material License No. SUB-1010)**

SEQUOYAH FUELS CORPORATION **April 1, 1994**

The Commission grants the Native Americans for a Clean Environment and Cherokee Nation's petition for review of the presiding officer's order, LBP-93-25, 38 NRC 304 (1993), which allowed the Sequoyah Fuels Corporation to withdraw its license renewal application and terminated the proceeding. The Commission sets the issues and a schedule for review.

ORDER

The Native Americans for a Clean Environment and the Cherokee Nation (Petitioners) have filed a petition before the Commission, pursuant to 10 C.F.R. § 2.786(b), for review of the presiding officer's Memorandum and Order, LBP-93-25, which allowed the Sequoyah Fuels Corporation (SFC) to withdraw its license renewal application and terminated the proceeding. 38 NRC 304 (1993). The NRC Staff and SFC oppose Commission review. The Petitioners also have filed a motion for leave to reply to the NRC Staff's and SFC's responses to the petition for review.

Federal Emergency Management Agency
Region II
26 Federal Plaza, Room 1337
New York, NY 10278-0002

R2-PT

MAR 8 1995

Anthony J. Germano
Director
New York State Emergency Management Office
Disaster Preparedness Commission
Public Security Building #22
State Campus
Albany, New York 12226-5000

Dear Mr. Germano:

Thank you for your letter of February 23, 1995 with its positive feedback regarding the results of the Indian Point 350 approval process meeting held in Kansas City, Missouri. You may be interested to know that both the FEMA National and Regional Office staff view the meeting as most successful.

Your representation of the results of the meeting are very accurate. Let me briefly update you on the current status of events.

1. Letters Of Agreements (LOAs): FEMA National concurs that PR-1 certification is adequate to verify expiration of LOAs. It is assumed that, unless otherwise stated, the LOAs are in effect.

2. Immediate General Emergency Classification: By nature, a "fast breaking scenario" leaves little lead time for responding. Therefore, coordination could take place prior to the implementation of offsite protective actions (i.e. evacuation) for the general public. In this respect, it is acceptable to implement protective actions as soon as coordination has taken place with the four Chief Elected Officials of the impacted counties.

3. Emergency Broadcast System (EBS) Message Content: You are correct in your understanding of the agreed upon procedures for providing emergency information to the public. FEMA has historically accepted supplemental means of providing "implementing information" to the public. These include news releases and press briefings. It is our understanding that these methods comply with FEMA guidance.

   As you may know, the entire EBS program is being reviewed in the National Office, so it is possible that further guidance on implementation may be provided at a later date.

4. The points of contact for the Indian Point 350 approval process are Ms. Susan O'Neill in this office and Mr. Craig Fiore at the National Office. Both Ms. O'Neill and Mr. Fiore are willing to offer any assistance you may need in preparing your final response package submission.

Again, thank you for your letter and its spirit of partnership.

Sincerely,

Dr. Rita Meyninger

Dr. Rita Meyninger
Regional Director

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1238-DR]

Wisconsin; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Wisconsin, (FEMA-1238-DR), dated August 12, 1998, and related determinations.

EFFECTIVE DATE: August 25, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Wisconsin, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 12, 1998.

Racine County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98-24162 Filed 9-8-98; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Flood Insurance Program; Call for Issues

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice with request for comments.

SUMMARY: FEMA's Federal Insurance Administration (FIA) and Mitigation Directorate (MT) give notice inviting the public to recommend how the National Flood Insurance Program (NFIP) may be made more effective.

DATES: Comments should be submitted by November 9, 1998.

ADDRESSES: Please submit your comments in the requested format to: National Flood Insurance Program, Call for Issues Project, Federal Emergency Management Agency, 500 C Street SW., room 430, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: H. Joseph Coughlin, Jr., Assistant to the Federal Insurance Administrator, the Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, (202) 646-3449, or Michael Robinson, Program Specialist, Program Assessment and Outreach Division, the Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2716.

SUPPLEMENTARY INFORMATION: FEMA is providing an opportunity to partners and customers of the NFIP to provide input on how to improve the effectiveness of the program through a "call for issues." Comments may focus on but are not limited to: the NFIP's laws, its regulations, and its policies; the language of the Standard Flood Insurance Policy; the flood insurance manual; the NFIP's procedures or forms; flood hazard mapping guidelines, specifications, or procedures; the NFIP's floodplain management requirements, policies, and technical guidance; and marketing, training, and public information efforts. FEMA will also consider any recommendations on reinventing the NFIP through innovative approaches.

Anyone wishing FEMA to consider recommendations to improve the NFIP's effectiveness should use the following format:

Issue: Briefly state the nature of the issue, concern, or problem.

Description: Identify the specific program reference, that is, where the issue is found in statute, regulations, insurance manuals, insurance policy, form, procedure, etc. Cite any applicable references to section, sub-section, page, paragraph number, line, etc. Explain also why the issue is a problem for NFIP's customers and why it should be changed.

Suggestion: Offer a specific suggestion on how the issue may be addressed. Include specific language changes, where appropriate, and where such changes should be made. Explain also the benefits to the NFIP's customers.

FEMA will evaluate each submission on its costs and benefits, the overall impact on the NFIP, service to its policyholders, and ease of adoption. FEMA's decisions will be reflected in a report to be published in the third quarter of fiscal year 1999.

Dated: August 31, 1998.

Jo Ann Howard,

Administrator, Federal Insurance Administration.

Michael J. Armstrong,

Associate Director, Mitigation Directorate.

[FR Doc. 98-24160 Filed 9-8-98; 8:45 am]

BILLING CODE 6718-03-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Publication of Radiological Emergency Preparedness (REP) Program Strategic Review Draft Final Recommendations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice with request for comments.

SUMMARY: In June 1996, FEMA initiated a Strategic Review of the REP Program in order to improve, streamline, and enhance the efficiency and effectiveness of the Program. A Strategic Review Steering Committee (SRSC) guided the Review, developed four concept papers based on stakeholder suggestions, and held a series of stakeholder meetings across the country. The SRSC submitted one concept paper to the FEMA and NRC Offices of General Counsel for further review and consolidated the remaining three concept papers into this document.

DATES: We invite your comments on these proposed recommendations. Please submit any comments on or before October 26, 1998.

ADDRESSES: Please address your comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, room 840, 500 C Street SW., Washington, DC 20472; (telefax) (202) 646-4536, or (email) *rules@fema.gov.*

FOR FURTHER INFORMATION CONTACT: Vanessa E. Quinn, Acting Chief, State and Local Regulatory Evaluation and Assessment Branch, Exercises Division, Preparedness, Training, and Exercises Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3664, or (email) *vanessa.quinn@fema.gov.*

SUPPLEMENTARY INFORMATION:

Radiological Emergency Preparedness Program Strategic Review Steering Committee Draft Final Recommendations

The Director of the Federal Emergency Management Agency (FEMA) established the independent Strategic Review Steering Committee (SRSC) in June 1996. Steering

Committee members were drawn from both FEMA and the Nuclear Regulatory Commission (NRC). The purpose of the SRSC was to solicit comments from stakeholders of the Radiological Emergency Preparedness (REP) Program, to consider ways to streamline the program, and to develop recommendations.

The SRSC has developed the following preliminary recommendations and will continue to refine them in light of additional comments. In making the SRSC draft recommendations public, FEMA invites further comment. It should be noted that neither FEMA nor the NRC has formally reviewed, endorsed, or adopted any of the recommendations in their present form. The final recommendations will undergo the appropriate FEMA and NRC review processes. The draft final recommendations follow.

Executive Summary

REP Program: Establishment and Activities

The REP Program was established as a consequence of the March 1979 accident at the Three Mile Island nuclear power plant. In December 1979, the lead Federal role for offsite radiological emergency activities pertaining to U.S. commercial nuclear power plants was transferred from the NRC to FEMA. Subsequent actions initiated by Congress, the NRC, and FEMA established the legal and regulatory foundation for a joint NRC/FEMA REP Program.

Under its REP Program, FEMA:

- Reviews and approves State and local government plans for preparing for and responding to a commercial nuclear power plant incident.
- Evaluates State and local biennial exercises of these plans. A joint NRC/FEMA document, NUREG-0654/FEMA-REP-1, Revision 1, contains the 16 Planning Standards used by FEMA in reviewing plans and evaluating exercises.
- Provides findings to the NRC with respect to the adequacy of State and local plans, as measured against the 16 Planning Standards, that there is "reasonable assurance" that these plans can be implemented. Reasonable assurance is defined as assurance that the health and safety of the public living in the vicinity of a commercial nuclear power plant can be protected in the event of an incident at the nuclear power plant. Currently, FEMA's confirmation of the adequacy of emergency preparedness at each site is primarily based on the results of the evaluated biennial exercises.
- Conducts training courses pertaining to the evaluation of State and local government radiological emergency planning and preparedness.
- Reviews and approves State and local government systems for the alert and notification of the public in the event of a radiological emergency.
- Coordinates Federal agency assistance to State and local governments in planning and preparing for a radiological emergency; chairs a Federal interagency committee, the Federal Radiological Preparedness Coordinating Committee (FRPCC).

Background of the REP Program Strategic Review

In June 1996, considering the 17-year maturity of the REP Program and Stakeholder requests for a reconsideration of Program requirements and implementation, FEMA initiated a Strategic Review. The SRSC, with membership from FEMA Headquarters and Regions and the NRC, was chartered to undertake a formal review of REP activities. While undertaking this effort to improve, streamline, and enhance the efficiency and effectiveness of the REP Program, the SRSC was mindful of the provisions of the Government Performance and Results Act and the National Performance Review.

This Review was announced in the **Federal Register** on July 8, 1996, and suggestions for improvement were solicited from the REP community. On the basis of comments from Stakeholders, four draft concept papers were developed and presented to the REP community through a series of meetings held in various parts of the U.S. The concept papers addressed the following subjects: Exercise Streamlining, Partnership, Radiological Focus, and Delegated States. After considering comments received on the concept papers, one of the papers, Delegated States, was forwarded to FEMA and the NRC's Office of General Counsel for further review; the other three were consolidated into the subject document. Five major recommendations were made.

In addition to the major recommendations, which are summarized below, several potential short-term improvements to the REP Program were identified during the review process and implemented by FEMA. Specifically, FEMA has (1) established a Regional Assistance Committee (RAC) Chairpersons Advisory Council (RAC AC) that reports to the FRPCC; this Advisory Committee has already improved coordination, communication, and consistency among FEMA's Regions; (2) proposed legislation establishing a REP Program Fund, which will ensure continuity, the availability of funds until expended, and a measure of flexibility that will support the REP Program significantly better than the current budget system; (3) reorganized the REP Program, uniting FEMA Headquarters' REP Program functions in one location; and (4) established a REP Home Page.

Summary of Major Recommendations

Recommendation 1—Streamline the REP Program. The SRSC recommends that: the exercise evaluation process be streamlined by consolidating, combining, and/or eliminating objectives and evaluation criteria; flexibility in exercise scenarios be increased; the increased importance of the Annual Letter of Certification (ALC) be emphasized and ALC requirements be consistent among the FEMA Regions; additional approaches be provided, for use in conjunction with a streamlined program, to demonstrate and confirm reasonable assurance; and REP policy and guidance be revised to support a streamlined program.

Recommendation 2—Increase Federal Participation in REP Exercises. The SRSC recommends that: FEMA take a lead role in planning and coordinating federal participation in emergency preparedness exercises; FEMA complete the development and incorporation of the Radiological Incident Annex to the Federal Response Plan; an interagency task group be established to review the charters of the various response committees to determine if the committees' responsibilities can be streamlined to be more efficient; FRPCC agencies identify additional resources to enable them to participate in radiological preparedness and response activities; the role of the FRPCC in developing REP policy be reinforced; agencies' radiological preparedness and response training courses be reviewed and revised, as necessary, to reflect current concepts and experience; and a REP-funded position be established in FEMA's Response and Recovery Directorate.

Recommendation 3—Use State, Local, and Tribal Personnel as Federal Evaluators. The SRSC recommends that FEMA use State, local, and tribal personnel as Federal evaluators in the exercise process under certain conditions; FEMA develop a Memorandum of Understanding (MOU) that addresses the relationship between FEMA and the non-Federal evaluator; and the RAC AC develop qualification standards that will be applied to all evaluators, who would be subject to

performance reviews after the evaluation process has been completed.

Recommendation 4—Include Native American Tribal Nations in the REP Preparedness Process. The SRSC recommends that FEMA's American Indian and Alaska Native Policy be reviewed to identify areas for Federal and tribal REP relationships; all Federally recognized tribes within the emergency planning zones (EPZ) be identified and current relationships be determined; FEMA coordinate with other Federal agencies to identify current policies and practices; and FEMA work with tribal representatives and other Federal agencies to develop an approach to increase tribal involvement in REP activities.

Recommendation 5—Enhance the REP Training Program. The SRSC recommends that: FEMA establish qualification standards for REP exercise evaluators and establish an enhanced training curriculum for REP evaluators; opportunities for FEMA REP staff to teach evaluator training be increased; current radiological courses be revised as required by the outcomes of the REP review and REP training course development, revision, and delivery be included in the REP budget; and a REP Program Administration Course be developed for all REP staff.

Announcement of SRSC Results

An Emergency Education Network (EENET) broadcast was held on July 30, 1998, where SRSC members presented proposed recommendations and answered questions. In addition, the proposed recommendations were posted on FEMA's REP Home Page and will be shared at meetings and conferences during the next few months.

Implementation Strategy

The SRSC anticipates formally conveying the final recommendations to the FEMA Headquarters REP Program Office in, approximately, October. Having completed its chartered mission, the SRSC will then be dissolved. Headquarters, the RAC Chairs for the nine FEMA Regions that have REP Programs, and REP Program staff will then work with the REP community to implement the changes.

Considerations and Results

While conducting its Review and formulating recommendations, the SRSC established as a goal the improvement of relations with REP Stakeholders. The Committee feels that Federal, State, tribal, and local relationships have been strengthened as a result of the Review, and that these partners will continue to be actively involved in the implementation phase. FEMA plans to conduct REP Partnership Workshops with participation from the REP community. A Workshop for the FEMA REP staff is being planned for December of this year, in preparation for FEMA's Stakeholder Partnership Workshops.

Paramount in the Committee's deliberations was the requirement to preserve the REP Program's mission of providing reasonable assurance that the health and safety of the public living in the vicinity of commercial nuclear power plants can be protected. As a result of the Review, the amount of pertinent information available to FEMA's Regional Directors when considering a reasonable assurance finding has been expanded. The SRSC believes that implementation of its recommendations will maintain the well-regarded discipline of the REP Program of the past, while increasing the flexibility and efficiency of the REP Program of the future.

Introduction

In December 1979, President Carter assigned the lead Federal role for offsite radiological emergency activities pertaining to U.S. commercial nuclear power plants to FEMA as a result of the March 1979 accident at the Three Mile Island nuclear power plant. Subsequent actions initiated by Congress, the NRC, and FEMA established the legal and regulatory foundation for a joint NRC/FEMA REP Program.

Within the framework of its REP Program, FEMA:

- Reviews and approves State and local government plans.
- Evaluates State and local biennial exercises of these plans.
- Provides findings to the NRC with respect to the adequacy of State and local plan and makes a determination of reasonable assurance that public health and safety can be protected.
- Conducts training courses.
- Approves State and local Alert and Notification systems.
- Coordinates Federal agency assistance to State and local governments in planning and preparing for a radiological emergency.

Over its 19-year history, REP Program communities have developed some of the best-prepared emergency managers in the nation. REP Program stakeholders felt that this capability had not been recognized in the current implementation of the REP Program and its rules and regulations.

In response to comments received recommending program changes, FEMA decided to undertake a Strategic Review of the REP Program. FEMA announced the Strategic Review in the Federal Register in July 1996, and solicited suggestions for improvement of the REP Program from the REP community. In November 1996, FEMA formed the Strategic Review Steering Committee (SRSC). Original members were (1) representatives of FEMA and NRC Headquarters organizations; (2) the Preparedness, Training and Exercise Division Directors from FEMA Regions 1, 4, and 10; and (3) the RAC Chairs from FEMA Regions 3, 5, 6 and 7. The SRSC met for the first time in January 1997 to review all of the comments received from the REP community. On the basis of the Stakeholder comments, the SRSC developed four draft concept papers—"Partnership in the REP Program," "Exercise Streamlining," "Focus on Radiological Aspects of REP vis-a-vis All-Hazard Aspects of REP," and "Delegated State"—and presented them to the REP community through a series of Stakeholder meetings held in the Fall of 1997.

After considering comments received on the concept papers, the "Delegated State" concept paper was forwarded to FEMA and the NRC's Office of General Counsel for further review. The remaining three papers were consolidated into five major recommendations addressing: REP Program streamlining; the use of State, tribal, and local government personnel as evaluators; Federal participation in REP exercises; the role of Native American tribal nations in REP preparedness; and REP training. These recommendations are discussed in detail in this report.

Recommendation 1: Streamline the REP Program

Issue

Most of the comments indicated that the Stakeholders are dissatisfied with the exercise evaluation process, the existing guidance, and the use of only the biennial exercise results to confirm reasonable assurance. Respondents also indicated that the FEMA Regions are not implementing the program in a uniform and consistent manner.

Background

The regulatory basis for REP is found in FEMA regulations (44 CFR Parts 350, 351, and 352), NRC regulations (10 CFR 50.33, 50.47, 50.54, and Appendix E to 10 CFR Part 50), and in the NRC/FEMA MOU. FEMA is responsible for assessing the adequacy of offsite emergency preparedness and provides its findings and determinations to the NRC. If FEMA and NRC staffs determine 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 (the "reasonable assurance" finding), the NRC will take appropriate enforcement action. The MOU indicates that FEMA's findings on preparedness are based on an assessment that: (1) Offsite plans are adequate as measured against the planning standards and evaluation criteria of NUREG-0654/FEMA-REP-1 and (2) there is reasonable assurance that plans can be implemented as demonstrated in exercises. Currently, FEMA's confirmation of the adequacy of emergency preparedness at each site is based primarily on an evaluation of the biennial full-participation exercise.

Introduction to Actions A-E

The SRSC, in its review of program implementation and guidance, has identified the need for changes to the REP Program in the following areas: a streamlined exercise evaluation process, revision of policy and guidance, increased flexibility in scenario development, a more flexible process to confirm reasonable assurance, and enhanced use of the Annual Letter of Certification (ALC). Combinations of these approaches will be used to confirm that reasonable assurance is maintained. These approaches are addressed in more detail in Actions A through E of this report.

Action A. Streamline the Exercise Evaluation Process by Consolidating, Combining and/or Eliminating Objectives and Evaluation Criteria

Introduction to Recommendation 1.1

Exercises are currently evaluated in an "objective based" format. FEMA-REP-14 and -15 identify 33 exercise objectives and include a sizeable number of Points of Review (POR) that must be satisfactorily demonstrated to successfully meet the requirements of each objective. This system is very structured and leaves little latitude for satisfying the objective by alternate means. Stakeholders have identified the obvious similarities between objectives. Experience in exercise evaluations indicates that several objectives can easily be combined, and others deleted, without weakening the evaluation process.

Comments have also been received from Stakeholders suggesting that the REP exercise program be streamlined to concentrate more on specific radiological aspects of REP and less on the "all-hazards" response. An exercise that only involves radiological activities is difficult to conduct when the "glue" for demonstrating an integrated response to a simulated emergency lies in the non-radiological functions. However, as proposed in other sections of this paper, some of the all-hazards Evaluation Areas could receive credit from other exercises, from response to real events, and through Staff Assistance Visits. This will provide flexibility to response organizations because those all-hazards valuation Areas granted credit may not be evaluated during exercises.

Recommendation 1.1: Establish Evaluation Areas for Consolidation of Objectives into Sub-elements

The SRSC recommends the consolidation of current objectives into the six Evaluation Areas identified below. These Evaluation Areas would be established to support a "results-oriented" evaluation process. Results-oriented exercise evaluation allows FEMA to focus on the outcome of actions taken by players in the implementation of their plans and procedures. This approach will give the exercise players more latitude to reach the desired results. Evaluators will then concentrate on the results of an exercise activity, not on the steps taken to arrive at a result.

Within each Evaluation Area, objectives would be combined and duplicative PORs would be eliminated. In addition, we recommend deleting Objectives 23, 31, 32, and 33.

The six Evaluation Areas and sub-elements are as follows:

1. Emergency operations management. This Evaluation Area contains elements involved in the overall management of the emergency response operations to include:

- Mobilization of Response Personnel.
- Facilities.
- Direction and Control.
- Communications.
- Equipment and Supplies Necessary to Support Operations.

2. Protective action decisionmaking. This Evaluation Area contains all aspects of the decisionmaking process to protect the health and safety of the public and emergency workers within the affected area to include:

- Radiological Exposure Control.
- Development of Dose Projections and Protective Action Recommendations and Decisions, Including Ingestion of Potassium Iodide (KI).
- Consideration for the Protection of Special Populations.
- Determination of Traffic and Access Control Points.
- Dose Projection and Decisionmaking for the Ingestion Exposure Pathway.
- Decisions Concerning Relocation, Re-entry, and Return.

3. Protective action implementation. This Evaluation Area contains the implementation of all protective action decisions to include:

- Emergency Worker Exposure Control.
- Implementation of KI Decision.
- Actions to Limit Exposure of Special Populations.
- Establishment of Traffic and Access Control.
- Implementation of Ingestion Pathway Decisions.
- Implementation of Relocation, Re-entry, and Return Decisions.

4. Field measurement and analysis. This Evaluation Area addresses the verification of predictive models used in accident assessment and the identification of contaminated areas to include:

- Ambient Radiation Monitoring.
- Airborne Radioiodine and Particulate Activity Monitoring.
- Collection and Analysis of Environmental Samples.

5. Emergency notification and public information. This Evaluation Area addresses the timely notification and dissemination of emergency instructions to the affected population and the provision of emergency information to the media to include:

- Activation of the Prompt Alert and Notification System.

Note: Current Objective 10, "Alert and Notification," as it applies to the 15-minute criterion would be demonstrated as a separate and distinct drill conducted once every six years. The drill would be a "no notice" drill, would simulate a fast-breaking scenario, and would be initiated by a FEMA controller. Failure to correctly demonstrate this event would result in a Deficiency.

- Development of Emergency Instructions.
- Provision of Information to the Media.
- Establishment of a Public Inquiry System.

6. Support operations/facilities. This Evaluation Area addresses the support operations and facilities necessary to provide the reception, care and treatment, if needed, of individuals from the affected areas to include:

- Monitoring, Decontamination and Registration of Evacuees and Emergency. Workers.
- Monitoring and Decontamination of Vehicles and Equipment.
- Care of Evacuees.
- Transportation and Treatment of Contaminated, Injured and/or Exposed Individuals

Introduction to Recommendation 1.2

Several comments were received regarding the frequency of Medical Services drills (Objectives 20 and 21). As a result of demonstrated capability, hospital accreditation standards, and the establishment of universal health precautions, there is justification for evaluating Medical Services drills less frequently than once a year. Stakeholders also expressed a desire for more frequent demonstration of post-plume phase objectives (Objectives 23–29). Since post-plume phase objectives represent a significant portion of long-term recovery efforts and interaction with the Federal response, it seems advisable to increase their demonstration to something more frequent than every six years. Currently the requirement calls for evaluating the post-plume phase objectives at least once every six years; State, tribal, and local government officials may demonstrate these functions more often if they choose.

Recommendation 1.2: Reduce Frequency of Demonstration

The SRSC recommends that the frequency of Medical Services drills be reduced to once every two years. The SRSC recommends that post-plume phase activities be evaluated at least once in the six-year cycle. If more frequent demonstration of post-plume phase activities is desired, States may negotiate the evaluation of this activity as part of their six-year agreement (See Action D). FEMA will evaluate all other Evaluation Areas at least once per six-year exercise cycle at those organizations with responsibility as determined by the organization's plans and procedures. Each State, tribal, and/or local entity with multiple sites within its boundaries shall be evaluated at one site on a rotational basis according to the frequency indicated in Table 1.

When not fully participating in an exercise at a site, the responsible organizations shall partially participate in exercises to support the full participation of appropriate governments. Table 1 indicates the recommended frequency for evaluation.

Introduction to Recommendations 1.3, 1.4, and 1.5

Stakeholders indicated a desire for more flexibility for out-of-sequence demonstrations and the opportunity for direct feedback to exercise participants. They also sought the opportunity to correct issues during the demonstration for a more positive learning experience for participants. It is possible to perform numerous exercise evaluations out of sequence from the biennial exercises. Out-of-sequence demonstrations may be scheduled during the non-exercise year, at other times during the exercise year, and/or on another day during the exercise week.

Recommendation 1.3: Negotiate Use of Out-of-Sequence Demonstrations

The SRSC recommends that FEMA and State, tribal, and local governments negotiate the use of out-of-sequence demonstrations of Evaluation Areas (within the specified evaluation frequency) as specified in Table 1.

Recommendation 1.4: Give Direct Feedback

The SRSC recommends that Federal evaluators give direct feedback to exercise participants immediately following the exercise. These out-briefings should not attempt to detail the seriousness of any inadequacies observed, but should allow the evaluators to give positive feedback and to make general recommendations for improvement.

Recommendation 1.5: Correct Issues Immediately

The SRSC recommends that immediate correction of issues identified be allowed during out-of-sequence activities, since most, if not all, would be conducted as drills or tabletop activities. For example, if inappropriate monitoring techniques were demonstrated, a State, tribal, or local trainer, in conjunction with the evaluator, could provide instruction on proper monitoring and then allow for immediate re-demonstration. The issue would be documented, if appropriate, as an Area Requiring Corrective Action (ARCA), with a statement documenting the completion of the corrective action. However, attempting immediate correction during an integrated exercise is not recommended as it may be disruptive and may possibly affect other Evaluation Areas.

Introduction to Recommendation 1.6

At the present time, FEMA–REP–14 and –15 indicate that demonstration of objectives 32 and 33, unannounced and off-hours exercises and drills, may be satisfied by a response to an actual emergency. Stakeholders requested that the granting of credit for other exercise objectives be considered.

Recommendation 1.6: Expand the Use of Credit

The SRSC recommends that FEMA Regional Directors be delegated the authority to approve the expanded use of credit for those Evaluation Area sub-elements identified in Table 1. Stakeholders will develop specific criteria for the approval of credit for actual events and/or other exercises during the implementation phase. Staff Assistance Visits may also be used to prepare documentation for granting of exercise credit by the Regional Director, as specified in Table 1.

TABLE 1.—FEDERAL EVALUATION PROCESS MATRIX

Evaluation area	Consolidate	Frequency	Out-of-sequence of exercise scenario
A. Emergency Operations Management	1, 2, 3, 4, 5, 14, 17, 30		
Mobilization of Response Personnel		Every Exercise	No.
Facilities		Once if new[i]	No.
Direction and Control		Every Exercise	No.
Communications Equipment		Once if new[i]	Yes.
Equipment and Supplies to Support Operations		Every Exercise	Yes.
B. Protective Action Decision Making	5, 7, 9, 14, 15, 16, 17, 26, 28		
Radiological Exposure Control		Every Exercise	Yes.
Development of Dose Projections and Protective Action Recommendations and Decisions.		Every Exercise	No.
Consideration for the Protection of Special Populations		Every Exercise	No.
Determination of Traffic and Access Control		Every Exercise	No.

TABLE 1.—FEDERAL EVALUATION PROCESS MATRIX—Continued

Evaluation area	Consolidate	Frequency	Out-of-sequence of exercise scenario
Dose Projection and Decision-making for the Ingestion Exposure Pathway.[ii]		Once in 6 yrs	No.
Decisions Concerning Relocation, Re-entry, and Return.[ii]		Once in 6 yrs	No.
C. Protective Action Implementation	5, 14, 15, 16, 17, 27, 29		
Emergency Worker Exposure Control		Every Exercise	Yes.
Implementation of KI Decision		Once in 6 yrs	Yes.
Actions to Limit Exposure of Special Populations		Once in 6 yrs.[iii]	Yes.
Establishment of Traffic and Access Control.[iv]		1 per Organization per exercise.	Yes.
Implementation of Ingestion Pathway Decisions		Once in 6 yrs	No.
Implementation of Relocation, Re-entry, and Return decisions		Once in 6 yrs	No.
D. Field Measurement and Analysis	6, 8, 24, 25		
Ambient Radiation Monitoring		Every Full Participation Exercise.	Yes.
Airborne Radioiodine and Particulate Activity Monitoring		Every Full Participation	Yes.
Collection and Analysis of Environmental Samples		Once in 6 yrs	Yes.
E. Emergency Notification and Public Information	10, 11, 12, 13		
Activation of the Prompt Alert and Notification System.[v]		Every exercise	No.
Activation of the Prompt Alert and Notification System (Fast Breaking).	10	Separate Drill once in 6 yrs	No.
Development of Emergency Instructions		Every exercise	No.
Provision of information to the media		Every exercise	No.
Establishment of a Public Inquiry System		Every exercise	No.
F. Support Operations/Facilities	18, 19, 20, 21, 22		
Monitoring, Decontamination and Registration of Evacuees and Emergency Workers.[iii]		Once in 6 yrs	Yes.
Monitoring and Decontamination of Vehicles and Equipment.[iii]		Once in 6 yrs	Yes.
Temporary Care of Evacuees[vi]		Once in 6 yrs	Yes.
Transportation and Treatment of Contaminated, Injured, and/or Exposed Individuals.		Every 2 years	Yes.

[i] Will be evaluated if new or changed substantially.
[ii] The plume phase and the post-plume phase (ingestion, relocation, re-entry and return) can be demonstrated separately.
[iii] All facilities must be evaluated once during the six-year exercise cycle.
[iv] Physical deployment of resources is not necessary.
[v] This sub-element does not address the "fast-breaking" scenario and the 15-minute requirement.
[vi] Facilities managed by the American Red Cross will be evaluated once when designated or when substantial changes occur, all other facilities must be evaluated once in the six-year exercise cycle.

Action B. Increase Flexibility in Exercise Scenarios

Introduction to Recommendation 1.7

Stakeholders expressed concern that exercise scenarios were not realistic and did not offer sufficient flexibility for making the exercise a useful training activity. Currently, the scenario for a simulated nuclear power plant accident is developed jointly by the State and the licensee and is submitted to the Regional offices of NRC and FEMA for review. The FEMA RAC Chairperson reviews the scenario to confirm that the source term and scenario events are adequate to drive the agreed-upon exercise objectives.

Recommendation 1.7: Implement New Options

The SRSC recommends that the following options be implemented in the development of exercise scenarios:

a. States may demonstrate their post-plume phase capabilities more frequently than once every six years. Demonstration criteria for this option would be developed during negotiations for the "Six-Year Agreement" (see Action D).

b. Mini-scenarios may be developed to support the increased participation of local responders.

c. Exercises may begin at any of the four emergency classification levels (ECL) and/or an ECL may be skipped to reflect a fast-breaking event.

d. The plume and post-plume phases of the exercise may be separated by days or months.

e. State, tribal, and local governments may provide a "Trusted Agent" to enhance development of the scenario and extent-of-play. A Trusted Agent is a staff member involved in exercise planning but not a member of the response team.

Action C. Annual Letter of Certification

Introduction to Recommendations 1.8, 1.9, and 1.10

The Annual Letter of Certification (ALC), submitted by the governor or the governor's designee, is a tool for State, tribal, and local governments to document periodic requirements that are used to confirm reasonable assurance. Currently, regional offices are not requiring the submittal of consistent information across the country. On the basis of guidance contained in Guidance Memorandum PR-1, the following documentation is requested:

- Public Education and Information.
- Emergency Facilities and Equipment.
- Exercises.
- Drills.
- Radiological Emergency Response Training.
- Updates of Plans and Letters of Agreement.
- Alert and Notification.

Under the SRSC's recommendations, the ALC would become a critical component of a three-part comprehensive assessment process to confirm reasonable assurance. The ALC, in combination with the results of Federally evaluated exercises and Staff

Assistance Visits, would be the basis for the reasonable assurance finding. Documentation would be submitted with the ALC or provided for review during a regularly scheduled Staff Assistance Visit.

Recommendation 1.8: Revise ALC-related Regulations

The SRSC recommends that the importance of the ALC be emphasized by addressing it in a revision to the regulations.

Recommendation 1.9: Revise ALC Submittal Requirements

The SRSC recommends the revision of ALC submittal requirements to support program changes. These requirements would be used for the review and approval of the ALC and would be consistently administered by all Regions.

Recommendation 1.10: Verify ALC Documentation

The SRSC recommends that ALC documentation on file be verified during Staff Assistance Visits.

Action D. Provide Additional Approaches That Can Be Used in Conjunction With a Streamlined Program To Demonstrate and Confirm Reasonable Assurance

Introduction to Recommendation 1.11

Stakeholders requested a flexible approach for determining reasonable assurance. Stakeholders perceive that FEMA's confirmation of reasonable assurance is currently based primarily on the biennial exercise evaluation. The SRSC proposes that FEMA revise the process by which the adequacy of offsite emergency preparedness is demonstrated and confirmed. FEMA would continue to provide reasonable assurance to the NRC on a biennial basis. The finding of reasonable assurance would be a three-part comprehensive assessment process consisting of the ALC in combination with the results of federally evaluated exercises and Staff Assistance Visits. The documentation submitted in the ALC may be verified during regularly scheduled site visits.

FEMA's process for review and approval of State, tribal, and local emergency plans and preparedness at commercial nuclear power plants should also be improved. FEMA regulation 44 CFR Part 350 establishes policy and procedures to be utilized in the review, evaluation, and approval of State, tribal, and local governments' emergency plans and procedures. Currently, those sites that do not have a formal "350" approval, have been granted interim approval. The formal 350 approval process should be accelerated on the basis of demonstrated capability by State, tribal, and local organizations. A formal 350 approval will be required to take full advantage of the recommended program enhancements. Those sites without a formal 350 approval will be required to participate in an exercise biennially.

Full implementation of this recommendation will require a change to both NRC and FEMA regulations. The regulations currently require that an exercise of the offsite plans at each site be conducted biennially. Recommendation 1.11 (the six-year cycle) gives a State the option of foregoing the third biennial exercise; therefore, a rule change will be needed to accomplish the recommendation.

Recommendation 1.11: Negotiate Six-Year Agreements

The SRSC recommends that FEMA negotiate with affected State, tribal, and local governments a six-year agreement for each site. These six-year agreements would identify all items to be completed by State, tribal, and local governments for the biennial confirmation of reasonable assurance. Agreements would be reviewed annually to reflect necessary changes. Successful completion of agreed-upon activities would result in the recommendation of a positive reasonable assurance finding. The FEMA Regional Director would issue the finding to the NRC Regional Administrator.

Government entities with formal 350 approval may choose to conduct and participate in an exercise three times during the six-year cycle or to participate in an exercise twice and, in lieu of a third exercise, negotiate the following alternatives with FEMA during development of the proposed six-year agreement:

a. Evaluated Integrated Radiological Focus Drills—Included are dose assessment, radiological field monitoring, evacuee and emergency worker monitoring and decontamination, radiological exposure control, and radiological laboratories.

b. Evaluated Drills—Involved are a combination of some of the Evaluation Areas of the offsite emergency response capabilities. The Evaluation Areas of emergency response include activities such as Emergency Operations Management, Protective Action Decision-making, Protective Action Implementation, Field Measurement and Analysis, Emergency Notification and Public Information, and Support Operations/Facilities. Not all offsite facilities would need to participate in these drills. State, tribal, and local responders would have the opportunity to consider emergency response strategies, to provide supervised instruction, and to focus on training objectives.

c. Evaluated Post-Plume Only Exercise—This exercise may be conducted as a tabletop activity.

d. State Assessment—This option would be permitted for those jurisdictions below the State level. State personnel would not evaluate response organizations for which they have direct program responsibility. Areas for which State Assessment may be performed are schools, congregate care, special populations, training, and non-radiological drills. Results of all State Assessments would be documented in the ALC and would be available during Staff Assistance Visits.

e. FEMA Verification and Program Reviews—This may be done through Staff Assistance Visits.

Post-plume phase response must be evaluated once within the six-year exercise cycle. Each government entity with multiple sites within its boundaries will rotate its full-participation exercises to ensure that all sites fully participate over a given period (the length of this period will depend on the number of sites in the government entity). When not fully participating in an exercise at a site, the government entity shall partially participate in exercises to support the full participation of appropriate local governments.

During the option year, governments will demonstrate correction of previously identified ARCAs in scheduled drills or through separate Staff Assistance Visits.

Recommendation 1.12: Conduct Staff Assistance Visits

The SRSC recommends that FEMA REP personnel conduct Staff Assistance Visits to:

• Review documentation of activities to verify capabilities for those exercise Evaluation Areas that can be determined by site visits as negotiated. This will include facility and equipment inspections. For example, several of the objectives require verification that appropriate equipment is available for emergency workers. The use of Potassium Iodide (Objective 14) requires the evaluator to confirm that sufficient doses exist to be given to all emergency workers and institutionalized individuals. In addition, monitoring equipment and dosimetry operation/maintenance verification is required on a regular basis (Objectives 5, 14, 16, 17, 18, 22, 24, and 25). Specific areas in

which site visits would apply are contained in Table 1.

Assist responders with the development and submission of applications for credit for response to emergencies and participation in non-REP exercises. All applications would be submitted to the FEMA Regional Director for approval.

- Attend exercise and drill training activities for informal comments and suggestions.
- Participate in State, tribal, and local emergency training.
- Review information and other documentation to verify ALC submissions.

Action E. Revise REP Policy and Guidance To Support a Streamlined Program

Introduction to Recommendations 1.13, 1.14, 1.15, and 1.16

Many commenters noted the need to update FEMA REP policy and guidance to include numerous changes that have occurred since the documents were published and to resolve inconsistencies with other guidance. Some commenters saw a need to revise guidance to recognize the evolution of emergency management since program inception.

Some examples of changes that are required are an update to reflect the Emergency Alert System (EAS) and the use of "Special News Broadcasts" and an update to ensure consistency with the current EPA-400 "Manual of Protective Action Guides."

The SRSC has compiled a list of existing FEMA policy and guidance in Appendix 1.

Recommendation 1.13: Develop a REP Program Handbook

The SRSC recommends that regulations, policy, and guidance governing administration of the REP Program be reviewed and that current operative guidance be identified. This operative guidance would be reviewed, revised, and updated. The revised material would form the basis for the development of a REP Program Handbook. Related technical manuals would be catalogued and referenced appropriately.

Recommendation 1.14: Revise NUREG-0654/FEMA-REP-1

The SRSC recommends that NUREG-0654/FEMA-REP-1, Rev.1, be revised to reflect current technical standards and practices in emergency management. The FEMA/NRC MOU would also be updated appropriately to reflect changes.

Recommendation 1.15: Review Guidance Annually

The SRSC recommends that FEMA Headquarters, in conjunction with the RAC AC and other Stakeholders, review all REP Program guidance, at least annually, and incorporate appropriate changes. Program guidance will no longer be issued through memoranda, but as changes to the REP Program Handbook.

Recommendation 1.16: Post Guidance on the REP Home Page

The SRSC recommends that all REP Program guidance be posted on the REP Home Page.

Recommendation 2: Increase Federal Participation in REP Exercises

Issue

Stakeholders have consistently recognized the significant role of the Federal Government in preparing for and responding to radiological emergencies and the importance of Federal participation to assure that all partners receive the needed experience of operating as a team. Comments submitted during the Strategic Review process indicated a concern that, because of a lack of resources or due to other priorities, Federal representatives are not adequately fulfilling their radiological emergency preparedness responsibilities.

Background

The existing infrastructure for emergency response to a nuclear power plant accident has matured since the inception of the REP Program. The regulations and guidance assured that a coordinated response capability evolved between the nuclear power plant operator and the State and local organizations. The emergency response capability of the Federal government developed separately. This is satisfactory for the early hours of an emergency response since State, tribal, and local governments serve in a first responder role without assistance from the Federal government. It is expected that Federal assistance would arrive later, when the State, tribal, and local organizations would be strained and additional resources needed. Because the level of sophistication for post-plume phase response has developed at a slower rate (since post-plume phase exercises are required less frequently—every six years), the need for a coordinated response with the Federal government was not recognized in the first years of the program. After the experience of three or four post-plume phase exercises, the States have realized there is a missing partner in many of these exercises—the Federal Government. The Federal response will significantly change and enhance the response of the State, tribal, local, and operator participants. The post-plume phase exercises that are now being conducted without Federal participation are creating an inaccurate understanding of the later phases of an emergency. Occasionally, States have requested Federal participation in exercises and the Federal agencies have accommodated some of these requests.

Introduction to Recommendations 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, and 2.7

To fully carry out their radiological responsibilities, Federal representatives need to be involved in both preparedness and response functions. In addition to evaluating exercises, they should be reviewing plans, conducting training, and developing and participating in various exercises. To do this more effectively, there should be a Federal entity that plays a stronger role in guaranteeing that Federal agencies fulfill their radiological responsibilities.

One of the problems identified was the confusion about the various response plans involved. The Federal Radiological Emergency Response Plan (FRERP) was drafted at the direction of Congress after the Three Mile Island accident and was finalized in 1985. In 1992, FEMA revised its emergency response policy and issued the Federal Response Plan (FRP) as an "all hazards" plan. With the publication of the new plan came questions regarding which plan FEMA intended to use to respond to radiological emergencies. FEMA indicated that the FRP was its standard method of response and FEMA committed to prepare an annex to the FRP that would explain how the two plans would be used simultaneously. A revision to the FRERP was published in 1996 that mentioned the relationship when both plans were being used at the same time, but the details were again left to be outlined in an annex to the FRP. To date, this annex has not been developed.

One of the reasons given by Federal agencies for not performing all of their radiological functions is the competing demands placed on them due to their membership in other Federal response committees. On the national level the primary groups are the National Response Team, the Catastrophic Disaster Response Group, the Emergency Support Function Leaders Group, and the FRPCC. On the Regional level the primary groups are the Regional Assistance Committees, the Regional Interagency Steering

Committees, and the Regional Response Teams. The resource commitment for some Federal agencies could be even greater for agencies that have fewer than 10 Federal Regions or for those without a regional structure.

Comments reflected frustration, the lack of responsiveness to specific requests, and the insufficient technical capability within FEMA. Stakeholders felt that this resulted in an overreliance on contractor support to develop guidance. Some of this guidance appeared to be arbitrary and inconsistently applied in the FEMA Regions. The 15 member agencies of the FRPCC have sufficient capability to address technical issues in the REP Program. FEMA can take advantage of that capability and depend on the support of the FRPCC for response to technical requests.

The biggest obstacle to increased Federal participation, including RAC support, is insufficient resources. The appropriate management level of each affected agency (FEMA, Department of Energy, NRC, Environmental Protection Agency, U.S. Department of Agriculture, Department of Health and Human Services, Department of the Interior, Department of Transportation, Department of Defense, etc.) must agree to make this a priority and must ensure that internal procedures are developed to support increased participation. To create a true partnership, Federal agencies should regularly participate in post plume phase exercises to develop an integrated response.

Recommendation 2.1: Have FEMA Take the Lead Role

The SRSC recommends that FEMA take the lead role in planning and coordinating Federal agency participation in federally evaluated post-plume phase exercises. FEMA should meet with State, tribal, and local governments to identify those opportunities in which substantial Federal involvement is requested. FEMA should share this information with the other Federal agencies and help facilitate their involvement.

Furthermore, FEMA should coordinate the development of a comprehensive exercise schedule for full participation of Federal resources.

Recommendation 2.2: Complete the Radiological Incident Annex

The SRSC recommends that FEMA complete the development and incorporation of the Radiological Incident Annex to the FRP, to be followed by training or briefing of the Federal agencies in Headquarters and the Regions.

Recommendation 2.3: Establish an Interagency Taskforce

The SRSC recommends that an interagency task force be established to review the charters of the various response committees to determine if they can be streamlined or combined for efficiency and effectiveness in accordance with the National Performance Review. This may enable agencies to participate more extensively in Federal response planning and preparedness activities. This could also eliminate duplicate projects being conducted by separate planning groups and would enhance the understanding of other response plans among Federal responders.

Recommendation 2.4: Identify Additional Resources

The SRSC recommends that the FRPCC agencies identify additional resources to participate in a comprehensive exercise process and provide the resources necessary to coordinate and implement Federal participation in radiological preparedness and response activities.

Recommendation 2.5: Reinforce the FRPCC's Role

The SRSC recommends the reinforcement of the FRPCC's role in developing REP policy. A protocol, developed by FEMA, to refer technical questions to the FRPCC and its Subcommittees for resolution would serve as the vehicle for policy coordination. Issues emerging from exercise evaluations and plan reviews would be included in the protocol hierarchy.

Recommendation 2.6: Revise Training Courses

The SRSC recommends the conduct of a review and revision of the training courses sponsored by the FRPCC agencies for radiological preparedness and response. The level of experience in the States; new concepts in radiological response; and the response partnership of the facility, State, tribal, local, and Federal organizations, must be reflected in revised course material.

Recommendation 2.7: Facilitate Communications

The SRSC recommends that a REP-funded position be established in FEMA's Response and Recovery Directorate in order to facilitate communications between REP preparedness and response entities and to coordinate Federal response play in REP exercises.

Recommendation 3: Use State, Tribal, and Local Personnel as Federal Evaluators

Issue

Stakeholders indicated a desire to use State, tribal, and local personnel to augment FEMA's REP exercise evaluation teams. They felt that these employees would provide an experienced cadre that would result in an improved evaluation process and a reduction in exercise costs.

Background

At least five years ago, the National Emergency Management Association (NEMA) discussed the use of State personnel to augment FEMA's REP exercise evaluation teams. A Focus Group explored this issue again during the Kansas City Stakeholders Meeting in September 1997. Most of the basic concepts were introduced by the State participants who attended.

The first legal opinion on the subject was offered in a July 26, 1993, memorandum, which stated that FEMA lacked the authority to accept the gift of services and cover the expenses of State personnel as evaluators. On the basis of Stafford Act Amendments, a second legal opinion, which allowed the limited use of and compensation for State evaluators, was offered on April 29, 1996.

Based on a preliminary review of the concept, FEMA's Office of General Counsel (OGC) saw no substantial legal problems with the use of State, tribal, and local personnel as evaluators. Further legal precedent is also found in both the Chemical Stockpile Emergency Preparedness Program (CSEPP) and the Urban Search and Rescue (USAR) Program.

Introduction to Recommendations 3.1, 3.2, and 3.3

The use of State, tribal, and local personnel as FEMA evaluators could result in an overall cost benefit to the program. Such use would also improve partnership between FEMA and the State, tribal, and local governments. The non-Federal evaluator receives a different perspective on how another jurisdiction in a similar situation operates and a better understanding of the evaluation process.

Recommendation 3.1: Establish Conditions

The SRSC recommends that FEMA adopt the use of State, tribal, and local government personnel as evaluators under the following conditions:

• State, tribal, and local personnel would serve as evaluators outside their own jurisdictions.

• FEMA is responsible for managing the evaluation team and paying invitational travel expenses. FEMA would make a written request for evaluators. FEMA's commitment would include all pre-determined transportation costs (air, private vehicle, rental car, parking, airport shuttle, etc.) and per diem expenses as stated in the individual invitational travel letter issued for each specific assignment.

• The State, tribal, and local governments agree to maintain the costs of the employee's compensation package to include liability coverage (paid staff only, i.e., no volunteers).

• State and tribal governments would maintain a "Qualified and Available List" of evaluators.

• FEMA Regions would budget for expenses involved in use of State, tribal, and local evaluators. FEMA Headquarters would approve and transfer these funds.

Recommendation 3.2: Develop an MOU

The SRSC recommends that an MOU be developed between FEMA and the State, tribal, and local governments that addresses the relationship between FEMA and non-Federal evaluators.

Recommendation 3.3: Develop Qualification Standards

The SRSC recommends that the RAC AC develop non-Federal evaluator Qualification Standards. Evaluators would be subject to performance reviews after completing each exercise.

Recommendation 4: Include Native American Tribal Nations in the REP Preparedness Process

Issue

Stakeholders expressed concern that Native American tribal nations were not appropriately recognized as separate and sovereign entities within the REP Program.

Background

On April 29, 1994, President Clinton issued a memorandum to the heads of executive departments outlining the principles that executive departments and agencies, including every component bureau and office, were to follow in their interactions with Native American tribal governments. The President pointed out that "The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities must be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty."

Introduction to Recommendations 4.1, 4.2, 4.3, and 4.4

On June 24, 1997, FEMA Director Witt presented the draft Agency policy on American Indian and Alaska Natives to tribal leaders on the Standing Rock Sioux Reservation. Following that historic meeting, letters were sent to leaders of all Federally recognized tribes, State governors, State emergency management directors, and national constituency and official organizations requesting their review and comments on the draft policy. On November 17, 1997, FEMA published the policy in the **Federal Register** for public comment. On February 17, 1998, FEMA published another **Federal Register** notice extending the comment period until March 15, 1998. Subsequently, an announcement of the Agency's consultation sessions on the draft policy was published in the **Federal Register** on March 6, 1998. Six officially announced sessions and three additional forums were organized by the Regional offices to consult with and gather input on the policy from more than 100 tribal leaders and representatives.

Recommendation 4.1: Identify Areas for REP Relationship

The SRSC recommends the conduct of a review of the FEMA American Indian and Alaska Native Policy to identify areas for Federal and tribal REP relationships in the REP Program.

Recommendation 4.2: Identify tribes in the EPZs

The SRSC recommends that RAC Chairpersons, in coordination with the regional tribal liaison, identify all Federally recognized tribes in the 10- and 50-mile EPZs of all nuclear power plant sites and determine how EPZ States and counties currently relate with the tribes.

Recommendation 4.3: Identify Current Policies and Practices

The SRSC recommends that FEMA coordinate with other Federal agencies, including the NRC and DOI, to identify current policies and practices in government-to-government relations.

Recommendation 4.4: Increase Tribal Involvement

The SRSC recommends that for those Regions with tribes in their EPZs, RAC Chairpersons and representatives from the NRC and the tribal governments develop an approach to increase tribal involvement in the REP Program.

Recommendation 5: Enhance the REP Training Program

Issue

Stakeholders recommended that an evaluator certification program be developed. The program was to have a very structured, formalized approach for the identification and recruitment of qualified evaluators.

Background

Current evaluator selection depends largely upon individual evaluator qualifications and on completion of the Emergency Management Institute (EMI) REP Exercise Evaluation course. Evaluators must be FEMA employees, FEMA Regional American Red Cross representatives, FEMA REP contractors, or employees of RAC departments or agencies. The Regions usually assign evaluators with existing qualifications in mind. The EMI REP Exercise Evaluation Course is the only formal training required for REP exercise evaluators.

Until 1998, instructional staff comprised the EMI course manager and two contract instructors. In 1998, EMI eliminated one contract instructor in favor of using two regional REP staff. The EMI implemented this change in order to have the students taught by FEMA staff involved in the program on a daily basis, to provide a growth opportunity to qualified regional REP staff, and to decrease costs.

The course is currently taught at EMI twice every fiscal year. The number of students in a class is limited to 36. Twenty-five slots are reserved for Federal evaluators in every class; the remainder of the class comprises State, local, or utility representatives. In the last two years no class has been completely filled. Enrollment has declined over the past several years because of market saturation; the course was conducted in the Regions and offsite a total of 12 times between 1992 and 1994. In addition, there is less job turnover.

FEMA staff and contractors represent the bulk of the audience in the REP Exercise Evaluation Course. The RAC agencies are less well represented. The National Emergency Training Center (NETC) Admissions Office maintains a database of participants who successfully complete the course.

Informally, some Regions require new evaluators to attend an exercise as observers or to work with another more experienced evaluator for one or two exercises.

Introduction to Objectives 5.1, 5.2, 5.3, and 5.4

The current 4.5-day EMI course covers the role of the evaluator and all 33 exercise objectives with several related activities. Course material is based on FEMA-REP-14 and -15.

The following statement by EMI summarizes the current course:

A central theme of the course is to evaluate performance based on the relevant plan and procedures. All deviations are to be documented and reported to the team leader for disposition. The evaluator is the eyes and ears of FEMA and should not ignore what might, at first glance, appear to be unimportant events. Evaluators should not interfere with participants, but may be required to ask questions at appropriate (slow) times of the exercise. There should be no prompting or leading by evaluators. Course participants are cautioned to be courteous, tactful, and polite during the course of the evaluation. Furthermore, they are instructed not to characterize issues at any particular level.

A video-based tabletop exercise is used in which the participants evaluate one or two objectives. The completed checklists and narrative summaries are examined with each student, and the instructors make suggestions for improvement. This activity takes 1.5 days to complete.

A refresher training or advanced training course is not available. It is generally assumed that ongoing experience evaluating exercises will keep the skills fresh and that the regional REP staff will apprise the evaluators of changes in the process. Other REP training includes the REP Planning Course and the two Accident Assessment Courses. Radiological training courses are also available from other Federal agencies and private sources.

A common training program for all REP evaluators can help ensure consistent application of program guidance and policy. The REP Program Office and Regions should consider developing a REP Program Administration course for all FEMA REP staff. This course would give an overview of the revised REP Program, discuss use of job aids/procedures for granting exercise credit, negotiating extent of play agreements, ALC review, and other aspects of the post-Strategic Review REP Program. The SRSC believes this would help ensure program consistency and provide a formal training setting, which has advantages over on-the-job training.

Recommendation 5.1: Establish Qualification Standards

The SRSC recommends that qualification standards be established for REP exercise evaluators, in conjunction with the standards outlined in Recommendation 3.3. Before establishing such standards, the required knowledge, skills, and abilities should be identified and an enhanced training curriculum for REP staff and evaluators should be developed. However, the establishment of a formal certification program for Federal evaluators is not recommended.

Recommendation 5.2: Increase Training Opportunities

The SRSC recommends that opportunities for FEMA REP staff to teach evaluator training be increased.

Recommendation 5.3: Revise Radiological Courses

The SRSC recommends that current radiological courses be revised as required by the outcomes of the REP Strategic Review, and that REP training course development, revision, and delivery be included in the REP budget.

Recommendation 5.4: Develop an Administration Course

The SRSC recommends the development of a REP Program Administration Course for all FEMA REP staff.

Appendix 1—Existing Federal Emergency Management Agency Radiological Emergency Preparedness (REP) Policy and Guidance

Some of the material in the documents cited is out of date. Where possible, this has been noted.

There also may be some redundancy in this list. One particular document may provide more detail than another, and, thus, is listed.

1. FEMA-REP-Series Documents

"Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," U.S. Nuclear Regulatory Commission and Federal Emergency Management Agency, NUREG-0654/FEMA-REP-1, Rev. 1, Washington D.C., November 1980.

"Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants—Criteria for Utility Offsite Planning and Preparedness, Final Report," U.S. Nuclear Regulatory Commission and Federal Emergency Management Agency, NUREG-0654/FEMA-REP-1, Rev. 1, Supp. 1, Washington D.C., September 1988.

Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants, Criteria for Emergency Planning in an Early Site Permit Application," Draft Report for Comment, U.S. Nuclear Regulatory Commission and Federal Emergency Management Agency, NUREG-0654/FEMA-REP-1, Rev. 1, Supp. 2, Washington D.C., April 1996.

"Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants—Criteria for Protective Action Recommendations for Severe Accidents," Draft Report for Interim Use and Comment, U.S. Nuclear Regulatory Commission and Federal Emergency Management Agency, NUREG-0654/FEMA-REP-1, Rev. 1, Supp. 3, Washington D.C., July 1996.

"Guidance on Offsite Emergency Radiation Measurement Systems, Phase 1—Airborne Release," FEMA-REP-2, Rev. 2, June 1990.

"Guidance for Developing State, Tribal, and Local Radiological Emergency Response Planning and Preparedness for Transportation Accidents," FEMA-REP-5, Rev. 1, June 1992.

"Exercise Evaluation and Simulation Facility Evacuation Events Models: Part 1—PREDYN Users Guide," FEMA-REP-6, April 1984.

"Exercise Evaluation and Simulation Facility Evacuation Events Model: Part II—Users Manual," FEMA-REP-7, April 1984.

"Application of the I-DYNEV System (To Compute Estimates of Evacuation Travel Time at Nuclear Power Stations)," FEMA-REP-8, December 1984.

"Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants," FEMA-REP-10, November 1985.

"Guidance on Offsite Emergency Radiation Measurement Systems, Phase 2—The Milk Pathway," FEMA-REP-12, September 1987.

"Guidance on Offsite Emergency Radiation Measurement Systems, Phase 3—Water and Non-Dairy Food Pathway," FEMA-REP-13, May 1990.

"Radiological Emergency Preparedness Exercise Manual," FEMA-REP-14, September 1991.

"Radiological Emergency Preparedness Exercise Evaluation Methodology," FEMA-REP-15, September 1991.

"Emergency Response Resources Guide for Nuclear Power Plant Emergencies," NUREG-1442/FEMA-REP-17, Rev.1, July 1992.

"Statements of Consideration for FEMA-REP-14 and FEMA-REP-15," FEMA-REP-18, January 1992.

2. Guidance Memoranda

GM IT-1. "A Guide to Documents Related to the REP Program," October 1, 1985.

GM 4. "Radio Transmission Frequencies and Coverage," April 1, 1980.

GM 5. "Agreements Among Governmental Agencies and Private Parties," Rev. 1, October 19, 1983.

GM 8. "Regional Advisory Committee Coordination with Utilities," Rev. 1, October 19, 1983.

GM 16. "Standard Regional Reviewing and Reporting Procedures for State and Local Radiological Emergency Response Plans," August 7, 1980.

GM 20. "Foreign Language Translation of Public Education Brochures and Safety Messages," Joint FEMA/NRC Issuance, October 19, 1983.

GM 21. "Acceptance Criteria for Evacuation Plans," February 27, 1984.

GM 22. "Recordkeeping Requirements for Public Meetings," October 19, 1983.

GM 24. "Radiological Emergency Preparedness for Handicapped Persons," April 5, 1984.

GM PI-1. "FEMA Action to Pilot Test Guidance on Public Information Materials and Provide Technical Assistance On Its Use," October 2, 1985.

GM FR-1. "Federal Response Center," December 3, 1985.

GM AN-1. "FEMA Action to Qualify Alert and Notification Systems Against NUREG-0654/FEMA-REP-1 and FEMA-REP-10," April 21, 1987.

GM EV-2. "Protective Actions for School Children," November 13, 1986. Note: Guidance in FEMA-REP-14 superseded pages 6-13 concerning the following: (1) Clarification of guidance related to the demonstration of protective action capabilities for schools in exercises, and (2) modifications to the set of questions as reflected in the Points of Review and Demonstration Criteria in Objective 16 of FEMA-REP-15.

GM IN-1. "The Ingestion Exposure Pathway," February 26, 1988. Note: Guidance in FEMA-REP-14 and FEMA-REP-15 superseded pages 12-17.

GM PR-1. "Policy on NUREG-0654/FEMA-REP-1 and 44 CFR Periodic Requirements," October 1, 1985. Note: Guidance in FEMA-REP-14 superseded two parts of the guidance contained in GM PR-1. These two changes were: (1) The provision set forth on page 3 (section 3) for partial participation in ingestion exercises for States with multiple sites located within their borders has been terminated. Per guidance provided in the Manual, such States would only need to partially participate in ingestion exercises when full participation exercises are conducted in bordering States, and (2) During the year in which the full-participation exercise is held at one of the sites, the responsible State and local governments should review their plans and procedures for the other sites within the State to verify their accuracy and completeness. This review should validate the identification of farms, food processors and distributors. This review and any resultant revisions should be made and reported in the Annual Letter of Certification, as described in GM PR-1, as part of their annual review and plan update.

GM MS-1. "Medical Services," November 13, 1986. Note: Guidance contained in Sections D.20 and D.21 of the Manual superseded GM MS-1 with respect to the following: (1) Minimum staffing for medical facilities, (2) deferral of radiological monitoring by transportation providers to medical facility staff, and (3) the role of licensee personnel in supporting State and local government medical services functions.

GM RG-2. "Guidance for FEMA Regional Implementation of the FEMA Rule," 44 CFR Part 352, February 8, 1993.

3. Additional Memoranda of Importance

Memorandum from Richard Krimm to Frank Finch dated 5/17/85, on "Congregate Care Facilities."

Memorandum from Richard Krimm to NTH Division Chiefs, FEMA Regional Offices dated 12/24/85, on "Guidance on NUREG-0654/FEMA-REP-1 Evaluation Criterion J.12."

Memorandum from Richard Krimm to Frank Begley dated 2/2/87 on "24-hour Staffing Capability."

Memorandum from Richard Krimm to Frank Begley dated 9/23/87 on "Alternate Emergency Operations Center (EOC)."

Memorandum from Richard Krimm to Frank Begley dated 12/9/87, on "Quad Cities Emergency Planning Zone (EPZ) Boundary Determination (split jurisdiction)."

Memorandum from Richard Krimm to Frank Begley dated 1/5/88, on "Radiological Monitoring."

Memorandum from Richard Krimm to NTH Division Chiefs dated 2/9/88, on "Clarification of Selected Provisions of Guidance Memorandum (GM) MS-1, Medical Services."

Memorandum from Richard Krimm to Frank Begley dated 2/26/88 on "Annual Letter of Certification."

Memorandum from Grant Peterson to Regional Directors dated 3/7/88, on "Guidelines for Regions to Use In Implementing NUREG-0654/FEMA-REP-1, Rev. 1, Supplement 1, With Qualifying Exercises."

Memorandum from Richard Krimm to Frank Begley dated 5/25/88 on "Relocation Centers."

Memorandum from Richard Krimm to Frank Begley dated 9/19/88, on "Medical Services and Radiological Monitoring Guidance."

Memorandum from Craig Wingo to William Fucik dated 9/20/88 on "FEMA Policy Concerning Receiving Schools Around the Perry Island NPS."

Memorandum from Richard Krimm to Frank Begley dated 9/22/88 on "Interpretation of 'Shall' and 'Should' as Used in NUREG-0654/FEMA-REP-1 and Off-Hours Unannounced Drills/Exercises."

Memorandum from Richard Krimm to Glenn Woodard dated 9/30/88 on "Clarification of Annual Medical Emergency Drill Provisions for States with Separate Sets of Primary and Backup Medical Facilities."

Memorandum from Richard Krimm to Frank Begley dated 12/7/88, on "Landmark Descriptions."

Memorandum from Grant Peterson to Paul Giordano dated 12/7/89, on "Guidance on Ingestion Pathway Exercises."

Memorandum from Grant Peterson to Regional Directors dated 1/12/90 on "Distribution and Use of the Generic Ingestion Pathway Brochure, entitled "Radiological Emergency Information."

Memorandum from Frank Begley to Kenneth V. Miller (Missouri Department of Health) dated 3/23/90 on "Exercise Demonstration of Two Radiological Monitoring Field Teams."

Memorandum from Dennis Kwiatkowski to William Tidball dated 11/2/90 on "Request from the State of New York for Waiver of Self-Reading Dosimetry Requirements for Emergency Workers."

Memorandum from Dennis Kwiatkowski to Stephen Harrell dated 1/16/92, on "Response to Request From Region VII for Resolution of Radiological Emergency Preparedness (REP) Program Issues, including Radiological Monitoring for 20 percent of the population; Ingestion Pathway Exercises; Dosimetry and Protective Clothing; Medical Care of Nursing Home and Medically Dependent Hospital Evacuees; Portal Monitors."

Memorandum from Dennis Kwiatkowski to Walter Pierson dated 3/26/92 on "Response to Region III's Request for Guidance on Ingestion Pathway Exercise Demonstration."

Memorandum from Dennis Kwiatkowski to Walter Pierson dated 5/15/92, on "Objective 13: Alert, Notification, and Emergency Information—Public Instructions."

Memorandum from Dennis Kwiatkowski to Robert Adamcik dated 1/13/93, on "Pennsylvania Emergency Management Agency Request for Clarification of FEMA-REP-14 Dosimetry Requirements Under Objective 5, Emergency Worker Exposure Control."

Memorandum from Craig Wingo to Stephen Harrell dated 3/5/93, on "Response to Policy Clarification on Radiological Emergency Planning for Day Care Centers."

Memorandum from H. Joseph Flynn, (FEMA) Associate General Counsel for Program Law, to Richard W. Krimm, dated 4/30/93, on "Legal Opinion on Letters of Agreement."

Memorandum from Margaret Lawless to RAC Chairs dated 6/25/93 on "Guidance on Planning Requirements Whenever Changes are Made to Existing 10-Mile EPZs." (contains memorandum from Craig Wingo to Stephen Harrell dated 6/24/93 on "Request for Guidance on Areas Beyond the 10 mile EPZ Ring.")

Memorandum from Richard Krimm to Regional Directors dated 9/14/93 on "Technical Review of REP Exercise Scenarios."

Memorandum from Richard Krimm to Regional Directors dated 10/13/93 on "Adequate Demonstration of Objective 16 at Radiological Emergency Preparedness Exercises."

Memorandum from Delbert Kohl to Charles Biggs dated 3/28/94 on "Clarification of Communication Equipment Needed by Field Monitoring Teams for Radiological Emergency Preparedness."

Memorandum from Joe Flynn to Dennis Kwiatkowski dated 4/6/94 on "Impact of OSHA's HAZMAT Standard on REP Program."

Memorandum from Delbert Kohl to Stuart Rifkind dated 5/27/94 on "Ingestion Planning—Indiana."

Memorandum from Dennis Kwiatkowski to Regional Directors, Regions I-X, dated 7/25/94, on "Environmental Protection Agency's (EPA) Manual of Protective Action Guides (PAGs) and Protective Actions for Nuclear Incidents (EPA 400-R-92-001)."

Memorandum from Robert Fletcher to Stuart Rifkind dated 11/9/94 on "Clarification on Alert and Notification System—the Order of Sirens and EBS Messages."

Memorandum from Robert Fletcher to Rita Calvan dated 12/12/94 on "FEMA Review and Approval Process for the Susquehanna Steam Electric Station Offsite Radiological Emergency Plans and Preparedness."

Memorandum from Dennis Kwiatkowski to Robert Adamcik dated 12/13/94 on

"Pennsylvania Emergency Management Agency Request for Exemption from REP-14 and REP-15 EBS Provisions."

Memorandum from Robert Fletcher to Charles Biggs dated 2/23/95 on "Request for Exemption on Back-up Medical Facilities."

Memorandum from Robert Fletcher to Charles Biggs dated 3/9/95 on "EPA Manual of Protective Action Guides and Retrospective Determinations of Total Dose."

Memorandum from Bill Wark to Larry Bailey dated 6/6/95 on "Evaluation of Activities at Designated Radio/Television Stations That Broadcast Emergency Messages."

Memorandum from William Wark to Joseph Dominguez, dated 2/21/96, on "Annual Distribution of Emergency Information to the Public."

Memorandum from William Wark to Joseph Dominguez, dated 4/12/96, on "Precautionary Evacuation for the Emergency Planning Zone (EPZ) of the Diablo Canyon Site."

Memorandum from Vern Wingert to Larry Robertson dated 8/21/96 on "Dosimeter Guidance for Emergency Workers."

Memorandum from Kay Goss to Regional Directors dated 12/23/96 on "Forwarding of Draft Agency Guidance to Clarify REP Policy on Use of Dosimeters by Bus Drivers."

Memorandum from Kay Goss to Regional Directors dated 1/10/97 on "Purpose of Memo and Draft Guidance on the Use of Dosimetry by Bus Drivers."

Letter from Woodie Curtis to Paul Schmidt (Wisconsin Department of Health and Social Services) dated 3/7/97 on "Several Technical Issues."

Memorandum from Ihor Husar to Eric Jenkins dated 3/5/98 on "Review and Determination on the Nebraska Emergency Management Agency's Petition to Delete Nemaha County Hospital From the Nebraska Radiological Emergency Response Plans (Cooper Nuclear Station)."

Memorandum from Kay Goss to Regional Directors, dated 4/2/98 on "Interim-Use Guidance for Providing Information and Instructions to the Public for Radiological Emergencies Using the New Emergency Alert System (EAS)."

4. FEMA Policy Statements

"Policy Statement on Respiratory Protection," Federal Emergency Management Agency, November 22, 1985.

"Policy Statement on the Use of NUREG-0654/FEMA-RP-1 and Guidance Memoranda," Federal Emergency Management Agency, September 21, 1988.

"Policy Statement on Disposal of Waste Water and Contaminated Products from Decontamination Activities," Federal Emergency Management Agency, January 1989.

5. Other Basic and Pertinent Guidance

"Potassium Iodide as a Thyroid-Blocking Agent in a Radiation Emergency: Final Recommendations on Use," Food and Drug Administration, U.S. Department of Health and Human Services, 47 FR 28,158, June 29, 1982.

"Accidental Radioactive Contamination of Human Food and Animal Feeds: Recommendations for State and Local Agencies," Food and Drug Administration, U.S. Department of Health and Human Services, 47 FR 47,073, October 22, 1982.

Note: Revised FDA Protective Action Guides are due to be published in late May 1998.

"Federal Policy on Distribution of Potassium Iodide Around Nuclear Power Sites for Use as a Thyroidal Blocking Agent," Federal Emergency Management Agency, 50 FR 30,258, July 24, 1985.

"Mass Care—Preparedness and Operations, Disaster Services Regulations and Procedures," ARC 3031, American Red Cross (ARC), Washington, DC, April 1987.

"Federal Response Plan (FRP)," Federal Emergency Management Agency, FEMA 229, April 1992.

"Manual of Protective Action Guides and Protective Actions for Nuclear Incidents," U.S. Environmental Protection Agency (EPA), EPA 400-R-02-001, May 1992.

"Emergency Planning and Preparedness for Nuclear Power Reactors," NRC Regulatory Guide 1.101 Rev.3, August 1992.

"Memorandum of Understanding between Federal Emergency Management Agency and Nuclear Regulatory Commission," 58 FR 47,996, Sept. 14, 1993.

Note: This MOU, which was entered into June 17, 1993, supersedes all previous FEMA/NRC MOU's.

"Contamination Monitoring Standard for a Portal Monitor Used for Emergency Response," Federal Emergency Management Agency, March 1995.

"Federal Radiological Emergency Response Plan (FRERP)," Federal Emergency Management Agency, May 1, 1996.

"Respiratory Protection," Occupational Safety and Health Administration, 29 CFR 1910.134.

"Respiratory Protection—A Manual and Guideline," 2nd edition, Publication #63PC91, American Industrial Hygiene Association (AIHA), Fairfax, VA.

6. Background Material

"Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," NUREG-0396, EPA 520/1-78-016, Nuclear Regulatory Commission and Environment Protection Agency, December 1978.

"Background for Protective Action Recommendations: Accidental Radioactive Contamination of Food and Animal Feeds," Food and Drug Administration, U.S. Department of Health and Human Services, August 1982. DHHS Publication FDA 82-8196.

"Personal Dosimetry Performance Criteria for Testing," American National Standards Institute, Standard N13.11-1983. "Criteria for Protective Action Recommendations for General Emergencies," NRC Information Notice 83-28, May 1983.

"Preparedness and Response in Radiation Accidents," Food and Drug Administration, U.S. Department of Health and Human Services, August 1983. DHHS Publication FDA 83-82111.

Memorandum from Richard Krimm to Glenn Woodard dated 4/22/86 on "Clarification of the 15-Minute Design Objective for Alert and Notification Systems."

"Evacuation: An Assessment of Planning and Research," RR-9, Federal Emergency Management Agency, November 1987.

"Management of Persons Accidentally Contaminated with Radionuclides," National Council of Radiation Protection, Report No. 65, 1979.

"Check List for Review and Evaluation of Emergency Public Information Brochures for Ingestion Pathway Measures," Federal Emergency Management Agency, July 1990 (contains cover memorandum from Grant Peterson to Regional Directors dated 6/12/90).

"Response Technical Manual (RTM-91)," NUREG/BR-0150, Vol. 1, Rev. 1, U.S. Nuclear Regulatory Commission, April 1991.

"State of the Art in Evacuation Time Studies for Nuclear Power Plants," NUREG/CR4831, NNL-776, March 1992.

"Resources Available for Nuclear Power Plant Emergencies Under the Price-Anderson Act and Robert T. Stafford Disaster Relief and Emergency Assistance Act," NUREG-1457, July 1992.

"Repair and Maintenance Manuals for Radiological Instruments," CPG 4-1, Vols. 1-10, Federal Emergency Management Agency, July 20, 1992.

"American National Standard for Respiratory Protection," ANSI 288.2-1992, American National Standards Institute, NY, NY.

"RG REP 05, Rev. 1, REP Evacuation Time Study Review Guide (Checklist)," Federal Emergency Management Agency, April 1993.

"Emergency Alert System," CPG 1-40, Federal Emergency Management Agency, June 1996.

"Emergency Alert System: A Program Guide for State and Local Governments," CPG 1-41, Federal Emergency Management Agency, June 1996. Memorandum from Kay Goss to All Regional Directors dated 11/25/96 on "Disposition of FEMA-Owned Radioactive Sources in the States."

"RG REP 02, Rev. 8, REP Annual Letter of Certification Review Guide (Checklist)," Federal Emergency Management Agency, October 1997. Memorandum from Kay Goss to All Regional Directors dated 6/23/97 on "Monitoring of Radiation Exposure by States."

Dated: August 31, 1998.

Kay C. Goss,

Associate Director for Preparedness, Training, and Exercises.

[FR Doc. 98-24153 Filed 9-8-98; 8:45 am]

BILLING CODE 6718-20-P

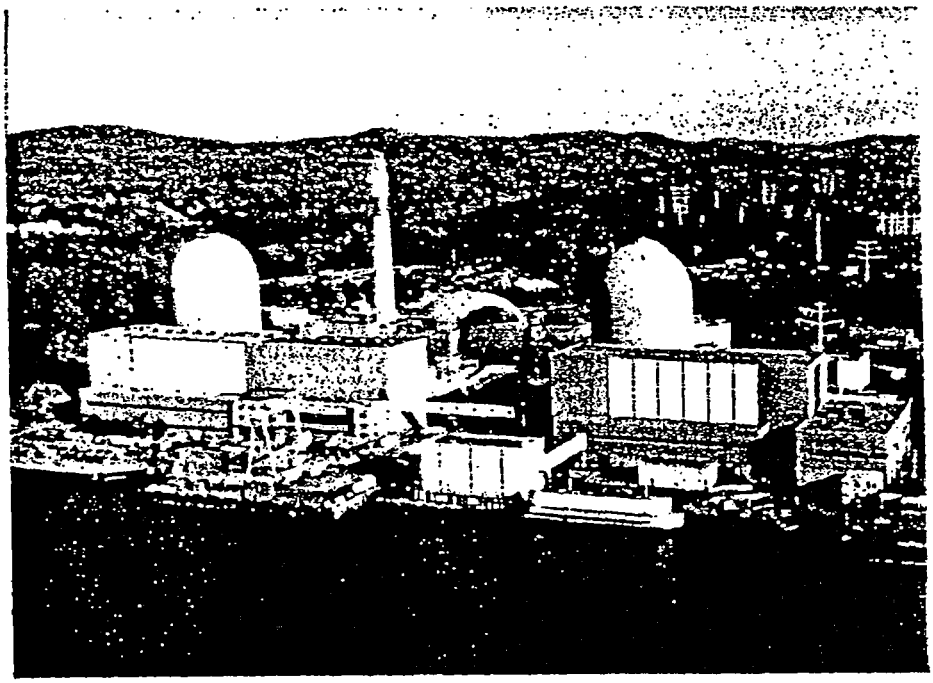
FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

WESTCHESTER COUNTY RADIOLOGICAL EMERGENCY PLAN FOR THE INDIAN POINT ENERGY CENTER

Volume 1: Core Plan
Volume 2: Procedures



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APPENDIX B

LETTERS OF AGREEMENT

APPENDIX B

LETTERS OF AGREEMENT

The following organizations have documents on file with OEM acknowledging their participation in the plan:

American Red Cross (Congregate Care Centers)
American Ambulette Corporation
AMTRAK
Bedford Public Schools
Blind Brook-Rye Union Free School District
Bronxville School District
Byram Hills Central School District
Chappaqua Public Schools
Chappaqua Transportation, Inc.
Dobbs Ferry Union Free Schools
Eastchester School District
Ecole Transportation Corporation
Empress Ambulance Service
Federal Aviation Administration
German School-New York
Greenburgh Central 7 School District
Greenburgh Police Department
Harrison Central Schools
Hendrick Hudson School District
Katonah-Lewisboro Schools
Lakeland Central School District
Liberty Lines Transit, Inc.
Maria Regina High School
Metro-North Commuter Railroad
North Salem Central School District
Port Chester Public Schools
Saint Patrick's School, Bedford Village
Soloman Schechter School
TransCare New York
Tuckahoe Union Free School District
U.S. Coast Guard
Valhalla Union Free School District
Vanguard Tours, Inc.
WABC
Westchester Community College
Westchester Medical Center
Westchester County - Local Law Enforcement Agencies, Police Mutual Aid
Westchester County - Emergency Medical Services, EMS Mutual Aid Plan
WFAS
White Plains City Schools

New York State Emergency Management Office
1220 Washington Avenue
Building 22, Suite 101
Albany, NY 12226-2251

Edward P. Jacoby, Jr., Director

April 18, 2003

Mr. Joseph Picciano
Acting Regional Director
FEMA, Region II
26 Federal Plaza
New York, NY 10278

Dear Mr. Picciano:

Thank you for providing the final report for the Indian Point exercise conducted on September 24, 2002.

I am pleased that your report confirms that none of the many areas exercised within the current emergency plans, as based on existing federal guidelines, was found to be deficient. Your report references several Areas Requiring Corrective Action (ARCAs) which relate to emergency preparedness at Indian Point. On January 6, 2003 my staff provided detailed comments in our review of the ARCAs outlined in the draft exercise report. It does not appear that these comments were considered in FEMA's final exercise report. I have attached this information for your review.

Staff has also reviewed the Regional Assistance Committee's (RAC) observations about the existing plans which you provided with the final exercise report. The RAC review confirms that, overall, County plans are being maintained as needed. As you know, the state also updated key procedures within its plan and provided these to FEMA prior to the September exercise. We are currently conducting a comprehensive plan update.

In relation to the four specific planning issues that you have raised, I am offering the following updates:

Letters of Agreement - Since the September exercise, State and County staffs have had several conversations with FEMA regarding Letters of Agreement (LOA). As we have discussed, my talks with Counties indicate that they are currently working to update their LOAs. Since the number of LOAs differs within each county, the efforts required to satisfy this requirement also differ.

I can offer the following information based on discussions with the Counties. Westchester County has put forth a program to update its LOAs, including a letter from its County Executive to organizations participating in the plan. Rockland County is in process of updating letters of agreement. I am aware that FEMA has requested a meeting with the County to discuss this information. Putnam County provided LOA information in its unofficial PR-1 submission submitted in late January. Orange County has informed me that its existing LOAs remain in effect, and that it plans to meet with FEMA to discuss this matter in greater detail.

As the LOAs are part of the PR-1 process, I do not expect to receive formal documentation on these efforts. The Counties' rationale for withholding this information has been documented in letters provided previously. The State has not changed its position in relation to its inability to compel the Counties to take action on PR-1.

Joint News Center Procedures and Public Education Workplan - As we have discussed, the current Joint News Center concept, as conducted nationally in radiological preparedness, is in need of significant revision. It does not reflect the reality of modern media operations which provide instant and continuous reporting.

The JNC program, however, is based on FEMA's own regulations and guidance. The State's efforts, in both the 2002 and 2000 exercises, have met these requirements. As you know, following the September 2002 exercise, the State committed to developing revised JNC procedures and conducting a workshop to explain and elicit feedback on them. The State met both these commitments. FEMA public information staff from both Region II and FEMA headquarters participated at a January 29, 2003 workshop and agreed to review the state's efforts as it considers national changes in the JNC program. New York State has incorporated FEMA's comments into these procedures. This new approach was used successfully during the FEMA-observed Nuclear Power plant exercise for the Ginna facility on March 4, 2003. FEMA regional staff has written to the State expressing satisfaction that issues raised during the September 2002 exercise were addressed satisfactorily. Although New York continues to lead this effort, it is crucial that any FEMA requirements on the JNC program be consistent nationwide. New York State would be glad to serve as a pilot for a new national JNC program.

Updated Evacuation Time Estimates - As you know, Indian Point's operator, Entergy, has contracted with KLD Associates to prepare an updated evacuation time estimate (ETE) study to provide updated information for emergency plans. According to information provided recently, this new report will be based on current census data and will address shadow evacuation, evacuation during different times of the year, and the impact of evacuation beyond the 10-mile emergency planning zone. Entergy has provided the State and Counties with a draft of the ETE study for review and comment. The State is reviewing this study. When relevant issues are resolved, SEMO will assist the Counties, as needed, to fully incorporate updated information into their emergency plans.

Facility Procedures - Protection of children remains a top priority for emergency planners throughout New York State. As you know from our exercise program for nuclear power plants, counties envision moving schoolchildren to school reception centers well before a release of

radiation is imminent. County radiological plans include procedures to notify schools registered nursery school and daycare providers. They also identify these facilities. W continue to work closely with Counties and FEMA to ensure the highest level of prep

The James Lee Witt report contained many recommendations to enhance programs to State/County radiological emergency preparedness program for the Indian Point Emer Planning Zone. We used this report and drew on our decades of experience to develo of initiatives that will improve existing capabilities in the Radiological Emergency Pr Program. With FEMA's assistance, the State is now prepared to move forward to imp projects that will enhance State/County programs for the Indian Point planning areas. projects focus on a variety of areas such as enhancements to support executive decisio communications, radiological assessment and analysis, alert and notification and publ The State will work closely with your staff and County officials as these efforts progr

New York State remains committed to working with FEMA and County gove improve emergency planning within the communities around Indian Point.

Sincerely,

Edward F. Jacoby, Jr.
Director

EFJ:lw

Westchester gov.com

Andrew J. Spano
County Executive

Patrick Kelly
Commissioner

Anthony W. Sutton
Deputy Commissioner
OEM Director

Westchester County Department of Emergency Services

James Lee Witt Associates
Ben Franklin Station
PO Box 7998
Washington, DC 20044-7998

February 7, 2003

Re: Review of Emergency Preparedness at Indian Point and Millstone
Draft January 10, 2003

Dear Mr. Witt:

I am writing in response to your January 10th draft Review of Emergency Preparedness at the Indian Point and Millstone nuclear power plants.

County Executive Spano's sole focus has been to protect the health and safety of Westchester residents. Accordingly, his commitment has been backed up by a muti-million dollar investment in staff, money and other resources. With that in mind, we welcome the additional recommendations and suggestions your expert advice has offered.

Westchester County strongly endorses the report's general call for a higher standard of emergency preparedness at Indian Point in light of September 11, 2001 and heretofore unseen threats to the plants. We urge the involvement of the Federal Government in the implementation of your recommendations. On our own, we have for some time pressed for better technology and more sophisticated modeling of the radiological dispersion; and have worked with IBM Research Labs and others to contribute to this effort.

We appreciate that the report recognizes some of Westchester's efforts to improve our emergency planning and response. The updates cited include the incorporation of new technology in our Emergency Operations Center (EOC), and our consideration of adjustments to older existing evacuation travel times (ETTE). Our EOC operations now include the use of EOC e-mail and electronic real time status boards. During our EOC activation, rather than simply using older ETTE data, County Executive Spano chose to add time to the existing estimates when considering protective action recommendations. We believe it prudent to make these adjustments while we eagerly await the new travel time study data from Entergy's consultants.

4 Dana Road
Valhalla, New York 10595
Website: westchestergov.com/emergserv
Telephone: (914) 231-1688
FAX: (914) 231-1622

In a project as large as Witt Associates undertook, some items are bound to be lost in the shuffle. While we read in the Acknowledgment in the report that "not met" may merely mean that the documents were not reviewed by Witt Associates, we wish to note the following important points for inclusion in the final report:

- In Appendix C page C-48, for criterion II.A.3, the report notes that the plan (Westchester REP) refers to letters of agreement provided in a separate appendix, as permitted by NUREG 0654. However, because the reviewer was not provided with a copy of the appendix, the content and accuracy could not be verified. Letters of Agreement are listed in Appendix B of the plan. It notes that the agreements are on file with OEM. Westchester County OEM provided hard copies of all agreements to your subcontractor, Innovative Emergency Management, (IEM) in September 2002. Westchester County has over 80 letters of agreement currently. We again offer these resources to your staff.

  In Appendix C, page C-53 for criterion, II.J.12, the report states the plan provides no discussion concerning the capability for processing evacuees or the number of monitoring teams available.

  The means of monitoring and registering evacuees are found in Procedure 3 Health, and in Procedure 6 Social Services. Section III of the plan (page III-3) also addresses this matter. In particular, Procedure 3, Attachment 7 addresses the number of evacuees expected at each reception center; the number of portal monitors located there to meet their needs; and the number of Department of Health personnel assigned.

  In Appendix C, page C-55, the report comments in regard to air sampling techniques/flow rates/time in plume/analysis information. The report states, "This issue may be addressed in the separately bound Field Monitoring Manual; however, a copy was not provided to the reviewer, so compliance could not be verified."

  The topics cited are, in fact addressed in the Field Monitoring Manual. Again, a copy of the manual was provided to IEM in September 2002.

- County Executive Spano is a veteran of five exercises and the February 2000 IP2 Alert. Observation of the incident commander asking questions of his expert staff should not be interpreted as a lack of knowledge, as was stated in the report. Rather it should be viewed as an exercise to confirm that all contingencies have been considered. It is noteworthy that Westchester views these drills as an opportunity to train and learn. We encourage questions and challenges to conventional planning.

- Some capabilities the report recommends already exist in Westchester. Among them is our reverse calling system capable of calling phones in identified geographical areas.

- Westchester County is one participating agency in what is intended to be a coordinated response and thus we are guided by and limited, to some extent, by the procedures and technology established by others. We hope that the Witt report results in the establishment of new, more stringent and comprehensive planning standards. Furthermore, we look to the Federal government to provide the expertise, guidance, financial support and resources necessary for their implementation.

In addition, as you complete your revisions for the final report, please note that our Emergency Management officials and other county personnel continue to be available to provide an "insiders perspective" of the plan, our interactions with Entergy and our relationships with SEMO, FEMA, and the NRC.

Thank you for your efforts in preparing this in depth report and for the opportunity to provide comments.

Regards,

Anthony W. Sutton
Deputy Commissioner

Cc A. Spano, County Executive
P. Kelly, Commissioner
E. Jacoby, Director, SEMO

JAMES LEE

WITT

ASSOCIATES, LLC

Prepared By

James Lee Witt Associates, LLC
1201 F Street, NW, Suite 850
Washington, DC 20004

Prepared For

Power Authority of the State of New York

Prepared Under

Contract for New York State Nuclear Plan Review, 4500058472

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Compliance Review Matrix for Westchester County

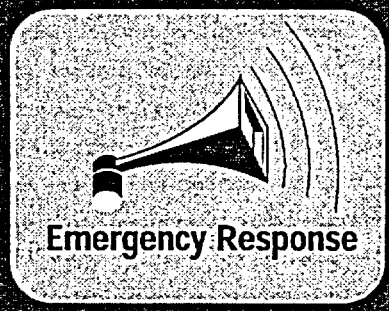
Planning Standard/Requirement	Source Document	Where Addressed in the Plan	Requirement Met or Not Met	Comments
II.A.1.a—Identifies State, Local, Federal, and private sector organizations that are part of the overall response organization	NUREG 0654	1.E; I II.B Table III-1	Met	The plan provides few details on private sector organizations other than the licensee.
II.A.1.b—Concept of Operations and relationship to the total effort specified for all parties with an operational role	NUREG 0654	Sec. III.B	Met	The plan calls for uncharacteristically heavy County involvement in dose/accident assessment.
II.A.3—Written agreements between various organizations with emergency response roles are included in the plan or the plan includes descriptions of the letters and a signature page from the cooperating organizations.	NUREG 0654	App. B	Not Met	While the County does have copies of the letters of agreement and provided them to the reviewer upon request, their maintenance under separate cover does not fulfill the stated requirement in NUREG-0654. The reviewers applied a literal interpretaion of the NUREG requirement in the case of LOAs.
II.A.4—24-hour operational capability for a protracted period has been planned for (personnel, food, supplies, etc.) and person responsible for assuring continuity of resources (technical, admin., material) is specified by title.	NUREG 0654	II-B	Met	This requirement is met only marginally; the plan contains little discussion of capabilities for sustained operations.
II.C.4—Organizations have identified nuclear and other facilities, organizations, or individuals than can be relied upon to assist in an emergency. Appropriate letters of agreement have been established for this support.	NUREG 0654	App. B	Met	The letters of agreement are referred to in the plan and kept in a separate appendix that was not available to the reviewer.

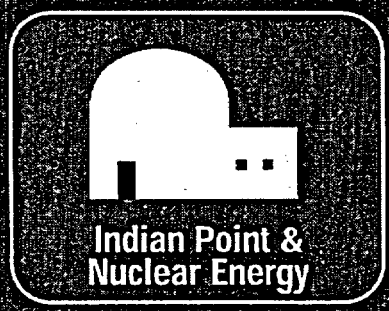
Please READ and KEEP this Planning Guide in a Safe Place

Español, página 17

Emergency Planning for Indian Point:
A Guide for You and Your Family

Westchester County • New York State Disaster Preparedness Commission • Entergy Nuclear Northeast





2002-03

As your County Executive, nothing is more important to me than protecting your health and safety. When it comes to the Indian Point Energy Center, I want you to know that my Department of Emergency Services has been working around the clock to make sure that our Comprehensive Emergency Response Plan protects you and your family in the unlikely event of an emergency.

THE PLAN

In case of an emergency, you should be aware that the full resources of this county will be used to keep you safe. Over 200 people with knowledge and experience — school representatives, transportation experts, public safety officials and the medical community have been involved in making plan improvements. Over 300 county employees have been trained.

There are two parts to any emergency response plan: one is the written document; the second is the implementation by knowledgeable officials. While the written plan is comprehensive, it is the basis for decision-making in an emergency situation. What is equally important is the human element — the practical part of making decisions as circumstances unfold.

These decisions are made by me, as your County Executive, with the advice of a professional team that is assembled and trained just for that purpose. They include commissioners from each and every county department, national, state and local emergency personnel, the medical community, school officials and numerous non-profit agencies specially trained in emergency procedures.

THIS BOOK

I cannot emphasize how vital this booklet is. It contains important information about how to respond to an emergency at Indian Point, how you will be notified and what directions you may be given.

I strongly urge you to **complete and keep with you the wallet sized cards** that are provided for your convenience. In addition, please take the time to review the information regarding **KI-potassium iodide, which is described on page nine.**

For more information on Westchester's emergency plans or if you need assistance with the information in this booklet, call the County's Department of Emergency Services at 1-800-942-1452, or visit the county's Web site at www.westchestergov.com/indianpoint.

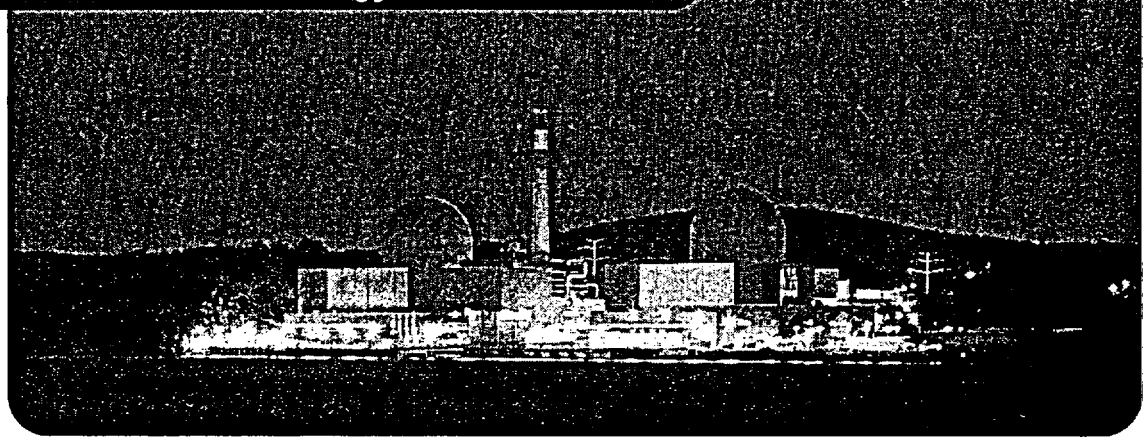
In times of crisis, it is easy to be filled with anxiety. I want you to reassure you that the plan, the resources, and the people are in place to protect you in the unlikely event of an emergency.

Andrew J. Spano
County Executive

Westchester gov.com

Andrew J. Spano, Westchester County Executive

Indian Point Energy Center



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In any emergency, the most important tool you need is INFORMATION! Record your family's emergency information on the cards below and make sure everyone in the family has one with them.

Indian Point Emergency Planning Information

Emergency Response Planning Area #_____

Reception Center: _____

School Reception Center: _____

Evacuation Route: _____

Bus Stop Location: _____

Family Emergency Contact: _____

Indian Point Emergency Planning Information

Emergency Response Planning Area #_____

Reception Center: _____

School Reception Center: _____

Evacuation Route: _____

Bus Stop Location: _____

Family Emergency Contact: _____

Indian Point Emergency Planning Information

Emergency Response Planning Area #_____

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Family Emergency Contact: _____

Indian Point Emergency Planning Information

Emergency Response Planning Area #_____

Reception Center: _____

School Reception Center: _____

Evacuation Route: _____

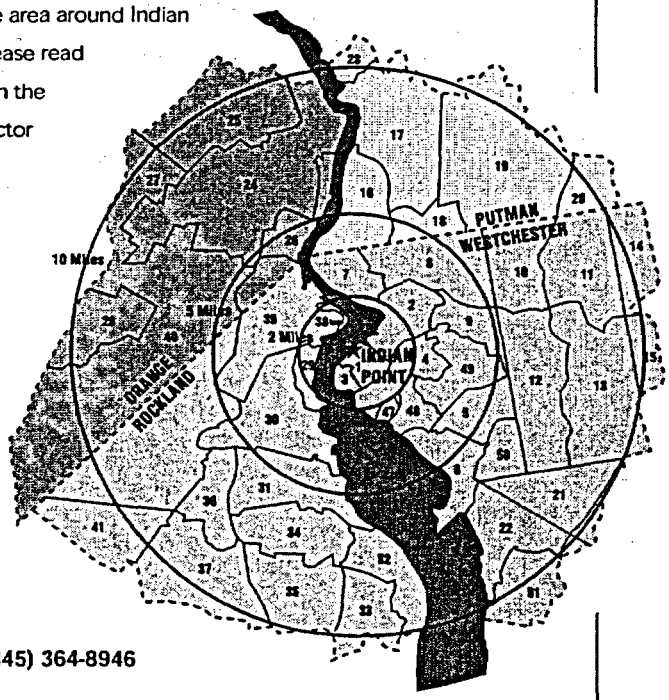
Bus Stop Location: _____

Family Emergency Contact: _____

Be Prepared

Preparing for an Emergency Means Planning Ahead . . . . . .

This guide will help you prepare for a possible emergency at the Indian Point Energy Center. It is being sent to everyone who lives in the 10-mile area around Indian Point called the Emergency Planning Zone. Please read this booklet, discuss it with your family and fill in the designated areas. Like installing a smoke detector in your house or buckling seatbelts in your car, taking a few minutes to complete this booklet could help protect your family in an emergency. When you are finished, you will have a personal emergency plan for your family. Keep it in a safe place and refer to it as needed.



For general information about emergency preparedness and Indian Point, please call the appropriate number:

- Orange County **(800) 942-7136**
- Putnam County **(800) 942-1457**
- Rockland County **(800) 942-1450**
  (Telecommunications Device for the Deaf) **(845) 364-8946**
- Westchester County **(800) 942-1452**
- New York State Disaster Preparedness Commission **(518) 485-6011**

Indian Point Emergency Planning Information

- If you hear a three- to five-minute siren, turn to an Emergency Alert System (EAS) station for official information concerning the emergency.
- Stay calm.
- Follow the instructions given by local government officials.
- Follow your family emergency plan.

Indian Point Emergency Planning Information

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- Stay calm.
- Follow the instructions given by local government officials.
- Follow your family emergency plan.

Emergency Response

How Will You Know If There Is an Emergency? . . . . . .

Special sirens are located throughout the area within 10 miles of Indian Point. These sirens will sound for three to five minutes without stopping if there is an emergency. Police car loudspeakers might also be used in areas where sirens might not be heard.

If you hear a three- to five-minute siren, stay calm. **The siren is not a signal to evacuate.** It means that you should tune into one of the Emergency Alert System television or radio stations listed on page six of this booklet and on the enclosed map. The broadcasts from these stations will tell you what you should do.

If you hear an emergency siren but there is no emergency broadcast when you turn to an Emergency Alert System station, there is no emergency at Indian Point – the sirens may have sounded for a test or because of a malfunction.

Siren Tests . . . . . .

The emergency sirens are tested periodically to make sure they are working properly. There are two kinds of tests:

- **Short tests lasting about 10 seconds**
- **Full tests lasting about three to five minutes**

These tests are announced in advance through the local news media.

Different Responses for Different Emergencies

There are four nuclear power plant emergency levels established by the federal government. Different kinds of emergencies may affect you in different ways.

Emergency Level	Definition	Public Action	Siren Activation
Unusual Event	There is a potential problem with operation of the plant.	No action necessary. Information will be provided to news media.	No siren
Alert	Something has happened that could reduce the plant's level of safety.	No action necessary. Indian Point, county governments and New York State will activate their emergency response centers and information will be provided to news media.	Sirens unlikely to sound
Site Area Emergency	A problem has substantially reduced the plant's level of safety, but radioactivity levels outside the plant site are not expected to exceed federal guidelines.	Indian Point, the counties and the state emergency response centers are fully activated and coordinating their activities. You should monitor the situation on television or radio.	Sirens may sound
General Emergency	Problems affecting plant safety systems could lead to a release of radioactivity above federal guidelines outside the plant site.	Stay tuned to an Emergency Alert System radio or television station to find out if you need to take protective action, such as staying indoors or leaving the area.	Sirens will likely sound

It is important to understand that a plant emergency can change over a period of hours or even days. For example, an emergency could begin as an Alert, but eventually become a Site Area Emergency as conditions change over time. An emergency could also be resolved quickly. If an emergency occurs, remember to frequently tune in to radio or television news reports to stay up-to-date.

Your Family Emergency Plan

This booklet is a tool to help you and your family prepare a plan in case of an emergency at Indian Point. Please fill in the areas marked with a using the information included in this booklet and on the enclosed map. Also, take a few minutes to fill in the wallet cards on page one, and give one to each member of your family so they will have the vital information they need with them in case an emergency occurs when they are not at home.

Your First Priority: Tune in for Information

If you hear the three- to five-minute siren blast or other warnings alerting you of an emergency at Indian Point, turn on your television or radio and tune in to one of the Emergency Alert System stations listed on page six and on the enclosed map. **The sirens are NOT a signal to evacuate.** They are simply alerting you to listen to the Emergency Alert System. The broadcasts will tell you what you need to do.

In case of an emergency, I will tune in to:

Television Channel: _____

Radio Station: _____

Sheltering - Staying Indoors

If an emergency occurs, Emergency Alert System broadcasts might tell you to take shelter by staying indoors. Staying inside can be an effective way to avoid exposure to radiation.

- Stay tuned to Emergency Alert System broadcasts, and stay indoors until the Emergency Alert System says it is safe to go outside.
- Close all doors, windows and vents. Turn off all fans, air conditioners and other systems that bring outside air into the house.
- Put out fires in fireplaces and close the damper after the fireplace cools.
- Bring pets inside.
- Don't tie up the telephone lines — use the telephone only if you need emergency help.

Emergency Alert System

If you hear the sirens, turn your radio or TV to one of the Emergency Alert System (EAS) stations listed here. You should take only the actions advised in official EAS messages.

WFAN-AM	660	KHz	New York	WRRV-FM	92.7	MHz	Middletown
WABC-AM	770	KHz	New York	WQXR-FM	96.3	MHz	New York
WCBS-AM	880	KHz	New York	WHUD-FM	100.7	MHz	Peekskill
WFAS-AM	1230	KHz	White Plains	WFAS-FM	103.9	MHz	White Plains
WALL-AM	1340	KHz	Middletown	WCBS-TV	Ch 2	TV	New York
WLNA-AM	1420	KHz	Peekskill	WNBC-TV	Ch 4	TV	New York
				WNYW-TV	Ch 5	TV	New York
				WABC-TV	Ch 7	TV	New York

Emergency information could also be carried on the following radio stations:

WRKL-AM	910	KHz	Pomona	WNEW-FM	102.7	MHz	New York
WTBQ-AM	1110	KHz	Florida	WGNY-FM	103.1	MHz	Newburgh
WGNY-AM	1220	KHz	Newburgh	WAXB-FM	105.5	MHz	Patterson
WRCR-AM	1300	KHz	Nanuet	WWXY-FM	107.1	MHz	Hawthorne

Evacuation

In an emergency, you should leave your home only if the Emergency Alert System tells you to. The broadcast will tell you which "Emergency Response Planning Areas" in your county should evacuate, and give you any special instructions you need. Each county is divided into a number of Planning Areas. To find out which area you live in, see the map in this booklet.

- **Stay calm.** You should evacuate as promptly as possible, but you will have plenty of time to leave.
- **Stay tuned to an Emergency Alert System** television or radio station for information and instructions.
- **Turn off small appliances and faucets.** Turn your furnace down or off. Turn off all air conditioners and fans. Lock windows and doors.
- **Pack necessities for three days,** using the checklist of recommended items on page 12.

Remember that evacuation may be just a precaution. You might be told you can return home relatively quickly.

Emergency Evacuation Plan

I live in Emergency Response Planning Area # _____

If you have a car:

- Offer a ride to neighbors who may not have a car.
- Keep your car's windows and vents closed and the air conditioner off.
- Keep your car radio tuned to one of the Emergency Alert System stations listed on page six of this booklet.
- Follow the evacuation routes recommended on the map in this booklet.
- Drive to your General Population Reception Center identified on the map in this booklet.

My evacuation route is: _____

_____

My General Population Reception Center is: _____

If you do not have a car:

- Ask a neighbor, friend or family member who lives nearby for a ride.
- Walk to the nearest emergency bus pickup point listed on the back of the map enclosed in this booklet.

I will ride with: _____

My emergency bus stop is at: _____

If an emergency takes place, your family members might not be at home. In case this happens, it may be a good idea to agree on a place outside the Emergency Planning Zone where everyone would meet, such as a Reception Center or a friend's or relative's house. You should also agree on a "check-in" phone number for the family – a friend or relative who lives outside the Emergency Planning Zone who everyone would call to check in with if an emergency occurred.

Our family meeting place is: _____ **Our "check-in" phone number is:** _____

Emergency Planning and Schools

One of our top priorities is the safety of your children. Your state and local governments, schools and Indian Point have worked hard to make sure your children would be safe and well taken care of if an emergency occurred during a school day.

If an emergency occurred while children were in school, school authorities might do one of the following, depending on the kind of emergency and the location of the school:

- Send students home early using the school's regular early dismissal plan.
- Keep students in their school buildings and wait for further instructions.
- Evacuate students by bus to a School Reception Center. A list of schools and the reception center for each one is listed on the map in the center of this booklet.

News broadcasts will tell you what is happening at your child's school. Although your first reaction might be to pick up your children from school, that might delay the evacuation process for you and your children. If your child's school is evacuated, please do not go to the school to pick up your child unless otherwise advised by your school district. Instead, go to the designated School Reception Center to pick him or her up. Teachers and school personnel will take good care of your children during an emergency.

If you have children at more than one school, they may be sent to different School Reception Centers. It is possible that during an emergency, you may be unable to get to all of the reception centers. Talk to your children's schools about authorizing a friend or neighbor to pick up your children if you may be unable to do so until the emergency passes.

School Evacuation Plan

Child's Name: _____

School Reception Center: _____

Will be picked up by: _____ ***if I am unable***

Child's Name: _____

School Reception Center: _____

Will be picked up by: _____ ***if I am unable***

Child's Name: _____

School Reception Center: _____

Will be picked up by: _____ ***if I am unable***

Six Facts You Need to Know About KI-Potassium Iodide

Based on medical studies, federal guidance and an increased public interest in KI-potassium iodide, New York State and your county have developed a program to provide KI-potassium iodide to residents who live, work or travel within the 10-mile Emergency Planning Zone (EPZ) surrounding commercial nuclear power plants.

1. What is it?

KI-potassium iodide is an over-the-counter drug (simple salt) that can protect one part of the body – your thyroid – if you are exposed to one form of radiation, radioactive iodine.

2. How does it work?

KI-potassium iodide fills your thyroid with iodine so that it cannot absorb any radioactive iodine.

3. When do I take it?

You should only take KI-potassium iodide when directed to do so by public health officials. You would be notified whether or not it is advisable to take KI-potassium iodide through an Emergency Alert System message. Emergency sirens would sound and normal radio/television broadcasts would be interrupted to instruct the public of what protective actions they should be taking. These instructions could include: evacuate the area, stay inside, and/or take your KI-potassium iodide.

4. How much do I take?

One pill. It will protect your thyroid for approximately 24 hours.

5. Remember, KI-potassium iodide is NOT an alternative to evacuation.

KI-potassium iodide only protects your thyroid from one form of radiation. Your best protection against the release of radiation is to leave the area when you are instructed to do so.

6. How do I get my potassium iodide?

KI-potassium iodide is available without a prescription in a number of pharmacies in Westchester County. Westchester County has a KI-potassium iodide public distribution program for the general public, schools and businesses. **For more information, call (914) 231-1674. Also, a list of pharmacies that stock KI-potassium iodide can be found at the County's Web site, www.westchestergov.com/indianpoint.** KI-potassium iodide may be purchased over the Internet and in retail outlets.

Emergency Planning Zone and Evacuation Notes

The 10-mile area surrounding the Indian Point Energy Center is called the **Emergency Planning Zone (EPZ)**. Smaller areas within the **EPZ are called Emergency Response Planning Areas (ERPA)**.

There is a difference between a School Reception Center and a General Population Reception Center. *In most cases, School Reception Centers will be in a* ***different*** *location from the General Population Reception Centers. If school children were to be evacuated from any area in the EPZ, they would be taken to a* ***School Reception Center***. Evacuated students will be cared for by their teachers and school officials until parents pick them up. If residents are advised to leave the area, families may be directed to a designated **General Population Reception Center** for registration and/or radiation monitoring.

The back of the map lists locations where buses will pick up people who need transportation evacuating in an emergency. Locate the pick-up point nearest your home. In an emergency, you would be advised on radio and television when buses begin to pick up evacuees.

USE THIS MAP! ➤ ➤ ➤ ➤ ➤ ➤ ➤ ➤

Using the information on the map and elsewhere in this booklet, please enter your emergency information on this form. Please take the time to fill in the blanks **now** and discuss this information with your family. Talk to your children's schools about authorizing a friend or relative to pick up your children from their School Reception Center, if you may be unable to do so. Decide **now** where to meet if you were apart during an emergency. Take the opportunity **now** to instruct your children what to do if they are alone and they hear the emergency alert sirens sound. Speak with your neighbors so you can help each other if necessary.

To Save Time and Avoid Confusion in an Emergency, Please Fill This Form Out NOW!

Emergency Planning Information

My **EMERGENCY RESPONSE PLANNING AREA (ERPA)** is # _____

My **GENERAL POPULATION RECEPTION CENTER** is located at: _____

_____

The **SCHOOL RECEPTION CENTER** for my children is at: _____

_____

My **CHILDREN** will be picked up by: _____

My best **EVACUATION ROUTE** is: _____

My **EVACUATION BUS ROUTE** is # _____ The pick-up point is: _____

If separated in an emergency, we will meet at: _____

_____ Phone: (____) _____

Make sure everyone in your family has this information and use the cards in the front of this booklet.

Planning for People with Special Needs

Plans are in place to pick up and transport people with special needs — such as a walking disability, sight or hearing impairment, or need for specialized medical equipment or transportation — to Reception Centers or other facilities if there is need for evacuation. Please fill out the registration card at the end of this booklet and mail it in, so we can make arrangements to help. If you know someone who might need assistance filling out the card, please offer to help them. **Even if you mailed in a card last year, please do so again to keep records up-to-date.**

Protecting Your Pets

Pets (except service animals such as seeing-eye dogs) are not allowed in Reception Centers. Make a list of places that would accept your pets in an emergency, such as boarding kennels, friends and relatives outside the affected area, or motels that accept pets. Remember to bring enough food and other pet supplies to last three days, and be sure that your pets wear collars with current license and rabies tags, and identification tags.

If you are told to stay indoors rather than evacuate, be sure to bring pets inside as well.

Protecting Your Agricultural Products and Gardens

In an emergency, the agricultural community and home gardeners would get instructions from the New York State Department of Agriculture and Markets on protection of crops, livestock and produce. These instructions may include:

- Place livestock on stored feed, protected water and under shelter, if possible; take care of lactating animals first.
- Cover outdoor feed and water containers.
- Wash produce from gardens and remove outer leaves before consuming.
- Wear protective clothing, like that used for pesticide applications, when working outdoors.

Emergency Planning Check List

If you are told to evacuate, you should bring enough personal supplies for three days away from home. Check the items you may need, and add any special items that are not listed. If you need help finding a place to stay during an evacuation, people staffing the General Population Reception Centers will help you.

Medical Items

- ❑ Medicines
- ❑ Eye glasses or contacts
- ❑ Dentures
- ❑ Special diet foods
- ❑ _____
- ❑ _____

Baby Supplies

- ❑ Baby food
- ❑ Formula
- ❑ Diapers/baby wipes
- ❑ Toys
- ❑ _____
- ❑ _____

Clothing

- ❑ Clothes for three days
- ❑ Shoes
- ❑ _____
- ❑ _____

Personal Hygiene Items

- ❑ Shaving items
- ❑ Soaps
- ❑ Toothbrush/toothpaste
- ❑ Sanitary items
- ❑ _____
- ❑ _____

Money

- ❑ Cash
- ❑ Checkbook
- ❑ Credit cards
- ❑ _____
- ❑ _____

Identification and Important Papers

- ❑ Drivers license
- ❑ _____
- ❑ _____
- ❑ _____

Bedding

- ❑ Two blankets per person or sleeping bags
- ❑ _____
- ❑ _____

Miscellaneous

- ❑ Portable radio with spare batteries
- ❑ Tool kit
- ❑ KI-potassium iodide tablets
- ❑ Important phone numbers
- ❑ This planning booklet

Other emergency items

- ❑ _____
- ❑ _____
- ❑ _____
- ❑ _____
- ❑ _____
- ❑ _____

Questions and Answers

Helpful Answers to Some of Your Questions . . . . . .

Q: Why is Indian Point's Emergency Planning Zone an area 10 miles around the plant?

A: The federal government selected 10 miles because it is about twice as far as the distance from the plant that would probably receive radiation doses above U.S. Environmental Protection Agency guidelines.

Q: Would radioactivity released from Indian Point travel outward in all directions?

A: No. Radiation would move in a narrow "plume" with a size and shape determined by wind and other weather conditions. For more information on plumes, see page 16.

Q: Would everyone within 10 miles of Indian Point have to evacuate if there were a serious emergency?

A: No. Only people in the direction of the narrow radiation plume — probably between two and eight percent of the Emergency Planning Zone area — would be affected. In fact, to keep roads clear, only people in areas specifically mentioned in Emergency Alert System broadcasts should evacuate in an emergency.

Q: Could Indian Point explode like a bomb?

A: No. It is impossible for any nuclear power plant to explode like a bomb under any conditions.

Q: Will KI-potassium iodide pills protect me from the effects of radiation?

A: KI-potassium iodide, will protect one organ, the thyroid, from one form of radiation — radioactive iodine. You should take it only when directed to do so by health and public officials. For information on potassium iodide, see page nine of this booklet.

Q: How can I be sure that Indian Point is secure and well-protected?

A: Indian Point is defended by armed guards, sophisticated detection equipment and other advanced protection systems that meet or exceed federal, state and local requirements. Its security program has been reviewed by independent experts who noted that it is one of the best defended non-military facilities in the United States.

Q: Can I see my county's complete emergency preparedness plan?

A: Yes. To find out how, call your county at the number listed on page two of this booklet.

Understanding Indian Point and Nuclear Energy

The Indian Point Energy Center . . . . . .

Location: Buchanan, New York

Startup dates: Indian Point Unit two started operating in 1974. Unit three started in 1976.

Electricity generated: More than 2,000 megawatts, enough to supply power to about two million homes.

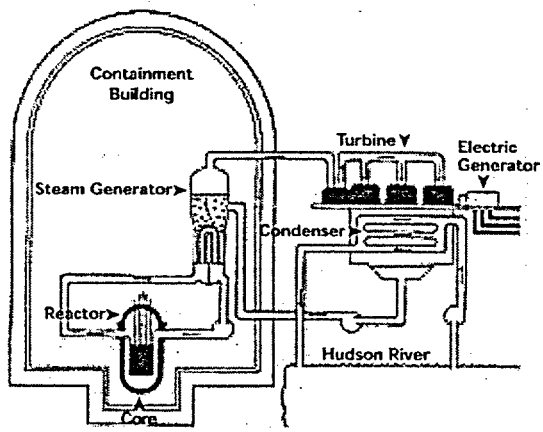
Operator: Entergy Nuclear Northeast

Plant type: The Indian Point nuclear plants are "pressurized water reactors." In these reactors, water circulating around the nuclear fuel is heated by the energy from splitting uranium atoms and kept under pressure to prevent it from boiling. This heated water is sent to four steam generators to produce steam in a second water system. The steam in the second system is directed to turbine generators to produce electricity. Indian Point has three water systems, each of which is separate to keep the plant safe.

Safety Systems: Indian Point, like all American nuclear power plants, has numerous safety features designed to protect the plant, the environment and people around the plant if a problem occurs. These safety systems include:

- Several separate sources of cooling water to prevent the fuel from overheating in normal and emergency conditions.
- Backup systems and components for key functions.
- A leak-tight steel-lined, steel-reinforced concrete containment building for each reactor.
- Backup electric power supplies to operate all key components.

Nuclear Reactor



What Is Radiation?

Radiation Occurs Naturally

Radiation is one form of energy that has existed on Earth and in the universe since the beginning of time. Radiation takes several forms, none of which can be seen, heard, tasted, smelled or felt. Scientists know what it is, where it comes from, how to detect and measure it, and how it affects people.

There are many materials surrounding the earth that are naturally radioactive and have been that way since the earth was formed. They are in the ground, in our food, in buildings and even in our own bodies. Radiation also comes from outer space. Most radiation we receive every day comes from these sources.

Man-Made Radiation

Many of us receive man-made radiation, mostly from medical sources such as X-rays or radioactive tracers. Doctors use these methods to help diagnose and treat injuries and illness. Like many useful and beneficial things, radiation in large doses can be harmful. That's why people who often work with radiation, like doctors and dentists, take extra precautions such as wearing lead aprons.

Radiation exposure is measured in millirem. The federal government says that the average yearly exposure we receive from natural and man-made sources is about 360 millirem. Living within 50 miles of a nuclear power plant adds less than one one-hundredth millirem to that amount. In large doses, radiation may cause observable health problems or may increase the chance of health problems later in life.

Safety Systems Contain Radiation at Nuclear Power Plants

In the process of making electricity, nuclear power plants produce radioactive materials. The nuclear fuel inside the nuclear power plant is highly radioactive, and that is why large amounts of concrete and steel are used in containing the radioactivity within the reactor. Radiation guidelines for nuclear power plants have been established by the federal Nuclear Regulatory Commission. These guidelines are designed to minimize public and worker radiation exposure during the operation of nuclear power plants. There has never been an accident at U.S. nuclear power plants that affected public health and safety, including Three Mile Island. Emergency plans are in place to protect the public in the unlikely event of an accidental release of radiation.

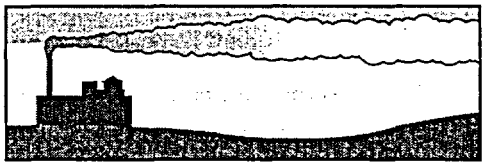
Different Emergencies, Different Responses

It is impossible for a nuclear power plant to explode like a nuclear bomb. Serious accidents at a nuclear power plant that might release radioactive material would be very unlikely.

If a serious accident happened, people living near the plant could be asked to avoid or reduce exposure to radiation, either by taking shelter or by evacuating the area, until such a time as the radioactive materials had dispersed.

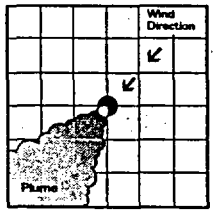
Depending on the weather conditions and the amount of radiation escaping into the environment, experience shows it could take minutes or several days to several weeks or longer for dispersal of radioactive material.

Radioactive "Plumes"



If there were a release of radioactivity from a nuclear plant, it would not spread in a circle around the plant. Instead, the wind would form it into a narrow "plume," like smoke from a smokestack. The exact size, shape and direction of the plume would depend on wind speed and other weather conditions. Because of this plume shape, areas upwind of the plant would most likely be unaffected, while people in some areas downwind of the plant might need to take action to protect themselves. The radiation content of the plume decreases rapidly as the plume moves downwind from the plant.

Radioactive plumes are invisible and odorless. However, Indian Point and county and state officials understand plume behavior and are well-equipped to track a radioactive plume during an emergency. You would get this information and instructions on what to do by tuning in to an Emergency Alert System radio or television station listed on page six and on the enclosed map.



To People with Disabilities

If you live in one of the Emergency Planning Areas listed on the enclosed map and require assistance during an emergency, please fill out this questionnaire and mail it back to us. Your cooperation will help us in making proper arrangements if it becomes necessary for you to be evacuated during an emergency of any kind. If you have any questions please contact the Department of Emergency Services at (914) 231-1685.

ADVANCE REGISTRATION CARD: (Please print)

Name _____

Address _____

_____ Apt. No. _____

Telephone _____ Date of Birth _____

Primary Disability(ies) _____

Secondary Disability(ies) _____

Name and phone number of a local relative or person who lives near you who should be contacted in an emergency:

Name _____

Address _____

City _____ Telephone _____

Relationship: ❑ Family ❑ Neighbor ❑ Friend

Assistive Equipment Used: ❑ Cane(s) ❑ Respirator

❑ Wheelchair ❑ Guide dog ❑ Oxygen

❑ Electric wheelchair ❑ Walker ❑ Hospital Bed

❑ Crutches ❑ Other

Are you blind or partially sighted? _____

Are you deaf/hearing impaired? ❑ Yes ❑ No

If yes, do you have TTD/TTY? ❑ Yes ❑ No

Are you completely bedridden? ❑ Yes ❑ No

If not, do you have your own transportation? ❑ Yes ❑ No

If not, can you obtain a ride with a nearby person (relative, neighbor or friend)? ❑ Yes ❑ No

If not, can you get from your house to a bus stop unassisted? ❑ Yes ❑ No

❑ Please send additional cards for other persons with disabilities in my household.

This information is released for emergency planning use by Westchester County.

Signature _____

Please detach and mail. This questionnaire must be completed each time you receive a booklet on emergency planning to assure that we have up-to-date information on

❑ Marque esta caja si desea recibir en español la Hoja de Información acerca de la Planificación de Emergencia de Indian Point

Nombre _____

Dirección _____

_____ NY 10_____

Por favor llene esta tarjeta, sepárela y envíela por correo

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IF MAILED
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EMERGENCY SERVICES
OFFICE OF EMERGENCY MANAGEMENT
4 DANA RD
VALHALLA NY 10595-9909

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OFFICE OF EMERGENCY MANAGEMENT
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VALHALLA, NY 10595-9912

Fold Here

Tape here, before mailing, to secure sides together after folding.
DO NOT STAPLE

Internet Resources for Emergency Planning

Emergency Planning

New York State Emergency Management Office
www.nysemo.state.ny.us

Federal Emergency Management Agency
www.fema.gov

Orange County
www.co.orange.ny.us

Putnam County
www.putnamcountyny.com

Rockland County
www.rocklandgov.com

Westchester County
www.westchestergov.com

Radiation

Health Physics Society
www.hps.org

U.S. Environmental Protection Agency
www.epa.gov

Nuclear Issues

International Atomic Energy Agency
www.iaea.or.at/worldatom

U.S. Nuclear Regulatory Commission
www.nrc.gov

U.S. Department of Energy
www.energy.gov

Radiation and Health

International Agency for Research on Cancer
www.iarc.fr

National Institutes of Health
www.nih.gov

National Cancer Institute
www.nci.nih.gov

Radiation Effects Research Foundation
www.rerf.or.jp/eigo/titles/radtoc.htm

United Nations Scientific Committee
www.unscear.org

National Academies of Science
www.nationalacademies.org

Franzoso Contracting

TheJournalNews.com

Special Reports

Our nuclear neighbor: INDIAN POINT

Witt report: Indian Point evacuation plan can't work

By ROGER WITHERSPOON
THE JOURNAL NEWS
(Original publication: January 11, 2003)

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More News
•Congress takes aim at Indian Point evacuation plans
•PCB dredging delayed
•Patterson weighs new limits on density, wetlands,
•Greenway gets go-ahead
•Putnam agricultural district hearing tonight
•Cortlandt rally takes aim at evacuation plans
•Federal grants to aide communities
•Rockland to get new water system
•Lobster problems surface at forum
•Final Witt report released

Emergency evacuation plans in the event of a nuclear catastrophe at Indian Point "are not able to protect the public from an unacceptable dose of radiation," according to an independent, five-month analysis released yesterday.

The report criticized virtually every aspect of the regional evacuation plans, including the planning process, equipment, the plans' underlying premises, the ability to handle modern terrorist scenarios, communications between local agencies, and the size of the area that would be affected by a successful terrorist attack.

It also characterized the elaborate, four-county drills held every two years as ineffective, challenged the premise that the public would not flee uncontrollably during an emergency, revealed a lack of trust by a majority of emergency responders, and stated that parents would not leave their children in schools to be rescued by volunteer bus drivers.

The $804,000 report was prepared by a consulting firm headed by James Lee Witt, former head of the Federal Emergency Management Agency, who was commissioned by Gov. George Pataki in August in response to growing public and official criticism of the evacuation plans. Pataki said he would use the report to determine if the plants in Buchanan should be shut down to protect the public.

"The world has changed," Witt said during a briefing for legislators early yesterday. "What was once deemed sufficient is no longer adequate. The current system is not able to protect the population from an unacceptable dose of radiation.

"We are concerned that the terrorist event scenario needs to be added to overall planning and preparedness. I believe right now that a lot needs to be done to improve those plans to where they would be adequate to protect the public health and safety."

Concern about the plants has been heightened since the Sept. 11, 2001, terrorist attacks, particularly because the hijacked jetliners flew over Indian Point en route to the World Trade Center. The applicability of emergency plans that have changed little in nearly 20 years has been of increasing worry in the post-9/11 era.

The evacuation plans for Indian Point have been defended by county, state and federal officials who insist that they are flexible enough to handle any emergency, even though terrorism is not specifically factored into any disaster scenarios. The plans were designed to handle accidents that develop over several hours or days, and release only a limited amount

The most s ever at Indi
Fear of terr focus on ev
Timeline re entergy acc plants.
Return to th index page
E-mai

LIVING
Life&Style
Art
Antiques
The Bridal Book
Columnists
• Mitch Broder
• Martha Stewart
David Jacobson
Day in the Life
Food
Calendar
Travel
TV Listings

ENTERTAINMENT
Dining
For kids
Movies
Music
Theater
THE LINE

WEEKLIES
The Item
The Patent Trader
Review Press
Standard Star
The Star
The Times

OPINION
Editorials
Letters
Matt Davies
Views
Columnists
• Bob Baird
• Arthur Gunther
• E.J. Kessler
• Laurie Nikolski
• Phil Reisman

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of radiation.

Westchester County Executive Andrew Spano, who has consistently said that the 10-mile evacuation zone around the plant could be successfully cleared following a terrorist attack, continued to defend the plan yesterday.

"The people of Westchester have to be protected today, and they are protected to the best of our ability today," Spano said. "I can't think of anything else to do. The plan works. The report says the scenario does not address major radiation leaks or terrorist scenarios, but it is still a good plan."

Larry Gottlieb, spokesman for Entergy Nuclear Northeast, which owns the nuclear plants, said the company also believed the current emergency plans would protect the public safety. "We look forward to reviewing the report and working with all the parties on improving the plan," he said.

Critics, meanwhile, immediately hailed the 550-page report as evidence that closing Indian Point was the only way to protect the public. Various elected officials, from Congress to municipal boards, also called for the plants to shut down until an effective evacuation plan is adopted.

"The bottom line is the plan is not adequate to protect the public safety and the plant should not operate until these matters are addressed," said state Assemblyman Richard Brodsky, D-Greenburgh, whose legislative committee held hearings a year ago on weaknesses in the evacuation plan. "An adequate evacuation plan is a condition of license, and the Witt report is saying this plan cannot protect our communities."

The Pataki administration has had the Witt report since Dec. 16. The governor yesterday did not address whether Indian Point should be closed, but he called on FEMA and the U.S. Nuclear Regulatory Commission to review their safety standards for the certification of evacuation plans.

The counties are scheduled to submit their annual certification of the plans to the state next week.

Pataki spokeswoman Suzanne Morrison said the report "does raise some concerns and cast some doubt on the effectiveness of the plans. The governor is asking the federal government once again to reassess their standards in light of the new threats we face."

The evacuation plans are the result of a complex interplay involving FEMA, the State Emergency Management Office, the NRC, Entergy and the emergency departments of Westchester, Rockland, Putnam and Orange counties.

The state agency takes the lead in overseeing the development of evacuation plans for each of the six nuclear power plants in New York. It received the first draft of the Witt report. SEMO spokesman Dennis Michulsky said the office "did not review the entire report" and would not comment on it.

FEMA spokesman Mike Beeman also declined comment, but said, "We are open to discussion with anyone regarding how to ensure the safety of the public."

The four counties provide training to thousands of employees and volunteers who have specific roles to play in an emergency, such as driving buses into the contaminated zone to pick up schoolchildren, who will then be transported to reception centers more than 10 miles from Indian Point.

The evacuation area involves only the region within 10 miles of the plant because, officials have said, radiation would not travel farther than that. NRC documents, however, state that

a nuclear plant meltdown could contaminate areas and cause fatal cancer in residents as far as 500 miles from the plants.

An underlying premise of the plans is that people outside the zone would not be affected and would not flee the area on their own, thus adding to traffic and other problems. In addition, the plan assumes people within the area would not flee unless they were specifically told to by officials. This was the scenario followed in a four-county simulation of the plan Sept. 24, when the region was successfully "evacuated" with people waiting their turn to use the roads. The drill was rated a success by the NRC in a Nov. 18 report.

The Witt report, however, states that "the likelihood of significant spontaneous evacuation within and beyond the ten-mile zone is indisputable, and has serious public safety implications. Planning at all levels of government must reflect this reality."

The drills themselves, the report states, are unrealistic and seem designed to meet specific regulatory requirements, rather than effectively protect a population.

The report found several flaws with the Sept. 24 drill that state and federal officials did not address in their assessment last year. For example, Witt disclosed that the "Putnam County field monitoring teams had trouble reporting back radiation readings. It was suspected that an individual (or group of individuals) was jamming the frequency. The team shifted to another frequency and was able to communicate."

Send e-mail to Roger Witherspoon

Visit Homes Plus View listings from Weichert Realtors

Health Source 2003 An annual guide to medical choice and health care options throughou

This site is best viewed using Microsoft Internet Explorer or Netscape 6.0

USA TODAY GANNETT FOUNDATION GANNETT USA WEEKEND online

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Current News

March 21, 2002

Keeping in Touch...

with your county government

SPANO RELEASES DETAILS ON PROCESS FOR UPDATING IP RESPONSE PLAN
Also calls for greater emergency planning role for the NY Metropolitan Transportation Council

County Executive Andy Spano today released details of his broad-based and ongoing program to improve the County-wide Comprehensive Emergency Response Plan for Indian Point, saying that the process will ensure that the emergency plan can meet changing times and circumstances, whatever they may be.

The county executive also called on the New York Metropolitan Transportation Council to take a greater role in emergency planning.

Said Spano, "For months – even before Sept. 11 – we have been working to update and enhance this response plan so it will anticipate any and all kinds of emergencies. We have formed specialized committees of each sector: health, public safety, schools and transportation, whose members – more than 150 people in all – are working diligently to examine the existing plan and make recommendations for areas that should be changed.

"Now, representatives of our task forces will form our Evaluation Team to assess these recommendations, as well as to consider other input from the public, along with input from the Board of Legislators, the Nuclear Regulatory Commission and the State Emergency Management Office. Upon their recommendation, I will adapt the changes to the plan."

Spano added, "Let there be no doubt in anyone's mind – we have in place already the mechanism to make sure that our emergency plan is up-to-date, realistic and workable."

Spano made his comments at a press conference Thursday morning, where he also detailed what he would discuss later in the day with the New York Metropolitan Transportation Council (NYMTC), on the topic of NYMTC's role in emergency planning.

"I am urging NYMTC to take on a greater role in emergency planning," he said. "Transportation issues are a key element of any emergency plan, and NYMTC can serve as a coordinating body for the region."

He added, "Every time NYMTC thinks about a new road, or changes to an existing road, I want them to think about how that change can affect our response plans. They must factor this in when they make recommendations."

Among some of the issues Spano is asking NYMTC to consider are:

- Establishing an Emergency Planning Group within NYMTC.
- Creating a forum for sharing emergency planning concerns with other Metropolitan Planning organizations (those covering New Jersey, Connecticut etc.)
- Using ferries and trains to help evacuate the area around Indian Point.
- Factoring evacuations into planning of new roadways and creating a way to deal with construction projects on roadways that would be used to evacuate.
- Using message signs, closed-circuit TV and radio frequencies that are part of an existing communications network to help guide people during an evacuation.

"I think that NYMTC and its various committees should factor emergency planning into everything they do," said Spano.

The nine-member NYMTC board, of which Spano is a member, is a regional planning council for the New York metropolitan area covering New York City, Long Island, Westchester, Rockland and Putnam. It is responsible for developing and approving a Regional Transportation Plan as well as a Transportation Improvement Program, which deals with regional roadway and transit improvements.

Spano reiterated his position that he would prefer that the two Indian Point nuclear reactors be closed, adding, "But the reality is that **only** the Nuclear Regulatory Commission has the authority to shut down Indian Point, and even if it did take that action, the plants could take at least 20 years to decommission and during that time, there could still be a risk because of the storage of spent fuel rods. So, regardless of whether the plant remains open or is eventually closed, we are required to have a County-wide Comprehensive Emergency Response Plan to make sure that we have the ability to keep residents safe in the unlikely event of an emergency. That is my responsibility, and I take it very seriously."

While updating the response plan has always been an on-going exercise based on changes in population statistics, school enrollment, and traffic counts, the events

of Sept. 11 have caused the county to view the plan in a different light, Spano said. These include:

- The undertaking of a complete traffic and evacuation route analysis taking into consideration all road construction, potential bottlenecks, local road or zoning changes and new developments that have a traffic impact both within and outside the 10 mile zone.

- Plans to distribute and make available KI (potassium iodide) to those who want it.

- Changes in the way school and day care children would be relocated in the event of an emergency, with the emphasis on keeping all children from the same district in the same reception center.

- Discussions with each school in the evacuation area to determine the best way to let parents pick up their children while not interfering with a general evacuation.

Said Spano, "As the person entrusted with the health and safety of the people of Westchester, as the person who has more experience dealing with this response plan than anyone else, I firmly believe that the plan as it exists and as it is being enhanced will protect our people in an emergency. There will always be certain scenarios that will test this plan to the maximum. There are always developments that cause us to revisit and revise the plan on an on-going basis. That's what we are here to do."

Westchester gov.com

Andrew J. Spano
County Executive

Testimony of
Westchester (N.Y.) County Executive Andrew J. Spano
On Emergency Preparedness at the Indian Point Energy Center
To the U.S. House of Representatives'
Subcommittee on Economic Development, Public Buildings and Emergency Management
Of the Committee on Transportation and Infrastructure
February 25, 2003

Mr. Chairman, Steven LaTourette, Ranking Member, Eleanor Holmes Norton, my own Representative, Sue Kelly and other distinguished members of the subcommittee, thank you for holding these hearings on emergency preparedness in relation to the Indian Point nuclear plants in Westchester County. As the County Executive, I also appreciate the opportunity to present the County's perspective on these issues.

The health and safety of Westchester residents has always been my first priority. During the past five years as County Executive, that priority has translated into creating a professional Department of Emergency Services, increasing the special operations capability of our Department of Public Safety, forming a Bio-terrorism Task Force, *prior* to September 11th, and *since* September 11th, developing on-going strategies and interventions to cope with terrorism in all its possible forms – chemical, biological, and, because of Indian Point, radiological. In addition, we are coordinating the creation of a county-wide all hazards emergency plan that incorporates the efforts of 43 municipalities, 47 school districts, 43 local police departments, 58 fire departments and the myriad other interests that comprise our great county.

These considerable efforts are constantly hampered by the attention and resources we historically and continuously have had to appropriate for the preparation, training, and execution of the Indian Point Radiological Preparedness Plan.

It is important for you to understand that this is not a matter of academic interest for many of us. My own home is within the ten mile zone. Even the Governor and his family live within the ten mile zone.

Indian Point is situated in the small Westchester County Village of Buchanan, some 35 miles north of Manhattan. There are approximately 298,000 people, in four counties, within 10 miles of the plants; 150,000 live in Westchester. With Indian Point's location just 24 miles north of the New York City border, one in twelve Americans live within 50 miles, the ingestion zone for radiation.

Before the threat of terrorism, issues about the response plan and, indeed, even the security of the plant itself were rarely raised by the general public. However, this lack of concern on the part of our residents never deterred our efforts to continually upgrade the plan and improve response efforts. In the last year alone, Westchester County spent almost $5 million to improve the plan, train responders and update technology, while receiving only $412,000 back from the utility.

Since September 11th, Indian Point as a possible terrorist target has not only become a monumental concern to those who live and work within the 10 mile zone, but it has also become an issue of national significance for residents throughout New York metropolitan area and in the surrounding states.

It was in reaction to these concerns that Governor Pataki hired former FEMA director James Lee Witt to conduct an extensive evaluation of the Indian Point nuclear response plan. I have concurred with much of that report and especially agree with its call for recognition of the new challenges facing us.

According to criteria determined by FEMA, response plans nation-wide were based upon the traditional assumption that an event at a nuclear power plant would be accidental and mechanical in nature and would evolve slowly over a period of several hours or even longer. In order to provide a "reasonable assurance" that the emergency response plans would work, FEMA established the guidelines and regulations for counties to implement. Westchester County, as have the other counties surrounding Indian Point, prepared plans consisting of hundred of pages, trained thousands of responders, and participated in drills that were evaluated under FEMA's eye.

Not only have we met the bar FEMA has put before us, we have exceeded it. We have moved forward in a number of areas to protect the residents of Westchester County. On our own, we have for some time pressed for better technology and more sophisticated modeling of the radiological dispersion; and have worked with IBM Research Labs and others to contribute to this effort. We have included more conservative assumptions about travel time than the current models provide. We have set up a variety of modern communications capabilities, including internal web sites for quick transmission of status information. We have distributed potassium iodide to a large number of families in the emergency planning zone surrounding the plant.

But the picture is very different today. As the Witt report emphasized, since September 11, we also have to prepare for the possibility that the plants can be the target of terrorists and that the release of radiation could be fast-breaking. Nothing in FEMA's regulations addresses this stunning fact. Nothing in FEMA's directives to the counties ask that this kind of scenario be considered. Nothing in FEMA's criteria calls for a drill based on a terrorist attack.

The essential difference between the old approach and our new concerns is the difference between "doing things right" and "doing the right things". In the past, under FEMA and NRC directives, we have done our plans and drills right. But in today's world, it is no longer enough.

However, we, as a County, have gone about as far as we can go. It is time for the federal government – the Nuclear Regulatory Commission, FEMA, perhaps even the new Department of Homeland Security – to take control and give the counties the resources, the expertise, and the funding so that the evacuation plan can respond to a terror based scenario. This is no longer an issue for one county or four counties or ten counties. Indian Point is located in the most populated area of the country. This is an issue of national security. The federal government licenses this plant; the federal government must take control to protect its citizens.

In the face of today's heightened threats, the federal government must realize that its guidelines and actions do not go far enough. FEMA and the NRC must implement the recommendations of the Witt Report. However, even if these can be implemented, it is my opinion that the public still cannot be adequately protected. Therefore, I call for the closing of Indian Point due to the number of people around the plants and the sheer physical limitations of our roads to move everyone at once in the face of a fast breaking scenario.

However, even if the plant were to be shut down tomorrow, because of the spent fuel pools, there still would be a need for a workable response plan. Therefore, we ask for the following five actions:

1. *FEMA and the NRC must get out of their traditional rut and provide guidance for a range of possible disasters at the plant that include fast breaking, terrorist-initiated scenarios.* In general, FEMA must become directly involved with emergency planning, rather than insist on an evaluator's role, above the fray.

2. *The emergency planning zone around the plant should be extended beyond ten miles.* Whether FEMA and the NRC agree that the radioactive fallout can extend beyond ten miles is beside the point. In a densely populated area, people who live beyond ten miles will take actions – like self-evacuation – which would have a severe impact on the success or failure of the emergency response plans.

3. *The responsibility for security around the plants must be immediately transferred from the corporate operators, Entergy, to a Federal security force.* Security is bound to be viewed as a cost burden to a profit-oriented corporation like Entergy. Moreover, there are limits to the firepower that a private company can use to protect the plant. Only the Federal government has the resources and authority to deploy the protection needed on land, on the water and from the air.

4. *The NRC must use its expertise and those of the best laboratories in the nation to develop and deploy to us accurate predictive models of where radiation from the plant would go.* We are currently provided fixed, static plumes that do not take into account the local hilly topography and river valley around the plants, nor changes in wind direction, nor other dynamic factors. This will make it difficult to focus on the precise areas that need an emergency response and would lead to a more widespread panic among the public than would be warranted.

5. FEMA and the NRC must also recognize that the new threats to the Indian Point plants will require much greater investment in new equipment, communications capabilities, systems and technologies. *FEMA and the NRC should provide increased and truly adequate funding for us to upgrade our response to the new threats.*

I will continue to do whatever is in my power to protect the residents of Westchester County. However, both the NRC and FEMA should be put on notice that the lives of the people within the vicinity of Indian Point rests on their shoulders. Please help us to make sure that the Federal agencies move swiftly and realistically to deal with the fast-moving and devastating threats to the Indian Point nuclear plants in our midst. Nothing we do should ever compromise the safety of our citizens.

I would welcome any questions. Thank you.

BACK

Testimony of Westchester County Executive Andrew J. Spano Before a Congressional Forum on the Indian Point Energy Center Hosted by Nita M. Lowey Member of Congress

March 3, 2003

Congresswoman Lowey, I would like to thank you for hosting this local forum and for inviting me to appear to present Westchester County's perspective on the security and safety of Indian Point.

The health and safety of Westchester residents has always been my first priority. During the past five years as County Executive, that priority has translated into creating a professional Department of Emergency Services, increasing the special operations capability of our Department of Public Safety, forming a Bio-terrorism Task Force, prior to September 11th, and since September 11th, developing on-going strategies and interventions to cope with terrorism in all its possible forms – chemical, biological, and, because of Indian Point, radiological. In addition, we are coordinating the creation of a county-wide all hazards emergency plan that incorporates the efforts of 43 municipalities, 47 school districts, 43 local police departments, 58 fire departments and the myriad other interests that comprise our great county.

These considerable efforts are constantly hampered by the attention and resources we historically and continuously have had to appropriate for the preparation, training, and execution of the Indian Point Radiological Preparedness Plan.

As you know, Indian Point is situated in the small Westchester County Village of Buchanan, some 35 miles north of Manhattan. There are approximately 298,000 people, in four counties, within 10 miles of the plants; 150,000 live in Westchester. With Indian Point's location just 24 miles north of the New York City border, one in twelve Americans live within 50 miles, the ingestion zone for radiation.

Since September 11th, Indian Point as a possible terrorist target has not only become a monumental concern to those who live and work within the 10 mile zone, but it has also become an issue of national security for residents throughout New York metropolitan area and in the surrounding states.

The security at Indian Point must be at a level that would create confidence that a terrorist attack on the facility would fail. Unfortunately, we do not feel that level has been reached and, in fact, demand that the current security force at Indian Point be federalized. Furthermore, we do not have confidence that the NRC, with all its good intentions, should continue to be responsible for overseeing on site security. We feel the proper authority should be the Department of Homeland Security.

Let me explain the situation I currently face. I am told on one hand by Entergy that their security forces are adequate to repel an attack on the site. I have taken several tours of Indian Point where Entergy pointed out some of those forces. I have seen the National Guard Troops, and I have been told that more safeguards are in place that understandably can't be disclosed.

On the other hand, members of that same security force question their own capabilities, training, and complain of forced overtime leading to fatigue. Who am I to believe?

My only course to verify the adequacy of security is to consult the Nuclear Regulatory Commission, the agency that is privy to all the safeguards, sets the standards, and the agency that conducts the investigation of the guard's complaints. While the Commission has stated that Indian Point security has improved, it has also stated that it is not at the level it should be. The NRC's comments are not reassuring. Furthermore, the agency appears reluctant to take quick action and make tough decisions.

This situation has prompted me to call for the federalization of the security forces at the plants, under the Department of Homeland Security. This is the agency whose primary mission is to help prevent, protect against and respond to acts of terrorism on our soil. The NRC's mission, on the other hand, is to regulate civilian use of nuclear materials to ensure adequate protection of public health and safety. With an array of law enforcement resources and expertise at its disposal, Homeland Security is by far best equipped to protect the public.

After all, the federal government rightly decided to federalize security at our airports. Our nuclear power plants certainly pose no less a risk. In fact, given the threat of the potential devastation that could occur, I submit that the risk is, in fact, greater.

Congresswoman Lowey, I am well aware of the legislation you are sponsoring in the House of Representatives, as well as the legislation sponsored by Senator Clinton, which would accomplish much of what I am asking. I heartily support your efforts and urge the 108th Congress to move ahead and pass your legislation. I also want to point out that the Executive

Board representing 700 members of the County Executives of America passed a resolution on December 11, 2002 also urging that security at all the nation's nuclear plants be federalized and placed under Homeland Security.

Last week I submitted comments on the Indian Point evacuation plan to the Subcommittee on Economic Development, Public Buildings and Emergency Management. Rather than reiterate comments made at that time, I would simply like to unequivocally state that while we have met and in fact exceeded all of FEMA's requirements on the evacuation plan, I believe that Indian Point should be closed due to the number of people around the plants and the sheer physical limitations of our roads to move everyone at once in the face of a fast breaking scenario.

However, even if the plant were to be shut down tomorrow, because of the spent fuel pools, there still would be a need for a workable response plan. Therefore, we ask for these additional actions:

1. FEMA and the NRC must get out of their traditional rut and provide guidance for a range of possible disasters at the plant that include fast breaking, terrorist-initiated scenarios

2. The emergency planning zone around the plant should be extended beyond ten miles.

3. The NRC must use its expertise and those of the best laboratories in the nation to develop and deploy to us accurate predictive models of where radiation from the plant would go.

4. The federal government must provide increased and truly adequate funding for us to upgrade our response to the new threats.

I will continue to do whatever is in my power to protect the residents of Westchester County. However, both the NRC and FEMA should be put on notice that the lives of the people within the vicinity of Indian Point rests on their shoulders. Please help us to make sure that the Federal agencies move swiftly and realistically to deal with the fast-moving and devastating threats to the Indian Point nuclear plants in our midst. Nothing we do should ever compromise the safety of our citizens.

I would welcome any questions. Thank you.

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Westchester forum discusses security concerns

By GLENN BLAIN
THE JOURNAL NEWS
(Original publication: March 27, 2003)

WHITE PLAINS — The realities of post-Sept. 11 life were on display at the Westchester County Center last night, as more than 300 people attended a public forum to hear how the county would deal with such emergencies as a bioterror attack, or a radiation release at Indian Point.

County Executive Andrew Spano hosted the two-hour session, which was cablecast live and featured audience members asking questions about various preparedness issues. Not surprisingly, a majority of the questions dealt with the Indian Point nuclear plants in Buchanan and the ability of county officials to evacuate people from the area.

"We have a plan," Spano said in response to one question about the plan. "It might work, it might not ... you don't know until the incident."

Spano noted the conclusions reached by former Federal Emergency Management Agency Director James Lee Witt that the evacuation plans were inadequate, especially in the event of a terrorist attack. But, he added, the evacuation plans were the best currently available.

While last night's town-hall-style meeting had been planned well before the war with Iraq erupted, the conflict and the heightened security status that accompanied it added a sense of urgency to the discussion. County officials hope to hold additional forums on public safety later this year.

"Obviously, events have overtaken our plans," Spano said.

The large turnout and the varied questions dealing with such matters as a smallpox outbreak or an attack on the Kensico Dam provided a snapshot of the changes in day-to-day life brought by the terrorist attacks on the World Trade Center and Pentagon.

"We are living in some terrible times, and these are things we all have to be aware of," said Valhalla resident Toni Presto.

Spano opened the meeting with an hourlong presentation about Westchester's public safety program, dubbed "Operation Safeguard," and introduced several county department heads who help orchestrate the effort. The group then took questions from the audience.

White Plains resident Monique Rahaman asked what type of damage would result from a collapse of the Kensico Dam in Valhalla.

"You would float away," Spano said before quickly assuring Rahaman that such a scenario was highly unlikely.

While many people asked about Indian Point, most of the questions focused on technical aspects, such as where to get information about evacuation routes or steps the county was taking to help businesses

prepare for an emergency. The controversial issue of whether the plants should remain in operation was barely discussed.

Spano reiterated his belief that the plants should ultimately be closed, but said even if they were, the presence of radioactive fuel rods and other materials at the facility would still pose a danger.

Because of Witt's report, Spano and other county executives from the region have refused to sign their annual certifications of the evacuation plan. Their refusal has sparked a dispute between the state and federal government as to who should be required to upgrade the evacuation plans to address the problems noted by Witt.

Among the other issues outlined by Spano were the county's efforts to track a possible bioterror attack by keeping in constant contact with area hospitals, improvements to hazardous-materials and bomb-squad units and added security at the county airport.

He also stressed that the county works in cooperation with local municipalities as well as state and federal agencies.

Anthony Finley, an attorney who lives in Scarsdale, said the session was informative, but was surprised that more people had not turned out for the session. People, he said, need to pay more attention to preparedness.

Finley previously worked in the World Trade Center and was on his way to the towers when the attacks occurred.

Since that day, he said, public safety issues have taken on a greater significance.

"I think there should have been thousands of people here to learn about this," Finley said. "Sept. 11 happened once and it can happen again."

Rahaman, however, said she was not reassured by the meeting.

"Not when that person says you are going to float away," she quipped.

Send e-mail to Glenn Blain

STATE OF THE COUNTY ADDRESS
TO THE PEOPLE OF WESTCHESTER COUNTY
Andrew J. Spano, Westchester County Executive

APRIL 10, 2003

Chairwoman Bronz, Members of the Board of Legislators, Administrative Judge Nicolai, County Clerk Spano, elected officials, county employees, distinguished guests, my wife Brenda, and residents who are watching this at home.

For the past 5 years, I have stood in this chamber and used this message to give you a recitation of our accomplishments and initiatives. In partnership with the Board of Legislators, led first by George Latimer and now Lois Bronz, there have been many.

From protecting our drinking water, to keeping guns away from children. From raising awareness of elder abuse to providing legal assistance for domestic violence victims. Whether the issue is ephedra or cigarettes, West Nile or SARS, we have worked together to keep Westchester residents as safe and as healthy as we possibly can.

Our efforts have encouraged new business growth, reduced welfare rolls, and continued to assist our diverse population. We stand ready to help local communities ... from preserving land to providing specialized police services.

We should all be proud of our accomplishments.

Westchester County is, indeed, a very special place to live. And it is our obligation to put things in place today, so it remains special for the future.

I am pleased to report that, despite what is going on around us, the State of our County is solid, vibrant and strong ... and positioned positively for the future. You will hear tonight just what is the state of our security, our economy, our finances, our people, and our natural resources.

And then I will try to give you my version of the future; to look at what we must do to shape our great county for generations to come. I come before you tonight with an agenda to continue to protect our people and our environment.

These are most difficult times. People everywhere are learning to live with fear and anxiety. Things we have taken for granted are now considered critical risks. We are living differently today than at any other time in our history. Our spirit is strong, though our challenges are great.

The war in Iraq has touched the personal lives of many Westchester residents. Before I go on with my address, I want to personally thank those County employees who have been called into service. Some of their family members are with us tonight, and I would

like them to stand and be recognized: The family of Edwardo Avila, Mrs. Raymond Bravo and Mrs. Michael Brancamp. I also want to introduce you to Jose Chevere, a correction officer who asked for and received a one-day leave to be with us tonight.

I also want to pay tribute to all the Westchester men and women who are fighting for our country. We stand united behind them. We are proud of them, we respect them and we honor them as their bravery brings honor to us. I know everyone in this room prays for their safe return. And the County Center will continue to be lit with red, white and blue lights until that happens.

The State of our County is secure. Secure. Before September 11th, there would not have been a need to use that word. Today, however, it is the first word on everyone's lips.

So what is the state of our security?

Two weeks ago, I held a town meeting before 350 people to talk about Operation Safeguard. This is the name we have given to our overall efforts to keep Westchester residents safe and secure. It addresses protection, response, communication and coordination for today and the future.

We have spent nearly $20 million dollars in county, state and federal funds to adjust to the new threats around us. Through the combined efforts of the Departments of Health, Public Safety, Labs and Research ,Emergency Services, Transportation and Information Technology, Operation Safeguard includes plans to handle biological, chemical, and radiological emergencies, as well as the security of our public facilities.

I would like to give special thanks to Congresswoman Nita Lowey who has secured over $1 million dollars for us in federal funds for our bioterrorism efforts.

Working with the Red Cross, our efforts also include what our residents should do to protect themselves and their homes.

Our partners range from the Department of Homeland Security to the State Emergency Management Office ; from the FBI to the Transportation Security Administration; from community-based organizations to area hospitals; from the New York City Department of Environmental Protection to every local police, fire and emergency services department in this county.

At this time, I want to publicly acknowledge the retirement of Commissioner Lou D'Aliso, who has led our county police department for the past 7 years. Lou, you have done a wonderful job and we will miss you.

This administration had the foresight, five years ago, to put the technology into place that now forms the foundation of all we do to protect you.

Using a new radio system that will be installed in 600 fire and EMS vehicles and all Bee-

line buses, our responders will be able talk to one another during emergencies. This may seem elementary, but many lives were lost during 9-11 because police and firefighters could not talk to one another when it counted.

Technology is also allowing us to organize our forces more rapidly and to put our hands on the manpower, medicines, equipment and supplies we need. Thanks to a computerized network of secure databases, we are able to catalog the dozens of volunteers we are training according to skill, profession, and where they live. We can also catalog the locations of medicines, antidotes, medical resources and equipment.

We can – and are, right now – monitor hospitals for unusual symptoms of illness that put up a red flag for bio-terrorism or any outbreak of disease.

We also have an outbound calling system and a special website which can provide up-to-date information on what you and your family should know in a specific emergency.

We have beefed up security at the airport, county facilities and on buses. We have a new state-of-the-art bomb truck, armored response vehicle, and special response team.

We are upgrading our Labs to allow for the safe testing of potentially deadly specimens, making it one of four such sophisticated facilities in the state.

In addition to our and Yonkers hazmat teams, there will be a Regional Technical Rescue Team made up of volunteer emergency responders.We are also assisting the career chiefs who are forming a Special Operations Taskforce for immediate response until state and federal resources arrive.

Many of these initiatives could not have happened without the leadership of Bill Ryan, chair of the Public Safety Committee.

We are working with New York City for the protection of the Kensico Dam and with the State for the protection of Indian Point.

As you all know, I want to see the plants closed. Based on the recommendations of the Witt Report, I have given testimony before two congressional committees and have had private meetings with Senators Clinton and Schumer and Representatives Kelly, Lowey and Engel. My message is always the same. The plants should be decommissioned, because I am not convinced that we can protect all the people of this county should there be a fast breaking release from a terrorist attack. I view such an attack as unlikely, but nevertheless it must be considered.

However, we must also consider how to replace the energy that Indian Point produces, how to re-employ its 1500 workers and how to limit the effect on the local tax base and school districts. I am pleased to say that we are in the forefront on this issue.

Working with Legislators Mike Kaplowitz and Marty Rogowsky, we will issue a request

for proposals next week that would consider these things as well as the feasibility of condemning the facility. In addition, I have met with different companies who have realistic alternatives to bring energy into the New York metropolitan area without having to build a plant in Westchester. While only Washington has the authority to close the plant, I am doing whatever I can to push in that direction. But as long as Indian Point remains a fixture in our County, I want to make sure it is protected. I have asked for the federalization of their security force. If we have it at our airports, we should certainly have it at our nuclear plants. Federal legislation to do this has been initiated in the House and the Senate.

In the meantime, I have spoken with the Governor's office and have been assured that the state and federal governments are providing air, land and sea security. The specfiic measures cannot be discussed publicly.

All these things and more either are in place or are developing rapidly. To some, taking all these precautions is frightening. We must not let fear or anxiety rule our lives. It is my hope that by making public all that we are doing, our residents will feel somewhat comforted.

While public security is foremost in our thoughts right now, this administration has always focused on the protection of our residents. Despite budgetary constraints, or the continued threat of terrorism, we must never abrogate our responsibility for the everyday wellbeing of our seniors, families, and children.

Our emergency system, known as CAD, has just celebrated its second birthday. Put in place to give our residents the quickest and best response in an emergency, it handled over 166,000 calls and dispatched units 35,000 times, an increase of nearly 10% over the previous year. This state-of-the-art form of communications is now automatically notifying 54 departments of emergencies, a three-fold increase. Technology is currently being used that allows departments to get a visual representation of where all fire and emergency units are deployed as well as other information like the location of summer camps, bike path call boxes, and child care centers. This gives our dispatchers a better idea of what's at stake when they receive an emergency call.

Our Department of Senior Programs and Services and its subcontractors provided direct services — face-to-face and voice-to-voice — to over 35,000 individuals in the past year. We implemented SALT, (seniors and law enforcement together,) an all-encompassing program to help prevent seniors from being victims of crime or consumer fraud. Through our Emergency Medical "door bag" program, seniors can be assured that an EMS responder will have all their medical information quickly to save their life. Our computerized and personal call programs are just one more continuing effort to reassure our older residents that "someone" is checking up on them. I would like to recognize legislator Bernice Spreckman for her tremendous efforts on behalf of our seniors.

Longevity is a fact of life today and should be celebrated. The importance of these programs now and for the future cannot be overstated.

As we provide more specialized services to our seniors, we continue to focus our efforts on programs to protect all segments of the population from a changing world. Two years ago, no one ever heard of Identity Theft. Now we train our police officers on how to handle it and educate our consumers on how to avoid it. We provide information on Internet safety, continue our coordinated approach on child abuse investigations, and expand our efforts to protect the physical safety of our children.

In past years, I have spoken at great length about our model programs to protect our young people from guns, tobacco and Internet predators. Our approach has always been to involve parents and educators as well as law enforcement. But we must never rest on past laurels.

If there is a message to send, it is this: I believe that government is not abstract. We are not simply a building or a budget. As John Adams so eloquently said back in 1772, "government is nothing more than the combined force of society or the united power of the multitude for the peace, order, safety, good and happiness of the people..."

We have the responsibility to look out for the public interest. Not only to protect our residents from harm, but to help them grasp the severity of an issue. We will continue to use our resources, even when they may be scarce, in this fashion. And it is because of this, that we are addressing the issues of Teen drinking, depression, and childhood obesity.

The publicity over underage drinking is not misplaced. Over the last six months, I have met and talked with over 500 parents, educators, college presidents, students and police officers. The most recent meeting was just this week. I have heard complaints that parents are not taking this problem seriously; that educators are too lax. I have heard students say the problem is overblown. Yet I have also heard that drinking is cool; a way to be popular, that "what's the big deal."

Sounds a little like where we were with tobacco years ago.

Fortunately, this is one program we do have funding for. With the use of DWI fines, we are putting together information and data for a public education campaign, similar to what we did with anti-smoking.

In addition, and as the kids say, "to get real," we have proposed four pieces of legislation to our State delegation to combat underage drinking. Collectively, these proposals balance the need for laws that act as a deterrent with my belief that these laws should not be so severe that a first transgression results in irreparable harm to the offender.

I look forward to continue working with Andrea Stewart-Cousins, chair of the legislation committee on these and other State Program initiatives.

One proposal calls for suspending a minor's driving license or delaying his or her ability

to get one. Another calls for the suspension or revocation of a retailer's liquor and lottery licenses for selling to a minor, depending on the number of violations. This is modeled after an existing law which provides for a new system of penalties for the sale of tobacco to minors. These proposals share the responsibility and the penalty.

Much has also been said recently about childhood obesity. More than 15% of children are overweight — double what it was 20 years ago. Overweight and obesity are recognized to be at epidemic proportions.

If we want our kids to become healthy adults, we must teach them to be fit, eat nutritiously and exercise well. We must teach them to spend less time on the couch and more time on the trail. We must teach them that food that is good for you, can also taste good.

With this in mind, we recently went to White Plains Middle School and, with the Health Department, launched one half of our Fit Kids Campaign. We are distributing guides to each school district on how to raise awareness among young people, how to improve cafeteria food, and how to develop programs and plan activities to encourage kids to eat healthier and exercise more.

On June 15th, we will launch the second half of the campaign with a fun and fitness festival at Kensico Dam. Using our beautiful parks as their private "gym" and by taking advantage of activities that we offer, adults and children can start an outdoor regimen of biking, hiking, skating, and swimming.

Life is not easy today. Savings have been lost due to the stock market. Jobs for some may be hard to find. Cultural and language barriers may create unbelievable hardships. Added to this there is the anxiety of the war in Iraq and the possibility of terrorism at home. To help those residents who seem to be losing the battle of depression, our Community Mental Health Department has put together a Depression Support Network.

We know that factors leading to depression come from many situations and can affect anyone at any age. We also know that individuals may shy away from getting help because of embarrassment or shame. We want to educate friends, family, relatives and the public about the causes of clinical depression, how to notice warning signs, and how to get assistance. The program will be formally announced later this month, and we are gratified that we have the assistance of so many mental health agencies, hospitals, and professional associations.

Despite the economic downturn and the uncertainty around the country, Westchester County remains on strong financial footing. We continue to be the only Triple A rated county in New York State. All three credit agencies, in reaffirming this highest rating, hailed our sizable, residential tax base, our diverse, commercial tax base and our strong government management strategies with demonstrated internal controls. They predict that Westchester will continue to maintain a satisfactory credit profile despite significant budgetary pressures, specifically referring to the rising costs of state mandated services.

Let's talk about this for a moment. Without reliving history, 2003 saw the increase in the county property tax and a drastic cut in county spending to pay for the rapid expansion and escalation of the costs of state mandated services. Our county government is required to pay the State Government an additional $33.4 million dollars in Medicaid costs this year. We are required to pay an additional $10.8 million dollars for Services for Children with Disabilities. And, unless there is a change from Albany, we will be required to pay an additional $18 million dollars in pension costs.

To make up the difference, as we all know, we were forced to take the knife to our budget, cutting $70 million dollars in county programs. It doesn't make me happy that we had to cut funding to our non-profit agencies who not only enhance the quality of our lives, but who also make meaningful differences in the wellbeing of those at risk.

But we cut internally even more, imposing harsh austerity measures. The county workforce has been slashed by 347 positions. Our staff departments — those "nuts and bolts" departments — are working with less so that many of our public programs could be saved. Human resources, budget and finance, law, information technology, planning and public works saw their workforce cut from 5 to 15 percent and their expenditures cut 14%. These are the departments that the public rarely sees, but are the wheels that keep us going.

We reformed our fiscal management practices and made budgeting more open and honest. we have streamlined our internal operations, to increase productivity, root out duplication and reduce costs.

A special mention goes to the Department of Social Services, which I consider to be the safety net for thousands of Westchester residents who need special assistance. Since 1998, their staff has been reduced by 236 positions or 16.4%. Yet, the services and programs they provide have increased to the extent that almost 6000 people are off public assistance and on the road to self-sufficiency. Congratulations, Commissioner Mahon, to you and your staff.

But we must do more. we continue to look at ways to reinvent government ... to make it leaner, and more accountable. Therefore, I will explore the feasibility of instituting Performance Based Budgeting and will ask the Michaelian Institute to assist us. A performance-based budget will tell our taxpayers what services are provided with their tax dollars, the results produced, and the costs to achieve these results. This will shed light on how effectively and efficiently we are running our agencies.

I would like to make a point here about tobacco securitization. According to recent news reports, Philip Morris may not have the money to continue its payout of tobacco settlement funds. Because we acted to bond the tobacco money back in 1999, we have secured those funds, regardless of what happens to Philip Morris. There have been naysayers to our approach; however, this proves we did the right thing. It was smart for us to act then, rather than having to react now. A special thank you to legislators on both

sides of the aisle who had the courage then to take this path.

As I said in last year's address, I did not want to raise property taxes, cut vital services, or raise bus fares for our poorest population, to pay for these state programs. With your board's assistance, we felt that a sales tax increase of one penny on the dollar would be far less onerous...especially since we have the lowest sales tax in New York State. As everyone knows, your board's majority and I worked together for a year to get the state legislature to give us that authority.

I would like to make special mention of Richard Wishnie, chair of the Budget Committee. It was a very difficult task to fashion this budget and I commend his leadership and compassion.

While state delegations from other counties approved such home rule requests, ours did not...which leads us to where we are today. Unless the State Government reduces the costs of these mandates, county programs and services, in Westchester and throughout the state, will continue to be cut and county taxpayers will continue to see property taxes increase.

This must not happen. It is unfair and unjust for state government to make county taxpayers pay for its programs. Simply put, the system of mandated programs is broken, we must all work together to repair it. For the first time, that is exactly what everyone is trying to do. Recently, we stood with Mayor Bloomberg, the New York State Association of Counties, the County Executive's Association and representatives of 21 counties throughout the state to call on the Governor and State Legislature to cap Medicaid costs at the 2001 level.

To use Mayor Bloomberg's words, "It is inherently unfair to require the City of New York and county governments ... to pay for expensive state-mandated health services without allowing us any involvement in the decisions to provide those services." He called it "taxation without representation."

I implore the governor and the state legislature to act on our mutual request to freeze these crippling Medicaid costs. I WILL DO EVERYTHING I CAN TO ASSIST THEM. This action would not only save Westchester County taxpayers $46 million dollars next year, but it would be a positive blueprint for New York's economic future.

As we look toward the future — what kind of Westchester County are we leaving the next generation? Will our land be protected? Will our water stay pure? Will our economy continue to grow? Will our minority population reap the benefits that others have?

The work we do today will secure that future. We must care about our county — even though we may not be around to see it.

Westchester County's buildable land is diminishing. Even in the seemingly open areas of

the Croton Watershed of northern Westchester (which includes 40% of the entire county), less than 14% of the land is undeveloped. Less land is available in the rest of the county.

I am very proud that we have put in place over the past 5 years, a policy that helped trigger the preservation of over 5000 acres of open space. We continue our commitment to purchase Hilltop Hanover Farm's 175 acres in Yorktown and the 110-acre Houlihan Property in Lewisboro. At the same time, we are moving forward on three Hudson Riverwalk Projects to provide a public promenade from Yonkers to Peekskill.

Davids Island is still on the "to do" list, but in this current economic climate and with clean-up costing millions more than we expected, we will need funding from state, federal, private and non-profit sources to assist us.

We have also recently finished our Parks Master Plan — a strategic look at all of the county's parks that lays the foundation for their future development and management. We have a 78-year history of parkland planning and preservation. This will continue the legacy. Legislators Lou Mosiello, chair of the Parks Committee, and Vito Pinto, who serves on the Parks Board, have played important roles in our efforts to enhance our Park system.

But we also have to address the flip side. Looking ahead, we must learn to marry two seemingly conflicting ideas. We need open space and parkland to enhance our quality of life, but, for the county to remain vibrant, we also need lower housing costs to support our population, decreased travel times and continued economic growth.

We must plan for our future not in isolation, but with a global perspective. What a perfect time to have a new Commissioner of Planning, Jerry Mulligan. I am not going to make Jerry's life easy. His charge as "county architect" is to put Westchester on the map as a professional and distinguished department. His task will be to bring a wider exposure to county planning. We have a talented staff, now we must give that staff the means to channel that talent towards broader issues — urban development, design, innovation. We must institutionalize not only good planning, but also creative planning. When planners get together to discuss "world class counties," I want Westchester to be one of them.

The time is right to find new ways to grow that not only maintain the quality of life but also improve it by providing new housing, increasing mobility throughout the region and protecting critical components of our environment.

Interestingly enough the 287 corridor and the Metro-North train stations hold promise.

After successfully insisting last year that Westchester County have a meaningful role in the Tappan Zee/I-287 decision-making process, I now intend to make full use of our position to define what is feasible and what is right for Westchester, our residents and our business community. We will not support any proposal that has a negative impact on our Hudson River communities. We will not support additional lanes on 287. Instead, our

cities, towns and villages must work together, so that our future is based on something smarter, a new infrastructure — a mass transit component — that will lay the foundation for this century's growth.

Westchester has 43 stations along Metro-North's three rail lines. Many of these stations have been at the heart of cities and villages for over 100 years. They prove to the rest of the country that we had smart growth decades before the term was ever used. Now it is time to show leadership again. Many of these stations and the land around them - often covered with acres of surface parking lots - hold the potential for becoming 21st century transit villages where people can live, work, shop and be entertained all within walking distance, free of dependency on a car.

We must continue to work with local communities to explore the potential for transforming station areas into multi-use places that would not burden local streets or services. Our initial efforts are already underway in White Plains and we will look for other opportunities to work with interested local governments.

Westchester County has an abundance of water resources – reservoirs, lakes, streams and wetlands; and the Hudson River and Long Island Sound.

Common factors impact all of these precious resources. Some we have no control over: Last summer we had a drought and this winter we broke snowfall records. But other factors, our own activities for example, we can control. Every municipality is now required to pay more attention to activities that impact water quality. And the County is here to assist them in their efforts.

One way is the establishment of a Water Institute for Best Practices. These may range from the best land use ordinances to the best erosion control practices. Our Planning, Health, and Environmental Facilities departments will join forces with Westchester Community College to provide quality education on water issues for municipal staff, the construction industry and interested individuals.

We will continue our efforts to keep Westchester's Water H2OK. You have additional legislation before you to keep mercury out of the groundwater. Our airport is on its way to becoming ISO14001 certified — which means that every action at the facility has to pass environmental scrutiny. We appointed a new director of environmental security, and we initiated a new septic management system to keep pollutants from entering the watershed.

We adopted the Pesticide Notification Program and stopped using toxic pesticides on government property to send the message to our homeowners that there are other ways to get rid of pests. Now we are working closely with the State Attorney General's office in looking for ways to reduce the use of lawn fertilizers.

When it comes to the economy, despite the trials our nation faces, Westchester's future continues to look bright. Our unemployment rate is a low 4.3%. Our workforce remains

at a very healthy 450,000. Our vacancy rate is going down, while other metropolitan suburban areas have seen increases by significant margins. While I don't want to gloat, Westchester is now outpacing Fairfield County, which has long been considered our strongest competition.

The number of outside companies signing leases has increased from 15% to 36% in the last year. This obviously reflects the desire of some New York City firms to open satellite offices in the wake of September 11th. We have not solicited these companies; they have chosen Westchester because of where we are located, our personal approach to business development, and our quality of life. I am happy to welcome Morgan Stanley, New York Life, and several major law firms who now call Westchester County home.

Our strong economy also hinges on the expansion of our larger companies and the growth of our smaller ones. Fujifilm, MasterCard, Taro Pharmaceuticals, Pernod Richard are a few that fall into this category.

At the same time, Westchester is experiencing historically high levels — over $1 billion dollars — of new construction. Cappelli's City Center and Fortunoff's in White Plains, Kendal on Hudson retirement community in Sleepy Hollow, and G and S retail centers in Port Chester and Mount Vernon are bringing new jobs and new opportunities. Downtown revitalization is going on in virtually all of our major cities.

My efforts to keep Westchester business friendly also include sponsoring programs that help companies find skilled employees and to ensure that individuals have jobs. The Westchester-Putnam Workforce Investment System has benefited over 500 county businesses with services that included onsite job screening, customized training programs and access to information.

At the same time over 250 employees representing these companies have received additional skills leading to their job retention, promotion and wage gains and more than 1500 Social Services customers secured employment. Well over 23,000 people have taken advantage of the program.

I mentioned previously programs we have put in place to foster the growth of our children. Regardless of our budget situation, we continue to make efforts to try to be sure that no one is left behind.

Westchester Community College reached its highest enrollment this year in its 55-year history. We have currently almost 12,000 credit students and over 13,000 non-credited. My thanks to Joe Hankin, president of the college, and his able staff for working with me to provide community resources both on and off campus.

As an educator, I have always believed that a community college should be in communities. For several years now, we have worked together to open satellite

campuses. We doubled the size of the Peekskill site for art and multi-media. We successfully launched the Ossining Extension related to healthcare education and a Yonkers computer technology site.

I am happy to announce that this summer, our new site in Mount Vernon will open offering day, evening and weekend classes in business, culinary arts, computers, healthcare and English as a Second Language. I thank Legislator Clinton Young for helping to make this happen.

Three years ago, with the sponsorship of the Jandon Foundation, we began a college scholarship program that has since provided funding for high school seniors on public assistance. By the end of this year, over $270,000 dollars will have been given out to 48 worthy students.

But this is only part of the picture. In order to get these students to meet the criteria in their senior year, we knew we would have to start working with them when they were in the lower grades. So the Westchester Scholars Program was born where we give computers, encyclopedic software, Internet connections, and mentoring services to children in the 7th to 11th grades as incentives for achieving academic excellence. 228 students, whose families are on public assistance, have been participating—70 in last year alone.

I am proud of their achievement, grateful to Jane and Don Cecil for their generosity, and tremendously pleased that Westchester County has made a substantial contribution to the future of these children. These programs must continue so that all youngsters — no matter what their circumstances — have the opportunity to become all that they can be.

We continue to make a similar effort to meet the needs of our diverse population. Whether it is financial security for Latina women, incentives for minority businesses, anti-discrimination efforts by our Human Rights Commission or simply outreach to those residents who need the most assistance, this administration remains committed to improving the quality of life for everyone. We must continue to recognize our growing Hispanic population, and I rely on the advice of Legislator Jose Alvarado to help us meet their needs. With the financial assistance of our non-profit and corporate community and our public/private partnerships, we will continue this mission.

People change worlds. Not governments. While government puts in place programs that we think will assure our future, it's really the action or the inaction of the public that makes the difference.

Westchester County is home to over 4,800 not-for-profit organizations. These businesses have total annual revenue of over $5.4 billion dollars and $7.5 billion in assets. Those figures represent 12% of Westchester's economy. Forty-one of these businesses have annual revenues over $25 million each. However, most are small and often struggling, but are fueled by the volunteer efforts of Westchester residents.

Our volunteer community has become increasingly important and deserving of recognition, especially in these times of economic uncertainty. I'm speaking of the unsung heroes who work hard solely for the satisfaction of a job well done. We should do everything we can to encourage even more of that volunteer spirit.

With budget cutbacks hitting non-profit agencies hard and much of their funding drying up, they will need to rely on volunteers more than ever to help fill the gaps. This is a time when individual efforts can really make a difference.

Community Service is something that our high schools are now requiring, as a way to help our youth prepare for their future. I commend these efforts and want to expand them. Later this month, we will launch a new campaign with the Volunteer Center that will include the announcement of dozens of new community service venues with the county. A new website will also begin helping people search for opportunities in both the private and public sector.

With about 85% of Westchester residents on the Internet, our Website is the chosen method of providing information and services quickly and accurately. In 2002, over 620,000 different individuals logged on. There were over 2 million visits and 32 million hits. (In one visit you can "hit" many web pages).

Five years ago, we had no Website. Now, everything we do is on our award winning "westchestergov.com." We are expanding our electronic Quick News service so residents can sign up to receive updates on specific topics, like park events and health information. We instituted a voice-activated system, so that consumer information, like gas prices, is available by phone straight off the website.

This month the Office for Hispanic Affairs will unveil a site in Spanish, and our Community Mental Health Department will open a site to help people identify and fight depression.

Interactive as never before, our GIS technology allows you to click on a map and find the nearest post office, senior center or a dozen other community resources.

We live in the 21st century and our technology as well as our stewardship must be progressive, intuitive, and meaningful.

I have presented to you this evening a snapshot in time. The things we have accomplished up to now, position us for a positive future. Yes, there are challenges. We need Albany to come to grips with the rising costs of Medicaid and other state mandates. We need Washington to give us the funding it promised to pay for our security efforts. We need to find ways to limit the property tax burden on our residents. And we need to do all of this while still providing the programs and services our residents have come to expect.

But, at the same time, we have many strengths. After a harsh winter, there is always a

welcome spring. We have spent the past five years building a solid economy, preserving land for generations to come, investing in technology, and protecting the health and safety of our people. These policies provide a solid foundation for the future. Working together, our government and our people will continue to make the County great.

And, with that, ladies and gentlemen, let us pray for peace and for the safe return of our troops. Godspeed.

Thank you.

Grosjean, Alain

From: Brovarski, Cynthia J
Sent: Wednesday, April 16, 2003 5:07 PM
To: Inzirillo, Frank
Cc: Slobodien, Mike; Grosjean, Alain; Ferraro, Anthony; Mitchell, Frank; Phillips, Frank; Brovarski, Cynthia J; Blair, William S.
Subject: WPHS Reception Center Evaluation - April 16, 2003

Offsite FEMA Evaluation for White Plains High School - Public Reception Center

A Westchester County general public reception center was demonstrated at White Plains High School in White Plains, NY on April 16, 2003. This facility would be used to monitor, decon, and register people who had evacuated from the EPZ.

The facility was staffed by Westchester County Dept. of Health, Social Services, Fire and Police. Approximately 75 county volunteers participated in the drill. This newly qualified team trained and held numerous onsite drills to ensure their success.

The evaluators were Brian Haseman, FEMA and Joe Keller of Idaho National Lab. The set up and operation of the facility was evaluated. The evaluators monitored the process for incoming vehicles and the process for decon of vehicles. Inside, the process of receiving incoming evacuees was observed as well as the decon process and registration.

Others present included staff from the NY State Emergency Management Office, Westchester County Department of Emergency Services and IPEC Emergency Planning.

There were no significant issues identified by FEMA for this drill.

Open actions for Westchester OEM include:

- Re-examine the check source used to set off the portal monitor as it did not alarm the monitor when placed at the mid section of an evacuee. FEMA portal monitor standard states that the source will alarm at 1 micro curie when located at the mid section of the portal. The check source did alarm appropriately at all pancake areas.
- All portal monitors may need to be re-calibrated if other portals are found to be out of sync with check source.

Cindy Brovarski
Supv., Emergency Planner
914-271-7225 - office
917-706-7813 - pager
917-301-2168 - cell
9172522000.0240115@pagenet.net
800-800-7759 - alpha pager

-----Original Message-----
From: Murphy, William
Sent: Thursday, March 06, 2003 10:41 AM
To: Sweeting, Neil
Cc: Luddy, Linda; Bradshaw, Robert
Subject: RECEPTION CENTER EXERCISE DATES 2003

The following dates have been arranged for Reception Center Exercises in 2003:

Port Chester MS 15 July 2003

Fox Lane HS 14 August 2003

Liam Murphy, Deputy Director

Westchester County Office of Emergency Management

4 Dana Road, Valhalla, NY 10595-1548

(914) 231-1683 / 760-4525 / fax 231-1698 / pager 284-2018

Dress Rehearsal & Drill Schedule

2002
DRILL
PARTICIPATION

	09/05/2002 - Full Day				
EOC	Orange	Putnam	Rockland	West.	State
Command & Control	X	X	X	X	X
EOC Agencies	X	X	X	X	X
Dose Assessment	X	X	X	X	X
Field Monitoring	2	1	2	3 or 4	N/A
RECS	X	X	X	X	X
Utility Tech Advisors	X	X	X	X	X
Warning Point	<9 AM	<8 AM	X	X	X
ERO Callout	Callout	Pre-stage	Pre & Call	Pre & Call	Callout
EOF					
EOF Liaison	X	TBD	TBD	X	X
JNC					
JNC Staff (All Functions)	via Video	X	X	X	X

	09/12/2002 - Half Day					09/17/2002 - Half Day				
EOC	Orange	Putnam	Rockland	West.	State	Orange	Putnam	Rockland	West.	State
Command & Control	X	X	X	X	X	X	X		X	X
EOC Agencies										
Dose Assessment				X		X			X	
Field Monitoring				3 or 4		2			3 or 4	
RECS	X	X	X	X	X	X	X	X	X	X
Utility Tech Advisors	X	X	X	X	X	X	X		X	X
Warning Point										
ERO Callout						Pre-stage				
EOF										
EOF Liaison				X	X	X			X	X
JNC										
JNC Staff (EAS & Briefings)	via Video	Limited	X	X	X	No	X	No	No	X

8/19/02	Orange	Congregate Care Twin Towers M/S	7:00-9:00 pm	
8/19/02	Rockland	Reception Center (Suffern High School) Social Services Fire Dept.		 3:00 p.m. 7:00 pm
8/20/02	Orange	Congregate Care (Fed. Eval) Twin Towers M/S		7:00-9:00 pm
8/20/02	Westchester	Field Monitoring Trng	9:00-12:00	
8/21/02	Westchester	Dose Assessment	9:00-12:00	
8/26/02	Rockland	Reception Center (SVHS) classroom trng	7:00pm	
8/27/02	Westchester	Peekskill PD Trng	8:00-10:00	
8/27/02	Westchester	Peekskill EOC Agency Trng	1:00-3:00	
8/28/02	Putnam	Putnam/Hud Valley Bus Trng	All Day	
8/28/02	Westchester	Peekskill PD Trng	8:00-10:00	
8/28/02	Westchester	Peekskill EOC Agency Trng	1:00-3:00	
8/28/02	Westchester	Hen Hud Bus Driver Training	1:00-4:00	
8/29/02	Putnam	Field Monitoring	7:00pm	
8/29/02	Putnam	Dose Assessment Training	9:00 am	
8/29/02	Westchester	Peekskill PD	8:00-10:00	
9/04/02	Rockland	Congregate Care Bergen CC and FDU		10:00am
9/05/02	ALL	Full practice drill		
9/09/02	Rockland	Congregate Care Ramapo College		12:00noon
9/09/02	Rockland	Reception Center (SVHS)	7:00pm	
9/10/02	Westchester	Liberty Bus Interviews		10:00am
9/12/02	ALL	Limited Remedial Drill		

Grosjean, Alain

From: Albanese, Raymond [rla1@westchestergov.com]
Sent: Monday, August 05, 2002 10:17 AM
To: Grosjean, Alain

I finally got in touch with Bob Rogan to finalize his drill plans. The drill plans for the 4 Counties is as follows.

Westchester County
Sept. 5 - Full dress rehearsal, most of the day
Sept. 12 - Half day
Sept. 17 - Half day

Orange County
Sept. 5 - Full dress rehearsal, most of the day
Sept. 12 - PIO and other activities
Sept. 17 - Command and Control plus field teams

Rockland County
Sept. 5 - Full dress rehearsal, most of the day
Sept. 12 - Command and Control
Sept. 17 - Nothing planned

Putnam County
Sept. 5 - Full dress rehearsal with field teams, half day
Sept. 12 - Nothing planned
Sept. 17 - PIO and command and control

This schedule might change without notice so it is a DRAFT schedule only.

Raymond L. Albanese
4 County Coordinator
Voice (914) 995-3025
Email: rla1@westchestergov.com

Raymond L. Albanese
4 County Coordinator
Voice (914) 995-3025
Email: rla1@westchestergov.com

Indian Point 2002 FEMA Exercise
Training/Exercise Schedule

Date	County	Activity	Training	FEMA Eval
4/16/02	Putnam	Bus drivers(Mahopac)	9:30am	
4/16/02	Putnam	EmergWPMC(Carmel)	7:00pm	
4/18/02	Putnam	Bus drivers(Mahopac)		9:30am
4/23/02	Putnam	EmergWPMC(Carmel)	7:00pm	
4/30/02	Putnam	EmergWPMC(Carmel)		7:00pm
4/30/02	Putnam	Bus drivers(Putnam V)	9:30am	
4/30/02	Putnam	School (Putnam Val)	11:00am	
5/02/02	Putnam	Bus drivers(Putnam V)		9:30am
5/02/02	Putnam	School (Putnam Val)		11:00am
5/07/02	Putnam	MS-1 Ambulance	7:00pm	
5/07/02	Putnam	MS-1 Hospital	9am, 1&7pm	
5/14/02	Peekskill	Fire Dept	7:00pm	
5/15/02	Putnam	MS-1 Ambulance		8:30am
5/15/02	Putnam	MS-1 Hospital		8:30am
5/15/02	Westchester	EMS Training (Cortlandt)	7:00 pm	
5/20/02	Rockland	School (Farley Middle)**to be re-scheduled**		10:00am
5/21/02	Peekskill	Fire Dept	7:00pm	
5/21/02	Putnam	Bus drivers(Haldane)	9:30am	
5/21/02	Putnam	School (Bounous Montess NS)	10:30	
5/22/02	Orange	EWPMC (Boces)	2:30 pm	
5/23/02	Putnam	School (Bounous Montessori NS)		10:30am
5/28/02	Peekskill	Fire Dept	7:00pm	
5/28/02	Rockland	School (Limekiln)		9:00am

6/10/02	Westchester	Buchanan/Verplank ES (Hen Hud Dist)		1:30pm
6/10/02	Rockland	School (St. Paul's School, Congers)		10:00am
6/10/02	Westchester	MS-1 Training	7:00 pm	
6/11/02	Westchester	MS-1 (WCMC)		????
6/11/02	Rockland	Bus (Chestnut Ridge Trans @ FTC (25))		10:00am
6/11/02	Putnam	Bus drivers(Hud. Valley)	9:30am	
6/11/02	Putnam	School (Garrison)	10:30am	
6/12/02	Putnam	Bus drivers(Hud. Valley)		9:30am
6/12/02	Putnam	School(Garrison)		10:30am
6/12/02	Westchester	Hillcrest E.S. (Peekskill Dist)		10:00 a.m.
6/12/02	Westchester	Croton-Harmon H.S. (Crt/Har Dist)		2:00 p.m.
6/12/02	Rockland	Bus Drivers (Clarkstown)		10:00 a.m.
6/13/02	Rockland	Bus Drivers (Haverstraw Transit (10))		10:00am
6/13/02	Westchester	West Orchard E.S. (Chappaqua Dist)		10:30 am.
6/14/02	Rockland	Bus Drivers (Peter Brega (5))		10:00am
6/14/02	Westchester	Pinesbridge School (BOCES)		10:30 a.m.
6/14/02	Westchester	St. Patrick's School (Yorktown Dist.)		1:30 p.m.
6/17/02	Westchester	Benjamin Franklin E.S. (Lakeland Dist)		11:00a.m.
6/17/02	Westchester	Briarcliff H.S. (Briarcliff Manor Dist)		1:00p.m.
6/17/02	Westchester	St. Anne's School (Ossining Dist)		3:00p.m.
6/18/02	Rockland	PMC Training	9:00 a.m.	
6/19/02	Putnam	Bus drivers(Haldane)		9:30am
6/20/02	Rockland	PMC Training	9:00 a.m.	
6/25/02	Rockland	PMC FEMA Evaluation		9:00 a.m.
6/26/02	Westchester	Agency REP Training	9:00-12:00 & 1:00-4:00	
6/27/02	Westchester	Agency T-T-T	9:00-3:00	
7/01/02	Westchester	Agency REP Training	9:00-12:00	
7/02/02	Westchester	Agency REP Training	1:00-4:00	

7/9/02	Orange	Fire Dept. Training	time TBD	
7/09/02	Westchester	Agency REP Training	1:00-4:00	
7/10/02	Orange	BOCES EWPMC	2:30-4:30pm	
7/11/02	Orange	Field Team Training	7:00 pm	
7/15/02	Rockland	Reception Center (Suffern FD/High School)	7:00pm Postponed	
7/16/02	Westchester	Dose Assessment Training	9:00-2:00	
7/16/02	Orange	Reception Ctr Training (classroom) Heritage M/S	6:00-8:30pm	
7/17/02	Orange	BOCES EWPMC	2:30-4:30pm	
7/17/02	Putnam	Reception Center (Health @ EOC)	6:00pm	
7/17/02	Putnam	Reception Center RACES @ EOC	6:00pm	
7/17/02	Westchester	ARC training	1:00-3:00	
7/18/02	Orange	PIO Training	10:00 – 4:00 p.m.	
7/18/02	Orange	Reception Ctr Training (classroom) Heritage M/S	6:00-8:30pm	
7/18/02	Westchester	EWPMC Training & Practice	9:00-4:00 p.m.	
7/19/02	Westchester	EWPMC (Fire Trng Cen)		10:00a.m.
7/22/02	Rockland	Reception Center (Tallman FD/High School)	7:00pm	
7/23/02	Putnam	Reception Center Social Servs@Soc Servs	2:00pm	
7/23/02	Putnam	Reception Center Nursing @ Social Servs	2:00pm	
7/23/02	Putnam	Reception Center (Carmel H.S.)	6:00pm	
7/23/02	Orange	Reception Ctr Training (classroom) Heritage M/S	6:00-8:30pm	
7/25/02	Orange	Reception Ctr Training (classroom) Heritage M/S	6:00-8:30pm	

7/29/02	Westchester	PIO REP plan trng	10:00-1:00pm	
7/29/02	Rockland	Reception Center (Tallman FD/High School- note training only, FEMA eval rescheduled)	7:00pm	
7/29/02	Orange	RACES Training	7:00-9:00 p.m.	
7/30/02	Westchester	DOH-PMC Trng	9:00-12:00	
7/30/02	Putnam	Reception Center (Carmel H.S.)		6:00pm
7/30/02	Putnam	Congregate Care (G Fischer M.S.)		6:00pm
7/31/02	Westchester	Peekskill DPW & Parks	7:30-8:30a.m.	
7/31/02	Westchester	DOH-PMC Trng	9:00-12:00	
7/31/02	Orange	EWPMC: Boces Trainig	245-445	
7/31/02	Orange	Reception Ctr Training (practical) Heritage M/S	6:00-8:30pm	
8/01/02	Orange	Reception Ctr Training (Fed. Eval) Heritage M/S		6:00-8:30pm
8/05/02	Westchester	Reception Center Walk Thru West. Comm. College	1:00-4:00p.m.	
8/05/02	Rockland	Reception Center (Suffern High School) CANCELLED		7:00 p.m.

Training/Exercises to be Completed

8/06/02	Westchester	Field Monitoring	9:00-12:00	
8/06 or 8/07	Orange	Bus Driver Training (West Pt. Tours)	Time TBD	
8/07/02	Westchester	Reception/Congregate Care Practice West. Comm. College	1:00-4:00p.m.	
8/08/02	Orange	BOCES (EWPMC) Final Training	2:45-4:45	
8/14/02	Westchester	Reception/Congregate Care West. Comm. College		10:00-2:00p.m.
8/14/04	Orange	EWPMC (~~Walkthrough~~) BOCES FEMA EVALUATION		2:45 – 4:45 pm
8/15/02	Orange	West Point Tours GP/School Bus interviews		9:00am – 12:00

8/19/02	Orange	Congregate Care Twin Towers M/S	7:00-9:00 pm	
8/19/02	Rockland	Reception Center (Suffern High School) Social Services Fire Dept.		3:00 p.m. 7:00 pm
8/20/02	Orange	Congregate Care (Fed. Eval) Twin Towers M/S		7:00-9:00 pm
8/20/02	Westchester	Field Monitoring Trng	9:00-12:00	
8/21/02	Westchester	Dose Assessment	9:00-12:00	
8/26/02	Rockland	Reception Center (SVHS) classroom trng	7:00pm	
8/27/02	Westchester	Peekskill PD Trng	8:00-10:00	
8/27/02	Westchester	Peekskill EOC Agency Trng	1:00-3:00	
8/28/02	Putnam	Putnam/Hud Valley Bus Trng	All Day	
8/28/02	Westchester	Peekskill PD Trng	8:00-10:00	
8/28/02	Westchester	Peekskill EOC Agency Trng	1:00-3:00	
8/28/02	Westchester	Hen Hud Bus Driver Training	1:00-4:00	
8/29/02	Putnam	Field Monitoring	7:00pm	
8/29/02	Putnam	Dose Assessment Training	9:00 am	
8/29/02	Westchester	Peekskill PD	8:00-10:00	
9/04/02	Rockland	Congregate Care Bergen CC and FDU		10:00am
9/05/02	ALL	Full practice drill		
9/09/02	Rockland	Congregate Care Ramapo College		12:00noon
9/09/02	Rockland	Reception Center (SVHS)	7:00pm	
9/10/02	Westchester	Liberty Bus Interviews		10:00am
9/12/02	ALL	Limited Remedial Drill		

9/13/02	Westchester	County Police Trng	9:00-12:00pm	
9/16/02	Westchester	Hen Hud School Bus Driver interview		10:00a.m
9/17/02	Westchester	RACES Trng	7:00-10:00	
9/24/02	ALL	Full FEMA exercise		
9/30/02	Rockland	Reception Center Evaluation (SVHS)		7:00pm

rev. 8/06/02