

April 30, 2003



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# **EMERGENCY PLANNING**

## **INDIAN POINT ENERGY CENTER**

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# **Indian Point Event Timeline**

- **Brodsky Report – Feb. 20, 2002**
- **Brodsky 350 Petition – June 17, 2002**
- **Pataki letters requesting review of EP policy**
- **State initiated Review (Witt) – Aug. 1, 2002**
- **FEMA / NRC Response to Brodsky**
- **IP-2 Exercise – Sept. 24, 2002**

# **Indian Point Timeline (cont'd)**

- **Draft “Witt” Report, Jan. 10, 2003**
- **FEMA Exercise Report, Feb.21, 2003**
- **Final Witt report released, Feb. 2003**
- **FEMA letter to NY State offering assistance, March 27, 2003**
- **State Response to FEMA due, May 2, 2003**

# **FEMA's Role**

- **Coordinates all Federal planning for offsite impact of Rad. Emergencies.**
- **Lead for assessing offsite response plans**
- **Makes findings and determinations as to the adequacy and capability of implementing offsite plans**
- **Communicates findings and determinations to the NRC.**

# **NRC Role**

- **Makes findings and determinations as to the adequacy and capability of implementing the licensee plan**
- **Reviews FEMA findings and determinations.**
- **Assesses both onsite and offsite findings to make determination on the overall state of EP (reasonable assurance)**

# Withdrawal of Reasonable Assurance

- FEMA makes initial finding / determination that plans cannot provide reasonable assurance that public is protected
- Notifies Governor & NRC
  - ▶ 44 CFR 350.13
- State and locals have 4 months to correct or submit acceptable plan to correct the deficiencies
- If not corrected, FEMA withdraws approval of State / local plans.

# **Withdrawal of Reasonable Assurance (cont'd)**

- **Informs Governor, NRC and Federal Register, newspaper with largest circulation**
- **NRC promptly reviews FEMA's findings and determinations & documents the NRC position.**
- **If NRC determines the state of emergency preparedness does not provide reasonable assurance and the deficiencies are not corrected in 4 months, Commission to determine appropriate action**

# **Issues Identified by FEMA in exercise report**

- **Updated Letters of Agreement**
- **Joint News Center**
- **Updated Evacuation Time Estimates**
- **Individual School and Day Care Center  
Plans**

# **Current Status of County Actions**

- **Westchester County proposes decommissioning of IP, refused FEMA assist visit.**
- **Entergy preparing freedom of information request & providing contractors.**
- **Putnam & Orange Counties – FEMA assist visit.**
- **Rockland County – FEMA requested assist visit (scheduled 5/1/03).**

# Possible Scenarios

- **FEMA gets required information.**
- **FEMA doesn't receive information, starts "120" day clock to correct deficiencies.**
- **FEMA withdraws approval & one or more Counties refuse to participate.**
  - ▶ **FEMA withdraws plan approval, notifies NRC, Governor & Fed Register.**
  - ▶ **NRC initiates review, documents position.**
  - ▶ **If NRC determines RA in jeopardy, starts "120" clock to correct.**
  - ▶ **Commission decides appropriate action**

# **Alternative Regulatory Relief**

- **10 CFR 50.47 (c) (1) - “Realism Rule”**
  - ▶ **Licensee cannot meet planning standards because State/local governments refuse to participate**
  - ▶ **Licensee has made sustained, good faith effort to secure participation**
  - ▶ **Licensee’s emergency plan provides reasonable assurance that public health and safety not endangered by operation of facility**

# **Alternative Regulatory Relief (cont'd)**

- **44 CFR 352 - Federal Support to licensee**
  - ▶ **Licensee establishes State or local government fails/declines to participate**
  - ▶ **FEMA makes determination on commitment of Federal facilities and resources**

# **NRC Contingency Planning**

- **Seek early Commission guidance on course of action**
- **Task force members identified, meeting scheduled**
- **Press release drafts working**
- **Draft task force charter developed**
- **Draft Q & A's developed**
- **Review of “lessons learned” from Pilgrim Offsite EP review.**

# **Pilgrim Lessons Learned**

- **Early Commission Guidance on Policy Direction**
- **NRC-FEMA Relationship**
- **NRC Staff Procedures**
- **Communications Between the Commission and Staff**
- **Communication between the Commission and others with differing opinions regarding EP**