

Final



EMERGENCY PLANNING

INDIAN POINT ENERGY CENTER

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Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5

FOIA-2003-0392, 0379, 0388-1

0398

20
11

Release in Part - EIT
EIS

Indian Point Event Timeline

- Brodsky Report – Feb. 20, 2002
- Brodsky 350 Petition – June 17, 2002
- visit ● Pataki letters requesting review of EP ^{Fed Gov} policy review: changes since 9/11, HM: what has been done since 9/11
- State initiated Review (Witt) – Aug. 1, 2002
- FEMA / NRC Response to Brodsky
- IP-2 Exercise – Sept. 24, 2002 } 3 early white findings, resolved by exercise

NJD: fundamental message. E terrorism is different
Com Plan

JSM:

Key: is IP ok after exercise

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** → *not perfect on May 2,*
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.

Aggregation of Issues: lack of reasonable assurance due to

no tangible issue
lack of info
6
counties have not said:
will not participate

Withdrawal of Reasonable Assurance (cont'd)

- **Informs Governor, NRC, Federal Register and newspaper with largest circulation**
- **NRC promptly reviews FEMA's findings and determinations & documents the NRC position.** *before starting the clock*
- **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

0-2 } Population down
0-5 }

Current Status of County Actions

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

EX-5
Exemption 5

Possible Scenarios

- **FEMA gets required information.** *best scenario*
- **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**

• Are we doing all we need to do — *When have every i dotted*