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### EMERGENCY PLANNING INDIAN POINT ENERGY CENTER

#### Brian Holian, Region I Patricia Milligan, NRR

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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 Farton policy review : changes since 9/11, Here: what has been done since 9/11

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- State initiated Review (Witt) Aug. 1,2002
- IP-2 Exercise Sept. 24, 2002 Job by exercise NJD: Furturntal nonze. E terrors is different Com Plan

### 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

### **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

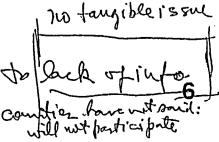
### **NRC Role**

- 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 <u>initial</u> finding / determination that plans cannot provide <u>reasonable</u> 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.

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#### 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

#### Current Status of County Actions

- Westchester County proposes decommissioning of IP, refused FEMA assist visit. Wird Geneling - JP is 19 onlist.
- Entergy preparing freedom of information request & providing contractors.
- Putnam & Orange Counties FEMA assist visit.
- Rockland County FEMA requested assist visit (scheduled 5/1/03).

Exemption 5

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# **Possible Scenarios**

- FEMA gets required information. bet 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<sup>®</sup>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