

ORIGINAL

OFFICIAL TRANSCRIPT PROCEEDINGS BEFORE

NUCLEAR REGULATORY COMMISSION

COMMISSION MEETING

PUBLIC MEETING

DKT/CASE NO.

TITLE

BRIEFING ON EMERGENCY PLANNING STATUS
AT INDIAN POINT

PLACE

WASHINGTON, D. C.

DATE

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
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6 BRIEFING ON EMERGENCY PLANNING STATUS AT
7 INDIAN POINT
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10 PUBLIC MEETING
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13 Nuclear Regulatory Commission
14 Room 1130
15 1717 H Street, N. W.
16 Washington, D. C.

17 Friday, November 19, 1982

18 The Commission convened, pursuant to notice, at
19 10:05 a.m.

20 COMMISSIONERS PRESENT:

21 NUNZIO PALLADING, Chairman of the Commission
22 VICTOR GILINSKY, Commissioner
23 JOHN AHEARNE, Commissioner
24 JAMES ASSELSTINE, Commissioner

25 STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

26 W. DIRCKS
27 S. CHILK
28 M. MALSCH
29 R. HAYNES
30 L. THOMAS
31 F. PATRONE
32 R. KRIMM

DISCLAIMER

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1 PROCEEDINGS

2 CHAIRMAN PALLADINO: Good morning, ladies and
3 gentlemen.

4 We are meeting this morning for the
5 Commissioners to be briefed on the status of emergency
6 preparedness at Indian Point. This is the third meeting
7 we have had since August, at which time the licensees
8 for the facilities were notified of significant
9 deficiencies in the capability to carry out emergency
10 response measures.

11 At the first meeting held in September,
12 representatives of FEMA provided us with the details of
13 the deficiencies which they had found. At the second
14 meeting in October, FEMA provided a status of corrective
15 actions that had taken up to that time. At this
16 morning's meeting, FEMA will provide us with an upgrade
17 of the status of corrective actions. In addition, we
18 request that the briefing include mention of problems
19 being faced in the resolution of any deficiencies.

20 At this time, I will ask if any of my fellow
21 Commissioners have opening remarks?

22 COMMISSIONER AHEARNE: No.

23 CHAIRMAN PALLADINO: If not, I would propose
24 to turn the meeting over to Mr. Lee Thomas of FEMA.

25 COMMISSIONER GILINSKY: Let me merely say that

1 I am going to have to leave around 10:30. It is not for
2 any lack of interest or respect, but a personal
3 appointment I can't avoid.

4 MR. THOMAS: We understand that. We have a
5 brief briefing, Mr. Gilinsky, and we may be through at
6 10:30.

7 What we wanted to do today was to bring you up
8 to date again this month on where we were with the State
9 of New York in the review of deficiencies at Indian
10 Point.

11 At you know, a request has been made of us
12 that we provide you with detailed information at the end
13 of the 120 days on the status of the situation at Indian
14 Point, and in that that is only several weeks away, I
15 won't go into a lot of detail today, I just wanted to
16 bring you up to date on where we were in aiming towards
17 providing you with that full report.

18 May I have the next slide, please.

19 As you recall, there were major deficiencies
20 identified in five planning standards, actually 34
21 specific elements under those standards were noted as
22 deficiencies. We have receive submittals from the State
23 on all of those 34 elements.

24 As I have indicated in the past, there is a
25 joint working relationship that was established between

1 the State and Federal agencies, including FEMA and other
2 Federal agencies, and local agencies to work through
3 resolution and corrective actions on those major
4 deficiencies. That process means that there is a lot of
5 working back and forth as you work through corrective
6 action.

7 So we have gotten submittals from the State on
8 all elements. The RAC, the Regional Assistance
9 Committee is participating in the review of those,
10 commenting on those, suggesting problems with those and
11 asking for additional information. That process has
12 been completed on 33 of those elements. Actually the
13 last one is also basically completed as far as review by
14 the RAC and additional information being requested.

15 CHAIRMAN PALLADINO: Lee, you indicate that
16 you are working with the State. Are you working with
17 other local groups as well?

18 MR. THOMAS: The counties participating in the
19 process -- There is a clarification that I should make,
20 and that is that Rockland County is observing in the
21 meetings that are held every two weeks. The last time,
22 I think I indicated they were participating, and they
23 were concerned that I had used the wrong terminology.

24 COMMISSIONER AHEARNE: There were many people
25 who ended up being concerned.

1 MR. THOMAS: In looking further at it, I think
2 that the term observing is the appropriate term. They
3 are, however, developing and working on an emergency
4 plan. Within Rockland County, they have a group that is
5 working on that. They are participating in the training
6 sessions of their emergency personnel.

7 There is a spirit of cooperativeness, I
8 believe, between the County and the State in that
9 regard. But as far as the process that we set up in the
10 two-week meeting and that kind of thing, they are in
11 those meetings as observers.

12 COMMISSIONER AHEARNE: At some point this
13 morning, Lee, I don't know whether you or the
14 Administrator would like to speak to Rockland County
15 specifically. We have a letter we just received from
16 them talking about a Citizens Advisory Committee to
17 Review Rockland County's Own Nuclear Evacuation and
18 Preparedness Plan and General Disaster Preparedness
19 Plan, that is the title of the organization, whether you
20 know much about it.

21 The letter we got is from the Chairman of the
22 Legislature of Rockland County. At least the
23 implication of the letter is that they still feel that
24 the current State approach is inadequate, grossly
25 inadequate.

1 MR. PATRONE: May I respond to that?

2 MR. THOMAS: Go ahead.

3 MR. PATRONE: Yes. We haven't received that
4 letter, and we await that letter from Rockland County,
5 and at that point we will respond to Rockland County as
6 well as respond to the State with regard to it.

7 MR. THOMAS: We are aware, however, of the
8 Advisory Group that has been taking a look at the plan
9 within Rockland County.

10 COMMISSIONER AHEARNE: Is there any
11 interaction between that Advisory Group and the RAC?

12 MR. PATRONE: No.

13 MR. THOMAS: No, because the process that was
14 set up for participation by the counties and the State,
15 the process that has been going on now for the last
16 several months, Rockland County is not represented by
17 that group as participating in that process, as I
18 understand it, and I have to say clearly that it is
19 merely my understanding.

20 That is a group that has been established
21 within Rockland County to look at the Rockland County
22 plan in the context of their own guidance as to what
23 they feel is an adequate plan.

24 COMMISSIONER AHEARNE: Yes, it does seem to
25 have that flavor.

1 MR. THOMAS: Right.

2 COMMISSIONER AHEARNE: But is there anyone --
3 You mention that this group has not been identified to
4 be the Rockland County representative. Is there anyone
5 identified as the Rockland County representative?

6 MR. THOMAS: The chief elected officials of
7 Rockland County would be the designated people that we
8 would look to as the individual, for instance, whether
9 it is the chairman of the legislature. The appropriate
10 elected officials in Rockland County are the ones that I
11 assume are working with the State, for instance, as it
12 relates to this participation in training of their
13 emergency personnel, as well as the individuals who have
14 decided who would come as an observer to the meetings we
15 have held.

16 COMMISSIONER AHEARNE: I am unfamiliar with
17 the Rockland County structure. Is there a county
18 executive who is the chief elected official, or is this
19 gentleman, the chairman of the legislature?

20 MR. PATRONE: The chairman of the legislature,
21 he would be the elected official we would respond to.

22 COMMISSIONER AHEARNE: John Grant?

23 MR. PATRONE: Yes, sir.

24 COMMISSIONER AHEARNE: This letter is from
25 him. So the extent that he is the individual who would

1 be the appropriate individual, then this seems to say,
2 here is the system that he has set up. But you, at the
3 moment at least, have not had the letter.

4 MR. THOMAS: It is difficult to respond to
5 that until I take a look at it.

6 COMMISSIONER AHEARNE: Right.

7 MR. THOMAS: At any rate, we are proceeding
8 then through the process, working through the various
9 elements that were identified as deficient. Seventeen
10 of those, we are in the process of awaiting additional
11 information from the state. We asked for additional
12 information based on initial reviews, and secondary
13 reviews. We have asked for additional information. We
14 feel we have sufficient information on the other
15 seventeen.

16 We have identified, that is one of the issues
17 that came up in the last meeting, a number of the
18 elements that actually have implementation measures that
19 carry beyond the 120-day period, and I wanted to point
20 those out. If I could have that next slide, I will
21 point out what they are.

22 As you are obviously aware, training and
23 educational activities are on-going activities. There
24 were deficiencies noted in both the plan of training and
25 the training itself in several areas. For instance,

1 training for public information officers, or emergency
2 broadcast station personnel, those were deficient areas
3 that were identified in the original review.

4 The state has updated training procedures and
5 has actually begun training in these areas. Within the
6 December 3rd timeframe, that training will be underway.
7 Our regional personnel are participating as observers in
8 those training sessions. But the training, to complete
9 all the training will certainly go beyond and should be
10 a continuing process. The same with a good portion of
11 the public education activity that was identified as
12 deficient. For instance, the telephone book inserts
13 actually would be incorporated in the new telephone book
14 that would be coming out later in the year. So there
15 are activities that will carry on beyond the December
16 3rd date.

17 The final point I would like to make today is
18 that --

19 COMMISSIONER AHEARNE: Let me use that chart
20 to ask a question with relate to the chart, and in fact
21 to the charts in the last briefing.

22 MR. THOMAS: Okay.

23 COMMISSIONER AHEARNE: Let me focus
24 specifically on Rockland County. You have there that
25 one of the continuing elements is the training of the

1 Rockland County personnel.

2 MR. THOMAS: Yes.

3 COMMISSIONER AHEARNE: In the previous chart,
4 you had spoken -- that is the last time -- of the
5 methods in the county plan for notification of Rockland
6 County personnel.

7 The same general questions that I just
8 previously had mentioned, is Rockland County
9 participating --

10 MR. THOMAS: They are in training programs.

11 COMMISSIONER AHEARNE: So the appropriate
12 personnel have been identified and they are in the
13 training program?

14 MR. THOMAS: Their emergency personnel are
15 participating in training programs. Now, when it talks
16 about state compensatory personnel, the state has
17 developed an overall plan to compensate for lack of
18 integration of the Rockland County plan. The state
19 personnel that are identified that would actually go
20 into Rockland County to perform certain activities, also
21 are participating in training, and that training has
22 begun.

23 COMMISSIONER AHEARNE: I would imagine that
24 the country probably feels that having state people come
25 in is not an adequate arrangement.

1 MR. THOMAS: I really don't know at this point
2 how the county feels about that particular state plan.
3 If I were in the country, I would probably feel the way
4 that you just stated.

5 MR. PATRONE: If I may, the compensating
6 measures submitted to FEMA through the state are
7 currently under review by FEMA, and our responses to
8 these and our questions will be going back to the state,
9 and these are some of the things we will be dealing
10 with. In terms of integration of the country, whether
11 or not the county concurs with the state, and just how
12 this will work in the event that there would be an
13 incident at Indian Point until such time as the county
14 develops and prepares its own plan --

15 COMMISSIONER AHEARNE: Frank, you are
16 probably, of all of us here, closest to this interaction
17 with the country, I imagine. Am I correct?

18 MR. PATRONE: I would say I am part of it. I
19 may not be the closest. I think some of my staff may be
20 the closest.

21 COMMISSIONER GILINSKY: The closest at the
22 table.

23 MR. PATRONE: Yes.

24 COMMISSIONER AHEARNE: It is hard for me to
25 tell over the months that we have been looking at this

1 whether there really has been any improvement in
2 resolving whatever problems Rockland County has, whether
3 they be financial or strategic problems. Can you give
4 me a sense? Do you see any improvement?

5 MR. PATRONE: Okay, I think it is basically
6 strategic in terms of some of the problems. In terms of
7 seeing some improvement at this point, what we see --

8 Let me back up. What we are basically trying
9 to respond to and not respond to is a resolution that
10 came through Rockland County that basically stated that
11 they would not work with the Federal agency, but they
12 would work with the State agency. As a result of that,
13 we have let the State take the lead in terms of working
14 with them.

15 We have identified through that planning
16 standard these significant deficiencies that Rockland
17 has because it is not taking part in the four-five
18 county plan. On the same hand, we do not want to
19 discourage them from writing their own plan. If there
20 is a better way, the better way should be stated.

21 We, at this point, see them working with the
22 state. They are doing some training. They are getting
23 involved with the state. Obviously, they are developing
24 with the state some of those compensating measures, or
25 at least reacting to the state with regard to those

1 measures. That is a question, and that is a question
2 that we have to deal with in the final review of the
3 compensating measures.

4 MR. THOMAS: As the Chairman pointed out in
5 his opening comments, if he wants us to comment on major
6 problems which we are working through and still facing,
7 this is obviously one of the major problem areas. It
8 was identified as one when we first began our
9 discussions, and that was the state compensating
10 measures and the integration of state plan with the
11 local plans. Particularly in Rockland and Westchester,
12 as to some specific activities there, how would those
13 things mesh. That is the more complex issue that we
14 have been working through and are still working
15 through.

16 You mentioned finances, the State of New York
17 has completed allocation of the funds, for instance,
18 that they have available to assist both the state and
19 localities in planning and participating in these
20 activities. For instance, Rockland County, I think,
21 received \$55,000 or \$60,000 recently from that fund. It
22 is a fund that is established by input from the
23 utilities. So they are participating in that sense.
24 But as Frank said, I think the interaction between the
25 state and Rockland was one that was laid out in a

1 resolution.

2 CHAIRMAN PALLADINO: We did get a copy of a
3 resolution passed by the Rockland County Legislature
4 which contains the statement that says, "Resolved that
5 the legislature of Rockland County hereby directs the
6 Chairman of the Rockland County Legislature not to
7 assist FEMA, ConEdison, and PASNY or their agents,
8 servants or employees in any manner concerned with
9 further development of the federally mandated
10 radiological emergency response plan for the nuclear
11 electrical generating facilities at Indian Point,
12 Buchanan, New York," and it goes on, "And it is further
13 resolved."

14 MR. THOMAS: Right.

15 CHAIRMAN PALLADINO: That is certainly not
16 comforting, and that is why I asked the question. You
17 say you are working with the state, but it seems to me
18 that we also need to give attention to the local
19 problems.

20 MR. THOMAS: We have, but clearly the
21 direction we take, if there is a locality that refuses
22 to participate in the process, is to require the state
23 to develop compensating measures for the locality's
24 refusal to participating. In this regard, the state has
25 submitted a plan for how they would deal with the

1 Rockland County situation, and we are working through
2 that with them.

3 COMMISSIONER AHEARNE: Frank, is the point
4 that you had made earlier that they are willing to work
5 with the state?

6 MR. PATRONE: Yes.

7 COMMISSIONER AHEARNE: I notice that the
8 section that the Chairman just read excludes working
9 with the state.

10 MR. PATRONE: I believe there is another
11 section, or I believe it is another resolution which
12 identifies the fact that they will work with the State
13 of New York. I think that is identified in the
14 resolution that states that Rockland County would
15 respond if there were an incident, and their response
16 mechanism would be according to the plan that is
17 currently in place.

18 CHAIRMAN PALLADINO: Do you feel that their
19 close working with the state is being effective?

20 MR. PATRONE: Again, that is what we are
21 reviewing. I think what we see is that they are
22 communicating. whether or not they can articulate and
23 come up with a compensating measure, or come up with a
24 resolution to their differences, that is something that
25 is to be seen.

1 COMMISSIONER AHEARNE: Yes.

2 MR. PATRONE: Whether or not they are going to
3 accept the compensating measures is something we are
4 going to take under extensive review.

5 COMMISSIONER ASSELSTINE: Will your advice to
6 us in December give us your views on the adequacy of the
7 compensating measures adopted by the state?

8 MR. THOMAS: Yes.

9 MR. PATRONE: Yes.

10 MR. THOMAS: Proceeding to the last point I
11 wanted to make, that is that we, NRC, the state and
12 utility representatives will begin shortly to work in a
13 task force to develop the exercise scenario for the
14 exercise that is scheduled for March 8, to assure that,
15 one, the deficiencies identified in the five planning
16 standards are adequately exercised and that the other
17 deficiencies identified by the last exercise, as well as
18 the plan review, are also exercised.

19 So that we have a scenario that, in fact, we
20 all have confidence in, that will give us a good test of
21 the level of preparedness, particularly when bounced
22 back against previous deficiencies noted in exercise and
23 planning.

24 COMMISSIONER GILINSKY: Will that be the first
25 time when you will be speaking to preparedness as

1 opposed to planning?

2 MR. THOMAS: Yes.

3 COMMISSIONER GILINSKY: I must say, I don't
4 think these reactors ought to operate until you are
5 prepared to say that the preparedness is adequate.

6 CHAIRMAN PALLADINO: Will your report address
7 each of these deficiencies and what has been done about
8 them?

9 MR. THOMAS: Yes, it will. We will give you
10 -- You are talking about the report in December. We
11 will give you a report that both gives the status of the
12 deficiencies, as well as an overall review of the
13 adequacy of the plan.

14 CHAIRMAN PALLADINO: Will you speak to the
15 feasibility of the plan being implemented?

16 MR. THOMAS: We will. In the review of
17 adequacy of the plan, we will look at feasibility.

18 COMMISSIONER ASSELSTINE: So that you will
19 reach some conclusions.

20 MR. THOMAS: We will reach conclusions on
21 whether we feel this plan makes sense. In regard to
22 feasibility, for instance, the very issue that we just
23 got through discussing, which is the integration of the
24 state compensating measures with Rockland County, our
25 review of that is: Is this a practical approach? Have

1 the basic questions been resolved in our mind that on
2 paper we have a plan here that does make sense and it
3 looks like the parts mesh.

4 COMMISSIONER ASSELSTINE: But you will not get
5 to the question of --

6 MR. THOMAS: That is correct.

7 COMMISSIONER ASSELSTINE: -- if called upon,
8 will the plan work.

9 MR. THOMAS: That is correct.

10 MR. PATRONE: I think part of our verification
11 process and the exercise will help us come to better
12 conclusions. This is part of the reason why we cannot
13 make a statement on preparedness until that time.

14 COMMISSIONER GILINSKY: Wasn't the exercise
15 scheduled for late February?

16 MR. THOMAS: The last time we indicated that
17 it would be in late February or early March, and it
18 turned out that it was early March. March 8 is the date
19 that we have firmed up and that everybody feels they can
20 meet.

21 COMMISSIONER GILINSKY: What is the status of
22 the plants, I wonder, I just would be interested?

23 MR. HAYNES: Unit 3 is still down. They have
24 a steam generator problem. We do not anticipate restart
25 of Unit 3 until Spring, early Spring.

1 Unit 2 is in a refueling outage. Currently
2 they are scheduled to return to operation in the latter
3 part of December, sometime, perhaps, the 18th or the
4 22nd or something like that, probably toward the 22nd.
5 Of course, you have you driving force there of the cold
6 winter load and the Christmas peak at that time.

7 COMMISSIONER GILINSKY: I think the Commission
8 ought to deal with this question before that plant
9 returns to operation.

10 COMMISSIONER AHEARNE: Lee, could you make
11 some estimate as to -- Can you currently make an
12 estimate as to when you might be coming in with a
13 response?

14 MR. THOMAS: After December 3rd, we have
15 indicated to your staff that we will do that just as
16 soon as possible and no later than two weeks after
17 December 3rd.

18 COMMISSIONER AHEARNE: So somewhere around the
19 17th of December.

20 MR. THOMAS: The 17th or before. Between the
21 3rd and the 17th we will come out.

22 COMMISSIONER AHEARNE: I don't know whether
23 you have received the letter already. I notice Mr.
24 Dircks wrote to you on the 17th.

25 MR. THOMAS: I have.

1 COMMISSIONER AHEARNE: Does that accomplish
2 the formal --

3 MR. THOMAS: Yes, it does. That is the formal
4 letter we discussed at the last update meeting, and that
5 letter does accomplish that. I have told him verbally,
6 he asked for the report as soon as possible after
7 December 3rd, that that would mean to us, I have told my
8 staff, no later than the 17th.

9 COMMISSIONER AHEARNE: What is the actual
10 process that then transpires?

11 MR. THOMAS: We transmit that report to you.

12 COMMISSIONER AHEARNE: The 120 days, and
13 something like December 3rd, at that stage, Frank, do
14 you do a summary status at that point?

15 MR. PATRONE: At that stage, what we will do,
16 we will wait until that point so that we can give the
17 state up to the 120 days or December 3rd, so that they
18 can make their final submissions. We, then, at that
19 point, will begin to actually pull together the
20 materials so that we can put it in a report format.

21 COMMISSIONER AHEARNE: So the state actually
22 is going to provide something to you.

23 MR. THOMAS: They are providing all along to
24 us.

25 MR. PATRONE: It is continuous.

1 COMMISSIONER AHEARNE: Have you asked them to
2 provide you something specific, or a summary as of
3 December 3rd.

4 MR. PATRONE: What we have asked for is them
5 to basically respond to each standard and elements.
6 What we will do then is pull together all the standards
7 and elements into a report format, so that we can go by
8 standard and element in terms of the status of that,
9 with regard to whether it is adequate, or whether there
10 would be significant deficiencies still remaining.

11 MR. THOMAS: The state is working toward the
12 December 3rd date as the date they have been working
13 toward to address all the deficiencies that were noted.

14 COMMISSIONER AHEARNE: So that the state knows
15 that December 3rd is the date for which you have to have
16 a summary of the status as far as the state is
17 concerned.

18 MR. PATRONE: That is a cut-off date.

19 COMMISSIONER AHEARNE: That is their
20 deadline.

21 MR. PATRONE: That is part of the reason we
22 had wanted to have time beyond December 3rd, so that we
23 can give the state the actual 120 days in order to
24 respond.

25 COMMISSIONER AHEARNE: I was just wondering,

1 is the situation likely that the state will have
2 submitted something to you as of, let's say, this week,
3 and when December 3rd comes, will you then have to go
4 back to them and ask, with respect to this particular
5 element.

6 MR. PATRONE: No. If all the elements are
7 submitted, we have reviewed them and we do not have any
8 other clarifications or asked for other clarifications,
9 then we will have everything together and we will begin
10 right now. It is unlikely, though.

11 COMMISSIONER AHEARNE: So, then, your staff
12 does a review of the materials that is submitted by the
13 state. Do you then go to the RAC with that?

14 MR. PATRONE: Yes. My staff working with the
15 RAC, and this again, as has been mentioned, has been
16 done to a great extent.

17 MR. THOMAS: You see, it has been an ongoing
18 process.

19 COMMISSIONER AHEARNE: I understand that. I
20 am just trying to understand what follows.

21 MR. PATRONE: We will go through, and we will
22 work then with the RAC. We will do a final work up with
23 the RAC. Then I will submit this report to Mr. Thomas.

24 COMMISSIONER AHEARNE: You make the essential
25 judgment. Is that correct?

1 MR. PATRONE: I will give the updated report,
2 right, to Mr. Thomas, and he will submit it then to
3 you.

4 COMMISSIONER AHEARNE: Lee, after you receive
5 it, is there a further review at Headquarters FEMA?

6 MR. THOMAS: We have had a fairly close
7 interactive process between our staff and the regional
8 staff.

9 Our headquarters staff has participated, for
10 instance, in the meetings that have been held. So the
11 review by headquarters personnel that normally takes
12 place will probably be taking place almost
13 simultaneously with the regional staff. We will do a
14 final review when it gets into our office, before I sent
15 it over to you. The overall letter that I send to you
16 is prepared at headquarters.

17 COMMISSIONER AHEARNE: The final set of
18 judgment, though -- Someone is going to reach a final
19 judgment of adequacy or inadequacy, is that a FEMA
20 Headquarters judgment or is it a regional judgment, and
21 FEMA Headquarters, if you disagree, do you go back to
22 the region?

23 (Commissioner Gilinsky left the meeting.)

24 MR. THOMAS: In the final analysis, it is my
25 judgment, when I transmit that material to NRC. I ask

1 the regional administrator to give me his judgment on
2 that same fact.

3 COMMISSIONER AHEARNE: I see, and we should
4 look to that as an early Christmas present.

5 CHAIRMAN PALLADINO: May I ask you, Lee, you
6 said that as of 11-19, FEMA has determined that 17
7 elements have been sufficiently addressed. Does this
8 mean that on those 17 -- Since you said the process is
9 ongoing, does that mean that if it were necessary, you
10 would be prepared to report on those 17?

11 MR. THOMAS: We have sufficient information on
12 all 17. We don't feel like there are any further
13 clarifying comments that we need, or we don't have any
14 questions that the state has not responded to. So we
15 have all of the information we need to draw conclusions
16 on those. It doesn't mean that we are at a point to
17 draw the conclusion.

18 CHAIRMAN PALLADINO: Are you going to wait
19 until you get all of the information before you draw a
20 conclusion?

21 MR. THOMAS: Well, what it is is that a number
22 of those are interactive. In other words, in a major
23 standard, for instance, we may have six elements and we
24 may have gotten sufficient information on three, but
25 they are interactive with the other three, so we

1 wouldn't draw a conclusion on a particular one until we
2 have completed that.

3 CHAIRMAN PALLADINO: Until you see them all.

4 MR. THOMAS: Right.

5 COMMISSIONER ASSELSTINE: Presumably if you
6 had covered all the elements in one major area, then you
7 could you reach a conclusion on that area.

8 MR. THOMAS: On that particular standard,
9 correct.

10 CHAIRMAN PALLADINO: When you say that 17
11 elements have been sufficiently addressed, does it imply
12 that there has been resolution?

13 MR. THOMAS: It just means resolution in the
14 sense of any additional information that is needed by
15 members of the RAC committee when they reviewed it, or
16 members of the FEMA staff, has been provided by the
17 state.

18 There is no additional information that is
19 required. It means resolution in that sense. We are
20 not still at a point where we are asking questions and
21 trying to get supporting documentation and additional
22 information.

23 CHAIRMAN PALLADINO: I was trying to get the
24 meaning of sufficiently addressed.

25 MR. THOMAS: It means merely that the state

1 has addressed all of the requests for information that
2 we have provided to them, either initially or once we
3 have reviewed the information, the additional
4 information we have.

5 In some cases, it has been more than one
6 review. It has been several reviews of information and
7 additional questions that were raised, and comments that
8 were made, that they have sufficiently addressed that,
9 that we feel we have sufficient information there.

10 CHAIRMAN PALLADINO: Does that imply that the
11 state feels that these 17 elements are in pretty good
12 shape, or resolved?

13 MR. THOMAS: I would say, they feel like it is
14 resolved in the same sense, that is, that they have
15 provided every bit of information that they feel they
16 need to in order for us to draw a conclusion.

17 CHAIRMAN PALLADINO: I guess that is as much
18 as I am going to get.

19 (General laughter.)

20 MR. HAYNES: I might say, if I may, some of
21 the sense that I had about the 17 elements having been
22 sufficiently addressed is that it looked like the
23 information had been provided, that there weren't any
24 outstanding questions.

25 If in fact it was so, subject to verification,

1 that the question or the element should have been
2 resolved satisfactorily, but they are still subject to
3 verification in some case. Of course, some of those 17,
4 as I understand it, include such things where there is
5 ongoing training.

6 COMMISSIONER AHEARNE: I think Lee has pointed
7 out that some of these will continue, I mean the
8 training.

9 MR. PATRONE: That is right.

10 MR. HAYNES: That includes some of these 17.

11 COMMISSIONER AHEARNE: Yes.

12 MR. THOMAS: For instance, the training
13 schedule and an updated training plan, obviously the
14 training in some cases has begun. We are participating
15 as observers in those training sessions, and the
16 training will continue.

17 CHAIRMAN PALLADINO: How long will the
18 training continue, is this a matter of months, or
19 weeks?

20 MR. THOMAS: In those cases, it is ongoing
21 training that should be held periodically on a
22 continuing basis, and the schedule so reflects. But
23 there is a schedule for each of the categories that we
24 have set.

25 CHAIRMAN PALLADINO: Is there some method for

1 evaluating the effectiveness of the training?

2 MR. THOMAS: Actually, the exercise itself
3 will evaluate the effectiveness of the training. In
4 other words, if the EBS station personnel who were
5 training actually carry out the EBS plan adequately
6 during the exercise, then that is the evaluation check.

7 CHAIRMAN PALLADINO: Would the training be
8 sufficiently advanced so that when you have the March 8
9 exercise, you would say they ought to be ready?

10 MR. THOMAS: That is the schedule we are
11 working toward. Clearly the state understands that that
12 is the process that we are in the midst of.

13 CHAIRMAN PALLADINO: Will the people that
14 participate in the exercise be the people that were
15 trained?

16 MR. THOMAS: They are certainly supposed to
17 be.

18 MR. PATRONE: We hope so.

19 CHAIRMAN PALLADINO: You say there were 13
20 elements that have certain functions that will have been
21 initiated and will continue beyond December 3. Do they
22 all relate to training and public education?

23 MR. THOMAS: That is correct.

24 CHAIRMAN PALLADINO: I would count 10.

25 MR. THOMAS: One of them has four elements,

1 P(a, b, c, and d).

2 COMMISSIONER AHEARNE: Training of Rockland
3 County.

4 CHAIRMAN PALLADINO: Okay.

5 When you address each of the deficiencies,
6 presumably you will address them in sufficient detail so
7 we will have some feel as to whether they have
8 adequately been resolved?

9 MR. THOMAS: We will.

10 CHAIRMAN PALLADINO: Do you have any more
11 questions?

12 COMMISSIONER ASSELSTINE: I have a couple of
13 questions, in fact, on this Rockland County business.

14 Is Rockland County the first example we have
15 seen where a county within the 10 miles EPZ is, for all
16 intents and purposes, taken itself out of the FEMA
17 process?

18 MR. THOMAS: We have had some occasion where
19 we have had situations like that in the past, but they
20 have never gone to this point. In other words, as I
21 recall, there may have been a preliminary withdrawal by
22 a local unit of government, but then they participated
23 as time went on.

24 I don't recall one that has gotten to this
25 point, do you, Dick?

1 MR. KRIMM: No.

2 COMMISSIONER ASSELSTINE: Are you satisfied,
3 given the role of the local governments in the emergency
4 response process that it is even feasible for a state to
5 compensate for the unit of local government that for all
6 intents and purposes says that it has taken itself out
7 of the process?

8 COMMISSIONER AHEARNE: Jim, let me ask a
9 preliminary question on that because of the impression
10 that I get.

11 The impression that I get is that Rockland
12 County is refusing to join the Federal process.

13 MR. THOMAS: That is right.

14 COMMISSIONER AHEARNE: But at least from the
15 resolution that Joe is quoting, it says that the "County
16 authorizes, empowers, and directs the Office of
17 Emergency Services to continue to develop a disaster
18 preparedness plan." It directs the County Office of
19 Emergency Services to develop a plan in response to a
20 potential accident occurring at the Indian Point
21 facilities.

22 This latest letter from the Chairman of the
23 Legislature talks about this Advisory Committee that has
24 all of the members who would participate in the
25 emergency planning. The letter that Grant sent us

1 earlier, on November 5th, points out -- that was where
2 he was trying to stress that they were observing not
3 participating. It says: "We were in attendance seeking
4 information which will be incorporated in the continued
5 development of Rockland County's radiological response
6 plan."

7 It goes on, "It should not be misinterpreted
8 to imply that Rockland County is in full cooperation
9 and/or participation with any or all parties
10 concerned."

11 My sense is that it is not that they have
12 entirely taken themselves out in the sense of saying,
13 "We are not going to do any planning."

14 COMMISSIONER ASSELSTINE: I appreciate that.
15 My question really went to taking themselves out of the
16 Federal process --

17 MR. THOMAS: Yes, the Federal process.

18 COMMISSIONER ASSELSTINE: And the Federal
19 process ultimately is to integrate.

20 MR. THOMAS: Yes, it is, but I don't think you
21 can --

22 I think you have to put it in the context of
23 the particular local situation, and in this regard there
24 is a fairly good rundown of the fact that Rockland
25 County is actively involved as far as concern for

1 emergency preparedness. So we have to look to, I think,
2 the state, and the state providing us with the
3 integrating nature of what they are doing to compensate
4 for that.

5 But you almost have to get site specific when
6 you do the reviews. I know of particular locations
7 where I feel like that a local unit of government could
8 actually formally withdraw totally from that planning,
9 and, yes, it would be possible for compensating measures
10 to be taken by either another local unit of government
11 with close jurisdiction, or a state that has concurrent
12 jurisdiction in public safety matters. So it depends,
13 really, on the specific location, and what kind of
14 circumstances you were faced with.

15 COMMISSIONER ASSELSTINE: I guess what I was
16 trying to get a sense of is the kinds of compensating
17 measures that the state is considering here given this
18 particular situation.

19 For example, is it that we appreciate that the
20 county won't work with you, but don't worry about it
21 because we are working with the county, and we are going
22 to ensure that the county is integrated into our overall
23 state program. Or is it more than that, to the extent
24 that the state is saying, don't worry because if there
25 are any deficiencies on the part of the county, we are

1 prepared to step in and indirectly take the necessary
2 actions in the following way.

3 MR. PATRONE: I think the unwillingness of
4 Rockland County to work within this Federal process is
5 relative to their working with this particular plan, and
6 that is what it refers to, it is this particular plan.
7 This says nothing in terms of them not working with the
8 Federal with regard to a plan that they are developing,
9 and the process, basically, in plan development is to
10 work with the state and not with the Federal
11 government.

12 COMMISSIONER ASSELSTINE: I understand from
13 their letter that one of the concerns they have about
14 the Federal process is that it places greater emphasis
15 on the state than they believe is appropriate. Their
16 view is that the greater emphasis ought to be placed
17 upon the local government, rather than on the state. It
18 seems to introduce a fundamental element of tension
19 between themselves and the state as well.

20 MR. PATRONE: This may very well be in terms
21 of the new planning.

22 I think there is a major difference here and I
23 think that it should be addressed. You do not have a
24 county at this point that is being uncooperative.

25 COMMISSIONER ASSELSTINE: Yes.

1 MR. PATRONE: They want to assume their
2 responsibility in emergency management for this
3 particular situation. It depends on when they do it and
4 how they do it. It will depend in terms of their own
5 planning. We do not have the situation here where there
6 is refusal by the county to play, or to be part of any
7 process. I think that is a big distinct difference and
8 has different effects.

9 COMMISSIONER ASSELSTINE: Do you have a sense
10 yet, though, of the kinds of compensating measures that
11 you are going to hear about?

12 MR. PATRONE: In terms of what is just being
13 reviewed, there have been many things that have come in
14 just briefly, basically, emergency workers,
15 transportation of people through emergency workers,
16 utilization of National Guard units that would be
17 trained to do this. These are all questions we have.

18 COMMISSIONER ASSELSTINE: Really, they are
19 going to the extent where they are talking about the
20 state actually going in --

21 MR. THOMAS: With state personnel.

22 MR. PATRONE: With state personnel. In fact,
23 the heart of the compensating measures calls for working
24 with six state agencies and the County of Rockland, six
25 state agencies in terms of the Office of Disaster

1 Preparedness, the Department of Transportation, the
2 Department of Health, the Department of Social Services,
3 that is four of them.

4 This is basically a consortium that they are
5 developing to form the compensating measures, with the
6 state police, the state fire service. Whether or not
7 this is going to be adequate, whether or not they
8 address the particulars, the specifics of how this plan
9 would interact with Rockland and how it would interact
10 with regard to response is to be seen, and that is
11 basically what we will be looking at.

12 CHAIRMAN PALLADINO: You have no more
13 questions?

14 COMMISSIONER ASSELSTINE: No.

15 CHAIRMAN PALLADINO: Bill, I wonder if the
16 staff had comments or questions.

17 MR. DIRCKS: We received directions from the
18 Commission that you wish to have a recommendation from
19 the staff that you will act on. Of course, as soon as
20 the FEMA letter comes in, we will distribute it
21 immediately to the Commission, and concurrently we will
22 work on our recommendations.

23 We have a short turnaround, so we will get to
24 the recommendation as soon as we can after receipt of
25 the FEMA letter. We are talking somewhere around the

1 20th or so of December. We will work very expeditiously
2 on that.

3 CHAIRMAN PALLADINO: So when the report comes
4 in, you will review it and give us a staff
5 recommendation.

6 MR. DIRCKS: Yes.

7 CHAIRMAN PALLADINO: All right.

8 Do you have any questions based on the
9 presentation this morning?

10 MR. DIRCKS: No.

11 Lee Thomas and I stay in pretty close
12 contact. I appreciate the amount of time he is spending
13 with us. I know he has many other duties. He is now
14 the Acting Deputy Administrator of FEMA, but he is still
15 giving us his valuable time. I do appreciate Frank
16 coming down to meet with us at these regular intervals.
17 The support that we are getting from FEMA is
18 outstanding, and we really appreciate it.

19 CHAIRMAN PALLADINO: We thank you very much
20 for coming. We appreciate being brought up to date.
21 We, of course, will be looking forward to the report,
22 and we will act on it as soon as we get the staff
23 recommendation.

24 MR. THOMAS: Thank you, sir.

25 CHAIRMAN PALLADINO: We will stand in

1 adjourned.

2 (Whereupon, at 10:40 a.m., the meeting

3 adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

COMMISSION MEETING

in the matter of: PUBLIC MEETING - Briefing on Emergency Planning
Status at Indian Point

Date of Proceeding: November 19, 1982

Docket Number:

Place of Proceeding: Washington, D. C.

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Patricia A. Minson

Official Reporter (Typed)

Patricia A. Minson

Official Reporter (Signature)

**STATUS REPORT ON
OFF SITE EMERGENCY PREPAREDNESS
AT
INDIAN POINT NUCLEAR POWER STATION**



NOVEMBER, 1982

INDIAN POINT STATUS

NOVEMBER 19, 1982

- **FEMA HAS RECEIVED SUBMITTALS FROM THE STATE ON ALL 34 ELEMENTS BEING TRACKED IN THE 5 PLANNING STANDARDS WITH MAJOR DEFICIENCIES.**
- **FEMA HAS PROCESSED 33 ELEMENTS TO THE RAC FOR REVIEW AND HAS SUBMITTED THE RESULTANT COMMENTS TO THE STATE.**
- **AS OF 11/19/82, THE STATE OWES FEMA RESPONSES FOR 17 FEMA/RAC COMMENTS.**
- **AS OF 11/19/82, FEMA HAS DETERMINED THAT 17 ELEMENTS HAVE BEEN SUFFICIENTLY ADDRESSED.**
- **13 ELEMENTS, BY DESIGN, HAVE CERTAIN FUNCTIONS THAT WILL HAVE BEEN INITIATED AND WILL CONTINUE BEYOND DECEMBER 3, 1982**



NOVEMBER, 1982

INDIAN POINT STATUS

NOVEMBER 19, 1982 (Continued)

THESE 13 CONTINUING ELEMENTS ARE BROKEN DOWN INTO 2 CATEGORIES

TRAINING

- E(f) — PIO TRAINING
- E(h) — EBS STATION PERSONNEL TRAINING
- J(f) — TRAINING OF PERSONNEL FOR STAFF RELOCATION CENTERS
- J(g) — TRAINING OF COUNTY EOC STAFF IN COLLECTION AND TRANSMISSION OF FIELD DATA
- K(e) — TRAINING ON THE CALIBRATION AND MAINTENANCE OF MONITORING EQUIPMENT
- P(a, b, c, d) — TRAINING OF ROCKLAND COUNTY AND STATE COMPENSATORY PERSONNEL

PUBLIC EDUCATION

- G(a) — PUBLIC SERVICE ANNOUNCEMENTS (PSA) AND NEWSPAPER ADVERTISEMENTS
- G(b) — DISTRIBUTION OF BROCHURES
- G(e) — DISTRIBUTION OF PAMPHLETS AND POSTERS
- J(a) — TELEPHONE BOOK INSERTS -- NOTIFICATION OF TRANSIENTS



FEMA'S CONTINUING EFFORT AT INDIAN POINT

- FEMA WILL PARTICIPATE ON A TASK FORCE WITH NRC, STATE AND UTILITY REPRESENTATIVES TO DEVELOP THE MARCH 8, 1983 EXERCISE SCENARIO. THE SCENARIO WILL BE DEVELOPED TO:
 - ASSURE THAT THE 5 PLANNING STANDARDS WITH MAJOR DEFICIENCIES ARE ADEQUATELY EXERCISED
 - ASSURE THAT OTHER DEFICIENCIES IDENTIFIED DURING THE MARCH 3, 1982 EXERCISE AND PLAN REVIEW ARE EXERCISED



NOVEMBER, 1982