

NUCLEAR REGULATORY COMMISSION

ORIGINAL

COMMISSION MEETING

In the Matter of: DISCUSSION OF STAFF ACTION ON EMERGENCY PLANNING
AT INDIAN POINT

--PUBLIC MEETING--

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DISCUSSION OF STAFF ACTION ON EMERGENCY PLANNING
AT INDIAN POINT

PUBLIC MEETING

Nuclear Regulatory Commission
Room 1130
1717 H Street, N. W.
Washington, D. C.

Thursday, September 9, 1982

The Commission convened, pursuant to notice, at
2:05 p.m.

BEFORE:

- JOHN AHEARNE, Commissioner (Presiding)
- VICTOR GILINSKY, Commissioner
- THOMAS ROBERTS, Commissioner
- JAMES ASSELSTINE, Commissioner

STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

- S. CHILK
- L. BICKWIT
- D. GRIMES
- R. DeYOUNG
- V. ADLER
- L. THOMAS
- W. DIRCKS
- R. HAYNES
- J. ZERBE

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DISCLAIMER

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P R O C E E D I N G S

1
2 COMMISSIONER AHEARNE: The meeting this
3 afternoon addresses an issue of continued major
4 importance to the Commission, and that is the emergency
5 planning around the Indian Point power plants.

6 Just as a very brief introduction, there was
7 an exercise held earlier this year and we began to get
8 information on that exercise. In the beginning of June
9 Mr. Delbello, the Westchester County Executive, wrote us
10 a fairly lengthy letter. We have also gotten some
11 statements and have been submitted some resolutions from
12 Rockland County.

13 In the middle of June a discussion between the
14 NRC staff and the FEMA staff led to a request being sent
15 on the 16th of June by our Director of Emergency
16 Preparedness, Brian Grimes, to FEMA asking for findings
17 of adequacy, that is the formal finding that we require
18 from FEMA.

19 On August 2nd we got a response. We had
20 gotten a preliminary letter from FEMA saying that they
21 would aim at approximately July 30th and on August 2nd
22 Lee Thomas, the Associate Director of State and Local
23 Programs and Support for FEMA sent to Mr. Dircks, the
24 Executive Director of Operations a letter saying, in
25 addition to other things, it is the determination of

1 FEMA that at this time plans and preparedness are
2 inadequate.

3 This led then the next day on August 3rd to
4 the NRC in the person of Ron Haynes, the Regional
5 Administrator, sending letters to the two licensees
6 initiating the 120-day clock under our regulations. In
7 addition to the 120-day clock being initiated, he also
8 asked them to provide within 30 days further information.

9 This afternoon, while recognizing that the
10 120-day clock certainly has not run its course and won't
11 until sometime towards the end of November or early
12 December, nevertheless the Commission believed it
13 important, because of the importance we place on the
14 issues involved, to get an understanding of what is the
15 status of the resolution or what is the status of the
16 problems and there may not be any resolution with regard
17 to the emergency planning and implementation of those
18 plans around Indian Point.

19 So this afternoon we have a group of people,
20 including our own staff and the Regional Administrator
21 and most importantly people from FEMA to discuss that
22 with us.

23 Would anyone else like to make any comments?

24 (No response.)

25 COMMISSIONER AHEARNE: Then I will turn it

1 over to Mr. Dircks, the Executive Director.

2 Bill.

3 MR. DIRCKS: We were asked to provide a staff
4 briefing to the Commission to answer three or four basic
5 questions on the status of FEMA findings and the actions
6 that FEMA was taking to correct the situation and the
7 status of any other corrective actions and any
8 preliminary opinions that may be now on hand on the part
9 of the agency and the status of actions needed to bring
10 the state and the various other parties together.

11 Mr. Lee Thomas is here, as you mentioned, to
12 really provide the Commission with a briefing on the
13 actions that FEMA has taken and the actions that are
14 being taken to bring the off-site planning into proper
15 focus.

16 As you mentioned, we have Ron Haynes here,
17 Dick DeYoung and staff members from both NRC and FEMA.
18 You know Lee Thomas, and to his left is Vern Adler from
19 FEMA.

20 I don't have anything more to add and we are
21 prepared to answer questions, but I thought it might be
22 good if Lee would pick up the bulk of this first part of
23 the briefing.

24 MR. THOMAS: Thank you, sir.

25 (Slide presentation.)

1 What I thought we would do is to begin the
2 discussion and give you a brief overview of the status
3 of the situation at Indian Point basically starting from
4 the significant deficiencies that were noted about 45
5 days ago and talking about the status to date as far as
6 how we are dealing with those deficiencies.

7 COMMISSIONER GILINSKY: As you go down that
8 list I wonder if you could compare those and relate them
9 to the deficiencies you found a year previously.

10 MR. THOMAS: I can do that, but if you don't
11 mind I would like to come back to that, if I could, as
12 an issue for us to talk about.

13 COMMISSIONER GILINSKY: Fine.

14 MR. THOMAS: The deficiencies were noted
15 basically in five major categorical areas or five of the
16 16 planning standards that we look at. What I want to
17 do is just talk briefly about them and how the state is
18 intending and is addressing those, the time frame within
19 which they have indicated they are addressing them and
20 who in fact the players are and kind of a status report
21 on it. Then we can get into specifics, the comparison
22 previously and the specifics of any other particular
23 issues.

24 So briefly the first major area was
25 notification methods of procedures. This included

1 problems with their warning systems, specifically their
2 siren system, malfunctions of that, their EBS program,
3 the emergency broadcast system and specifically the
4 criteria that was or was not in place for utilization of
5 EBS, the existence of EBS messages that were available
6 from counties.

7 COMMISSIONER GILINSKY: What is EBS?

8 MR. THOMAS: Emergency broadcast system. The
9 emergency broadcast system is a system that in fact is
10 in place or a plan that is in place for the utilization
11 of private broadcast stations and public broadcast
12 stations, television and radio, in each state. It is a
13 system that is largely developed by the state and by the
14 broadcast industry to be used for civil defense, attack
15 related and peacetime related emergencies. It is a
16 major system that we look to for notification of the
17 public for emergency actions to be taken.

18 In this case it was one of the systems we were
19 looking at in Indian Point of utilization of the
20 emergency broadcast system for notification of the
21 public for actions to be taken and we noted deficiencies
22 in this area.

23 COMMISSIONER GILINSKY: Now when you talk
24 about deficiencies what is it that you are talking
25 about? Is it that the coverage isn't complete or what

1 is a major deficiency?

2 MR. THOMAS: Well, in this case a major
3 deficiency was that there was not specific criteria for
4 determining what emergency information would be made
5 available to the public by county officials versus state
6 officials and draft messages to be used if there was an
7 emergency in the level of detail that we felt would be
8 needed. Now that was a component of the overall area of
9 notification methods and procedures that included, for
10 instance, the whole warning.

11 You look at warning and you look at
12 notification as two parts of notifying the public, the
13 warning system being getting the attention that there is
14 an emergency and then the notification system is what
15 the emergency is and what protective actions should be
16 taken.

17 COMMISSIONER AHEARNE: Would that include
18 procedures within the county government for making the
19 decision?

20 MR. THOMAS: Yes, that is part of the
21 criteria. Part of the criteria that should be there is
22 at what step are messages released to the public, by
23 whom and the content of those messages.

24 So there were deficiencies noted in there and
25 as a part of the overall deficiencies that were noted in

1 that area a determination was made that it was a
2 significant deficiency as far as notification methods
3 and procedures are concerned.

4 The second area, public information and
5 education. In this area it is generally a category that
6 we look to that relates to the state and local units of
7 government, education programs for educating the public
8 on what actions would be taken in the event of an
9 emergency prior to the emergency. In other words,
10 brochures on what the potential dangers are, what
11 agencies are responsible for providing emergency
12 information to you, what kind of information in the
13 event of an emergency, what are the plans as far as
14 evacuation is concerned and how will you get the
15 information. This is all a part of public information
16 and public education concerning the emergency procedures
17 relating to an incident at a plant.

18 In this case we found that there were
19 deficiencies. Examples would be that we found there was
20 not a specific procedure in place for providing
21 information to individuals who speak foreign languages.
22 There is a part of the population in the emergency
23 planning zone that is not necessarily conversant in
24 English. The transient population, how would we provide
25 information ahead of time or how would we deal with the

1 population moving through that didn't have this
2 information.

3 COMMISSIONER AHEARNE: Do you have a rough
4 estimate of what percentage of the population is
5 non-English speaking in this area?

6 MR. THOMAS: No, and that was one of the
7 deficiencies noted, is that they also did not have a
8 definition of not only what percentage but what
9 languages other than English speaking. When we talk
10 about some of the corrective action that is going on I
11 will talk about it more.

12 COMMISSIONER ROBERTS: Well, do you have any
13 guidelines for what threshold percentage they must be
14 before you require this?

15 MR. THOMAS: No. The guidelines are that that
16 is an issue you should address. In other words, you
17 have to determine if there is a problem and, if there is
18 a problem, how are you going to address that problem.
19 In this case there hadn't been a determination that
20 there was anything other than it was noted that an issue
21 in the area was non-English speaking. As to what extent
22 that problem is, it hadn't been determined.

23 COMMISSIONER AHEARNE: It really just wasn't
24 adequately addressed.

25 MR. THOMAS: It wasn't adequately addressed.

1 As you go through a number of these and as we talk about
2 them, that is basically a generic issue and that is lack
3 of specificity and lack of detail as to how a particular
4 issue has been addressed and to what detail it has been
5 addressed.

6 Additionally in the public education area
7 there was concern about public education not only in the
8 emergency planning zone area but the reception areas,
9 and that is that the individuals in the reception areas
10 having knowledge of the fact that they were or they
11 would be a part of the emergency plan that would be
12 activated, that individuals would be moving into their
13 area and why and what that meant.

14 COMMISSIONER GILINSKY: I wonder if you could
15 as you go down these points or suggestions indicate at
16 what level the deficiency was, government or the
17 utility, or at least who was responsible for dealing
18 with this area.

19 COMMISSIONER AHEARNE: If I could follow on
20 that just immediately in this particular area. You
21 mentioned I thought in the beginning, Lee, that this was
22 a state and local government education program. Since
23 utilities are also required to distribute information,
24 is that a piece? When you say this is state and local
25 government, did you incorporate the utility?

1 MR. THOMAS: The point we are assessing is the
2 state and local government capability. Now the state
3 and local government have an interactive process with
4 the utility. So that if in that state plan it is
5 identified that the utility has taken specific action by
6 the state for instance in public education, that is a
7 practical means for providing public education and that
8 is a part of the state plan. It doesn't mean the state
9 has to do it. It is that a plan of action is underway.

10 COMMISSIONER AHEARNE: In this particular case
11 the utilities are required to distribute information.
12 Should I read your conclusion here as that what the
13 utility distributed was inadequate or that it may or may
14 not have been adequate but the state and local
15 government expression or reflection of it was not
16 adequate?

17 MR. THOMAS: The reflection was not adequate.
18 Another part of the public awareness in the emergency
19 plan, the process that was noted as a deficiency, was a
20 specific procedure for controlling rumors. During an
21 emergency process or an emergency incident is there a
22 rumor control desk or a hot line operation to deal with
23 rumors and it was noted that there was not and it was
24 felt that there needed to be. So that was noted as a
25 deficiency.

1 Let me say in response to your point that what
2 we, FEMA, are reviewing is the state and local
3 capability to respond. So we are reviewing the state
4 plan and county plans as opposed to your review of the
5 utility's on-site responsibilities. So when I am citing
6 these we go back to the state and the locals as far as
7 the responsible parties.

8 The third major category is protective
9 response, this being the plan and the ability of the
10 state and locals to take protective active both for
11 emergency workers as well as for the populace in the
12 10-mile emergency planning zone. We identified again
13 what we felt were inadequacies here that dealt with the
14 ability to evacuate, the specific plans for evacuation
15 and the inadequacies as far as hosting facilities are
16 concerned or reception shelters. There were some
17 inadequacies there.

18 The identification of evacuation routes,
19 specifically a major part of their plan includes public
20 transportation for evacuation and you talk in terms of
21 utilization of buses. The identification of the buses
22 and the specific agreements with both public and private
23 bus companies we felt was lacking and needed significant
24 improvement.

25 COMMISSIONER GILINSKY: Was there an agreement

1 with the bus companies?

2 MR. THOMAS: We didn't see a written agreement.
3 Is that correct?

4 MR. ADLER: That is correct.

5 MR. THOMAS: The availability of the bus
6 operators and the specifics of the availability of the
7 bus operators we felt should be incorporated into a
8 written agreement.

9 COMMISSIONER AHEARNE: When you say "a written
10 agreement," do you mean a written agreement or written
11 agreements considering that there are several counties
12 involved in this?

13 MR. THOMAS: Agreements.

14 COMMISSIONER GILINSKY: There were no written
15 agreements that you encountered?

16 MR. ADLER: No, not that we are aware of.

17 MR. THOMAS: Additionally here again
18 inadequacies were noted as far as means of providing
19 protective measures for immobile or invalid members of
20 the population. Again, the method for identifying and
21 moving those individuals was noted as a deficiency.

22 COMMISSIONER AHEARNE: You mentioned in your
23 first point there the lack of means of notifying the
24 transient population. Was the treatment of transients
25 deficient in the same way that the treatment of

1 non-English speaking was deficient? Was it a lack of
2 consideration? For example, do they know what the
3 percentage is of transients or what the transient
4 population is?

5 MR. THOMAS: Why don't you point out the
6 differences.

7 MR. ADLER: We have a pretty good idea of how
8 population changes for transients perhaps in the
9 summertime visiting.

10 COMMISSIONER GILINSKY: What do you mean by
11 transients?

12 MR. ADLER: Oh, they could be vacationers.

13 MR. THOMAS: Basically not a resident of the
14 area, a permanent resident of the area.

15 COMMISSIONER AHEARNE: Is that a large number
16 in the summertime?

17 MR. ADLER: I don't have the specific figure
18 but I would say the answer is yes, fairly large in that
19 there are large recreational areas not far from the
20 plant itself. The way you handle the transient
21 population might be to have cards at hotel desks and
22 posters which are of course not necessary for a
23 full-time resident population.

24 COMMISSIONER GILINSKY: What sort of cards are
25 you talking about?

1 MR. THOMAS: We are talking about as far as
2 the public education is concerned so that the individual
3 who happens to be there only for two weeks has an
4 opportunity and has information available to him as to
5 what the situation actually is and what would be done if
6 there was an emergency.

7 The fourth major area is radiological exposure
8 control and deficiencies were noted in several areas
9 there. One had to do with the availability of resources
10 for decontamination, identification of specific
11 resources at hospitals or other facilities for
12 decontamination of individuals who had been exposed.

13 Additionally and probably as important in the
14 broad implication as far as resources are concerned was
15 actually the availability of equipment for the
16 identification of dosage and the tracking of dosage over
17 time both for emergency workers as well as for the
18 populace.

19 COMMISSIONER AHEARNE: Now in those areas,
20 particularly the last where you talk about pieces of
21 equipment, was that because there was a lack of
22 recognition they were needed, or was that because there
23 was a lack of identification of where the money was
24 going to come to buy them?

25 MR. THOMAS: I think in this case it was more

1 of a lack of identification of where the resources were
2 going to come from, how the equipment was actually going
3 to be distributed and who was going to be responsible
4 for it, local, state or, utility. There was some debate
5 I guess on whether the state would have responsibility
6 for having independent measuring devices or not, but I
7 think most of the deficiency that was noted had to do
8 with the availability of the equipment as far as how it
9 was going to be procured and who was going to procure it
10 and how it was going to be distributed to emergency
11 workers.

12 The final one is responsibility for the
13 planning effort itself, and that gets to the issue of
14 participation by the counties, the four counties
15 involved in the ten-mile emergency planning zone,
16 Westchester, Orange, Putnam and Rockland, and the state,
17 the responsibility between the state and the counties as
18 far as planning.

19 In the plans we review, we review and require
20 a state plan with specific county annexes for that
21 utility in an integrated plan. In this case we noted
22 issues, particularly as it related to Rockland County
23 and you have already mentioned the petition you received
24 from them, a responsibility for planning in Rockland
25 County and the other counties as opposed to the state.

1 If in fact the counties had not prepared specific plans,
2 then the state's ability to compensate for that with
3 state plans.

4 We have had occasions in other places where we
5 look at that, and in fact what we are looking to is the
6 state is the body that is preparing a specific overall
7 plan and their ability to compensate for the lack of a
8 particular jurisdiction as far as emergency planning is
9 concerned.

10 So those were the five major areas of
11 deficiencies.

12 What I would like to talk about now is
13 basically what transpired at the time you issued your
14 120-day notice.

15 COMMISSIONER GILINSKY: Let's go back to that
16 for a moment. Which of those items do you regard as
17 most significant because it struck me as you went down
18 them that some were a lot more important than others? I
19 am much more impressed with deficiencies in notification
20 methods and procedures across the board than the lack of
21 cards at motel desks.

22 MR. THOMAS: They are cumulative. Within
23 those standards they are cumulative. In other words, if
24 you take public education and information, I gave
25 specifics and you are talking about individual

1 deficiencies that add up to a significant deficiency in
2 that whole category. Taken one at a time, one of those
3 deficiencies like the availability of cards might not
4 seem so important, but if you add that on to a lack of
5 information for the general population and you add that
6 on to other problems in that category it comes up to a
7 cumulative total.

8 A cumulative total for those five we felt was
9 significant as opposed to the other 11 which we didn't
10 feel there was significant deficiencies. If you want to
11 categorize between those five, in other words which of
12 those five is more significant, it probably would serve
13 no purpose to do that. All of them we feel were
14 significant deficiencies and within them you have got
15 major and minor problems.

16 COMMISSIONER GILINSKY: So the deficiencies
17 you listed were just examples?

18 MR. THOMAS: Yes.

19 COMMISSIONER GILINSKY: So there are others
20 that you regard in those categories to be major
21 deficiencies?

22 MR. THOMAS: Yes. Of the 16 planning
23 standards that are reviewed as far as exercises or as
24 far as plans are concerned, these five in this case were
25 noted as having cumulative deficiencies to the point

1 that we felt they were significant. In the report it
2 went into some detail as to what the specific reasons
3 were under each one of them.

4 COMMISSIONER AHEARNE: Now the impression I
5 get then is that there are not two or three individual
6 items, that if those were fixed then you would reach a
7 conclusion well it is adequate, but there is an
8 accumulation of many things.

9 MR. THOMAS: It may be, for instance, that
10 there are two or three in one of these five that if they
11 are corrected then the conclusion is that basically you
12 have an adequate level of preparedness.

13 COMMISSIONER AHEARNE: On that one.

14 MR. THOMAS: On that one.

15 COMMISSIONER AHEARNE: But you would still
16 have the other four.

17 MR. THOMAS: Right. We noted five where we
18 felt there was significant deficiencies. As to how you
19 overcome that level of significance, it is different in
20 each one of them according to the deficiencies that have
21 to be overcome.

22 The state in response to basically this
23 interim finding and the fact that they are working with
24 the utility on a specific time frame to give us an
25 update and you an update on these particular problems

1 came to us and suggested or suggested in a joint meeting
2 that was held that they establish a more interactive
3 process for addressing the specific deficiencies that
4 were noted. They suggested that five task forces be
5 formed, that the members, as noted on the right,
6 participate.

7 When it talks about the State Radiological
8 Preparedness Group, that is the lead state agency that
9 works on the state plan with the State Radiological
10 Health Group. FEMA, the utilities are involved, NRC is
11 involved and other federal agencies such as EPA, the
12 Food and Drug Administration, the country and other
13 state agencies are involved basically in an interactive
14 process to deal with the specifics that have been noted.

15 There is a process underway such that every
16 two weeks there is a meeting of the group, the lead
17 players of each of those agencies, which is largely
18 FEMA, NRC, utilities and the state to talk about the
19 status of each one of those deficiencies. The state
20 laid out a work plan that they gave particular dates on
21 when they felt they would resolve each of the
22 deficiencies as noted.

23 COMMISSIONER AHEARNE: Lee, one thing strikes
24 me as I look down this list. There is only one location
25 where a county shows up, the County and Public

1 Information Officer, in this PIO work group. Could you
2 say a few words about the relationship between the state
3 and the local governments in the resolution of this?

4 My impression from reading your report and all
5 this information that has come through is that many of
6 the problems are at the county level, that is it county
7 plans or county arrangements or county funding that has
8 to be obtained. So I am I guess puzzled by the
9 construction of this work group.

10 MR. THOMAS: You have got to back up a little
11 bit I guess and talk about the role of a state and the
12 role of a governor in providing a plan in the first
13 place for off-site emergency preparedness. We do look
14 to the governor as the individual who submits a plan and
15 we do look to his designated state agency as the agency
16 that develops that plan with county participation and
17 county annexes. In some cases it may be that a county
18 actually does not have a specific plan of its own but
19 the state has a plan that incorporates the actions to be
20 taken in that county.

21 So in this case the state came in and
22 indicated the process that they intended to use to
23 correct or to resolve the issues that had been noted and
24 they indicated who they thought needed to be on the task
25 groups. They feel like and, as you recall, one of the

1 major deficiencies in the responsibility for planning,
2 they indicated, and I will mention that in a minute,
3 that they are working the issue with the counties. The
4 state and the counties are working the issues and they
5 feel that this is the method of resolve each of the
6 deficiencies.

7 But at any rate if you look at the next slide
8 you will see that each of these task forces is
9 addressing principal areas. You will notice that there
10 is some overlap as far as principal areas are concerned
11 and that is because some of the specific deficiencies
12 noted under each area do cover more than one task
13 force. So they are working on parts of it.

14 You see on the right the key work elements
15 that they are working on and those relate more to the
16 specific deficiencies. For instance, as you recall, we
17 talked a good bit about EBS, the emergency broadcast
18 system. So you see that that is a key work element of
19 the public information work group that came under public
20 education and information.

21 So you can see that what the state has done is
22 they have taken basically the deficiencies and they have
23 broken them down, they have established a process with
24 state and federal participation and with a variety of
25 agencies to work on each one of those.

1 The final slide I will show you is ---

2 COMMISSIONER AHEARNE: Wait, wait. Let me ask
3 you a couple of questions on this slide, if I can.

4 MR. THOMAS: Sure.

5 COMMISSIONER AHEARNE: The item under
6 Radiological Task Force Monitoring Equipment, is that
7 going to address who funds?

8 MR. THOMAS: For instance, that means that
9 they are addressing the deficiencies noted on monitoring
10 equipment, and the method for addressing that is in fact
11 how will they deal with the availability of monitoring
12 equipment meaning resources, buys, how it is procured
13 when it is in place and the whole thing.

14 COMMISSIONER AHEARNE: Under protective
15 response one of the issues that you had highlighted in
16 your earlier chart was the lack of agreements with bus
17 operators. Correct me if I am wrong, but my
18 understanding was that is a lack of agreement between
19 the county governments and the bus operators. I was
20 puzzled that your Protective Response Task Force does
21 not have that as an item, nor, since there aren't any
22 county people on it, I am puzzled by how they are going
23 to work that problem out.

24 MR. THOMAS: That is a component of evacuation
25 plans. That work element that is noted evacuation

1 plans, the bus operator agreement was a problem noted as
2 far as the ability to evacuate. So they are working
3 that issue under that work element noted evacuation
4 plans.

5 My understanding is that the issue of the
6 agreements and the role of the counties and the role of
7 the states is being addressed. I mean they are fully
8 aware of it as a deficiency and they have indicated they
9 are addressing it under this work element.

10 COMMISSIONER AHEARNE: I guess what was really
11 an alerting item as you have it under your Executive
12 Work Group is that the key work element No. 2 is to
13 develop a state plan for possible nonparticipating
14 counties. Is the context of this effort one in which
15 the driving assumption would be that the counties aren't
16 going to participate so the state is going to try to
17 develop a plan, or is that just to make sure that there
18 is a contingency in case the counties end up not
19 participating?

20 MR. THOMAS: I think that is the latter. That
21 is my understanding. As I indicated, as we look at that
22 state plan if the state has a plan and demonstrates a
23 capability to respond without county participation, and
24 you have got to define county participation, there may
25 not be active county participation in developing a

1 separate county plan but there may be active county
2 participation in actually exercising a state plan; in
3 other words, that the state could identify county
4 resources as a part of the state plan that would be used.

5 So we look to that state plan and the state
6 plan may include a specific county annex or it may
7 include a state plan for how those county resources will
8 be utilized along with state resources.

9 The final chart is basically an indication
10 that the state has gotten. We had a status report
11 meeting yesterday of this group as a matter of fact. So
12 I think these dates are fairly good dates. These are
13 the dates that we are looking at for the state to fairly
14 well either give a up-to-date status report or have
15 taken corrective actions in these five major areas.

16 For instance, down on responsibility for the
17 planning effort, October 1st, you see that as an interim
18 action. That is a date we are looking at where we
19 anticipate that the state is going to sit down in that
20 meeting and say okay, as far as the counties are
21 concerned this is how we are dealing with that problem.
22 So that is why I say it is an interim action. It
23 doesn't mean the problem has been completed and
24 resolved. In other words, you don't have a county plan
25 sitting there, but you have an interim action that says

1 this is how the problem is being dealt with and when it
2 will be completed as opposed to, for instance, up under
3 public education and information there was a deficiency
4 noted, for instance, about training of public
5 information officers I think.

6 Was that the one, Vern?

7 MR. ADLER: Yes.

8 MR. THOMAS: Yes. October 29th happens to be
9 a date by which they indicated that they actually would
10 have completed the first round of training of these
11 individual state and county personnel. So there you are
12 looking at not just a plan of what they are going to do
13 but they have indicated they actually intend to have
14 that completed by that date.

15 MR. ADLER: It is actually November 19th.

16 MR. THOMAS: Okay, November 19th. So each of
17 these I feel like is a major date that we are looking to
18 the state, you know, the state's work plan for dealing
19 with the deficiencies under each of those. As I
20 indicated, there is an every other week meeting to
21 basically go over are we still on target, how is this
22 thing moving along and what major problems are you
23 running into that you can't resolve type situation.

24 COMMISSIONER GILINSKY: When do you make your
25 overall assessment?

1 MR. THOMAS: The agreement we have with you,
2 the Nuclear Regulatory Commission, is that we make an
3 assessment if you ask us to make an assessment. Short
4 of that we have a process that is underway where we give
5 you findings on a plan once that plan is completed or we
6 give you findings on an exercise when one is held.

7 So short of those schedules that are already
8 laid out jointly between us, we don't make findings
9 unless you ask us for something specific, an interim
10 finding, which will anticipate you will do at the end of
11 this 120-day process. Whatever date that happens to be,
12 and I think it is the first part of December, maybe
13 December 3rd or 4th, something like that, you will be
14 asking us for another finding and we will be giving you
15 a finding basically at that point in time.

16 So in summary where we are I think in this
17 process is one of looking to the state for corrective
18 action on deficiencies noted. The state has indicated a
19 process that they have underway to deal with the
20 deficiencies specifically with specific dates. They
21 have asked us and you and other federal agencies and
22 utilities to participate with them in correcting those
23 and we are reviewing it on a formal basis every two
24 weeks and on a continuing basis to see how the issues
25 are resolved.

1 COMMISSIONER AHEARNE: Lee, let me go back to
2 the point I was driving on earlier. What is your
3 judgment of the likelihood of being able to resolve the
4 problems following this process in the sense that at
5 least on the surface it does not appear that the
6 counties are full participants?

7 MR. THOMAS: I can't give you a judgment on
8 that today. What I can tell you, though, is that 45
9 days into this process it appears to me that every one
10 of the deficiencies is being addressed by the state and
11 I think in short order I will be able to tell you, for
12 instance, we looked at the October 1st date there on
13 that responsibility issue as to whether there is a major
14 problem there or not; in other words, as to whether that
15 is going to be a major problem.

16 I think it is certainly premature for me to
17 give you a judgment on whether I think we are going to
18 end up with process with a major problem. At this point
19 in time my feeling is the state is moving to address all
20 of these issues. They seem to be giving us solid dates
21 on how they are going to address them and dates short of
22 the final date.

23 One of the things I was concerned about is
24 that we don't have everything with a series of dates on
25 December 1st, 2nd and 3rd but that we see interim dates.

1 COMMISSIONER ROBERTS: But the question you
2 are asking is can the state demonstrate to you a
3 satisfactory plan without the cooperation of the
4 counties. Is that not the question?

5 COMMISSIONER AHEARNE: Yes.

6 MR. THOMAS: They have that option. I will
7 have to review ---

8 COMMISSIONER ROBERTS: But you wouldn't
9 venture an opinion on if that is possible?

10 MR. THOMAS: No, not until I see that plan.
11 In other words, if the counties refuse to participate,
12 then the state does have an option to develop that plan
13 and it is our responsibility to review that plan and
14 make a determination.

15 COMMISSIONER AHEARNE: Let me go to one
16 specific, for example. Rockland County, at least from
17 the resolutions they have sent to us, my interpretation
18 would be that they have basically said they are
19 withdrawing from participation in the planning. So what
20 is the standing?

21 MR. THOMAS: As I understand it, they are not
22 necessarily withdrawing from participation in responding
23 or exercising, but in doing a specific Rockland County
24 plan.

25 Is that correct, Vern?

1 MR. ADLER: That is my understanding of it,
2 that in a series of "whereas's" in their Resolutions 320
3 and 321, one of the whereas's is that if there really
4 were an accident their participation would be
5 forthcoming.

6 COMMISSIONER AHEARNE: Certainly, but as I
7 guess we all would agree, part of the essence of being
8 ready and being able to respond to emergencies is having
9 gone through an adequate amount of planning and
10 preparation. So for them to say that they will respond
11 if an emergency happens isn't too satisfying.

12 MR. ADLER: That is an extreme, certainly.
13 You can start from there and work backward to something
14 that makes more sense. They have said in their material
15 to us and the state that they intend to train Rockland
16 County emergency personnel so that those people would in
17 fact be ready.

18 COMMISSIONER AHEARNE: I see.

19 MR. THOMAS: So there are gradations of what
20 this withdrawal means. I think what we are saying is we
21 have identified to the state that this is a major
22 deficiency and the state indicates they are addressing
23 this deficiency and they will give us an indication on
24 how they are going to address it. I think until we see
25 how they are dealing with it that it is premature for us

1 to say black or white yes, it is irresolutable or it is
2 not.

3 MR. HAYNES: I think the county also said that
4 they didn't want funds spent on the federally mandated
5 plan, but they would go ahead and develop their own plan
6 by the end of the year and they would also cooperate
7 with the state. The objection was to the federally
8 mandated plan.

9 MR. THOMAS: That basically I think is the
10 overview we had and we will get into specifics now if
11 you want to. The one you asked earlier I guess is the
12 one you want to git into.

13 COMMISSIONER GILINSKY: Well, you know, I went
14 back over your letters of a year ago and more and it
15 looks as if almost an identical set of categories were
16 deficiency at the beginning of 1981. I was looking at
17 your FEMA letter, emergency response support,
18 notification methods of procedures, public education,
19 accicent assessment, radiological exposure controls and
20 so on, means for relocation, et cetera.

21 Four months later you said you have watched
22 their progress and you thought that things were more or
23 less all right. Let's see, "The present state of
24 planning is generally adequate to carry out the
25 responsibilities of state and local government in the

1 case of an accident at these sites."

2 Here we are a year later and we have to go
3 back to these very same categories and it looks like
4 things were not improved. Could you tell us how you
5 came to feel the situation was adequate and what is
6 better about the response this time than it was last
7 time?

8 MR. THOMAS: Yes, and I would like to start
9 off by saying, you know, I think it was a process where
10 we determined we, FEMA, and NRC determined that it was
11 adequate at the end of the 120 days. If we go back and
12 look I think we have to put in context where we were in
13 the process and what we were focusing on, we, FEMA, and
14 NRC at that point in time versus where we are in the
15 process now in what we are able to focus on.

16 We started off with the State of New York as
17 we did with all other states with the process of them
18 developing a plan around a series of plants, in this
19 case Indian Point, and us reviewing those plans.

20 As you recall from the status report we gave
21 you when you asked for it back in '81, we indicated to
22 you that there were major problems and I will say in two
23 categories. One was there was a major problem as far as
24 organizational responsibilities between the state and
25 counties for response to an emergency.

1 There was a major problem as far as the
2 legislative authority of the state versus the
3 legislative authorities of the counties. There were
4 major problems as far as lack of resources as far as
5 state and counties were concerned to actually move ahead
6 with providing planning, personnel and equipment.

7 Then the second area of concern was a series
8 of problem areas that you have noted and we indicated
9 there was a lack of specificity at that point. In the
10 review of preliminary plans there had been no exercises
11 and we felt that our review of those preliminary plans
12 indicated a lack of specificity in a number of areas.

13 We sent that over to you. You issued a
14 120-day letter to all the utilities in New York and not
15 just Indian Point and seemed to focus on the major
16 problem that we all noted which was obvious to everyone
17 and that was the problem of interjurisdictional
18 authority to plan and respond for an emergency and fund
19 preparedness.

20 During that 120-day time period then when you
21 issued the notice a couple of things happened. One was
22 the State of New York went on forward with their
23 planning process and actually submitted a formal plan to
24 us. Secondly, the State of New York enacted major
25 legislation to define responsibilities of the State of

1 New York versus the counties of New York to respond and
2 the organizational authorities for response and
3 establish funding from utilities to be distributed to
4 state and county agencies for planning and preparedness.

5 So when you asked us for the next finding we
6 gave you the next finding which was that the first major
7 area had been dealt with in the State of New York
8 adequately. The State of New York we felt was making
9 progress on their planning. They had submitted their
10 formal plan. However we still had not had an exercise
11 to verify where we were with that plan. You then lifted
12 that 120-day clock because of that progress that had
13 been made.

14 We then moved on with the process and held a
15 full-scale exercise for Indian Point and additionally
16 got back a response from the State of New York on the
17 critique of their formal plan.

18 Based on those two things, and this is a year
19 later, you asked us for another update. We had far more
20 detailed information on the specifics of the New York
21 plan, particularly because of the exercise and,
22 secondly, because of the response we had gotten from the
23 state of our corrective actions we had indicated should
24 be made on that plan.

25 So we gave you then a detailed list a year

1 later with much more information about the status of the
2 ability of the state and locals to actually implement
3 that plan. We then came up with five major deficiency
4 areas and told you that we felt they were major
5 deficiency areas and you issued the letter again.

6 So I guess from my point of view I look at it
7 as we were at one point in the process when you issued
8 the first letter. You were focusing on a first priority
9 major problem that was generic to the state which was
10 resolved. You removed your clock and we moved on
11 forward and we identified subsequently more specific
12 problems and you have reinstated it for Indian Point
13 specifically. The first one was not for Indian Point
14 specifically. It was for Indian Point, Ginna,
15 Fitzpatrick and Nine Mile Point. It was for New York
16 State.

17 COMMISSIONER GILINSKY: Well, did we give the
18 managements of these reactors the impression that things
19 were all right? I must say in reading our own NRC
20 letter to ConEd one could get that impression and I
21 presume it was on the basis of discussions with you.

22 MR. THOMAS: I can't respond.

23 COMMISSIONER GILINSKY: We are all in this
24 together and I don't mean to lay it entirely at your
25 feet. But I guess I would like to have your judgment on

1 why it is after all these items have been pointed to a
2 year ago we are still dealing with the same items. Is
3 it because of lack of funds? It is because people
4 didn't take it seriously enough or that they didn't
5 understand the regulations or a misunderstanding or what?

6 MR. THOMAS: I think it is because we are at a
7 point of dealing with very complex issues and the State
8 of New York is dealing with those very complex issues.
9 For instance, one of them required state legislation,
10 and I recall when I and Brian Grimes and Vic Stello all
11 had to go up to New York and meet with state personnel,
12 including legislative personnel the day before the
13 Legislature adjourned when they passed that legislation
14 that corrected that problem. It was a very complex
15 issue they were dealing with. They did deal with it and
16 they have continued to deal with any number of them.

17 As you know when you read that report these
18 are not simple problems to be resolved easily. They are
19 making progress and they are dealing with them, but they
20 are very complex.

21 COMMISSIONER AHEARNE: Right. My impression
22 from reading your reports over the period of time is
23 that what you are saying is there has to be some sort of
24 a path that they have to be on to end up in an adequate
25 position. At one early stage you found a major

1 deviation, reported it, that was resolved by means of
2 the legislation and that put them back on the path.

3 There are still many, many steps in this
4 complex development. In this intervening period in
5 going through that once again there are some places
6 where they are falling away from the path. So once
7 again there is a report saying there are problems to
8 bring them back on the path.

9 MR. DIRCKS: Earlier, Lee, you were talking to
10 us about this situation. We are on a path and we may
11 never get to that goal where we all want to be because
12 Administrations will change, counties will change,
13 governors will change and personnel will.

14 MR. THOMAS: That is one of the things that I
15 think we all recognize, and that is that the state of
16 preparedness changes periodically. What we are trying
17 to ensure is that based on a series of standards that
18 have been developed jointly and that are understood by
19 state, local and federal personnel we are trying to
20 reach a level that we all feel in all of those areas of
21 preparedness that there is a capability to respond and
22 respond adequately.

23 COMMISSIONER GILINSKY: Yes, but some sites
24 have come up to snuff.

25 MR. THOMAS: Certainly. I have sent you final

1 350 process letters that said we have completed final
2 plan reviews and we have completed final exercises and
3 we find no significant deficiencies in those areas.

4 COMMISSIONER GILINSKY: This is a site which
5 has a lot of people around it and is one of the reasons
6 we are particularly interested in it.

7 MR. THOMAS: And that is one of the reasons it
8 is so difficult to do.

9 COMMISSIONER AHEARNE: Yes.

10 COMMISSIONER GILINSKY: I must say I am
11 surprised that things have dragged this long in spite of
12 all the various complexities.

13 MR. THOMAS: A part of what we deal with as
14 far as off-site preparedness is concerned is the ability
15 of the state and the local units of government to do
16 this planning and resolve these issues. What we, FEMA,
17 do is basically work with them in a couple of ways.

18 One is work with them as far as review and
19 critique of what they are doing as so called experts
20 against the standards that we have.

21 The second is to try to provide them as much
22 assistance as possible, technical assistance to complete
23 that process. But the driving force for completing that
24 process is in their arena, the state and local arena.
25 There is no mandatory requirement from us that they have

1 to complete it in a specific time frame.

2 COMMISSIONER GILINSKY: Well, there are
3 requirements here.

4 MR. THOMAS: On the utility.

5 COMMISSIONER AHEARNE: Are you saying that in
6 this particular case that the state and/or local people
7 were not, in your judgment, putting on enough emphasis?

8 MR. THOMAS: I wouldn't make a judgment like
9 that I think, but what I would say is that generically
10 when we deal with state and local planning what we have
11 to look at is that your regulatory authority and your
12 120-letter you issued was to a utility.

13 COMMISSIONER AHEARNE: Right. That is the
14 only reach we have.

15 MR. THOMAS: So it is an indirect reach as far
16 as the state and local people.

17 COMMISSIONER GILINSKY: Well, we have decided
18 that emergency planning is an important element of
19 safety just like safety pumps and other things.

20 MR. THOMAS: Certainly.

21 COMMISSIONER GILINSKY: We don't seem to be
22 dealing with it quite on the same basis though. You
23 point out that one of the major deficiencies in your
24 state situation was a lack of legislation.

25 MR. THOMAS: That was an original issue that

1 was raised as a major issue.

2 COMMISSIONER GILINSKY: Right, and allocation
3 of responsibilities and so on.

4 MR. THOMAS: Right.

5 COMMISSIONER GILINSKY: And passing the
6 legislation was a great help.

7 MR. THOMAS: Right.

8 COMMISSIONER GILINSKY: But you also did list
9 a whole bunch of other areas, as we said, that were very
10 similar to the ones we are dealing with today.

11 COMMISSIONER AHEARNE: Detailed or in a
12 category?

13 COMMISSIONER GILINSKY: Well, I would say in
14 categories at least in letter that I have.

15 COMMISSIONER AHEARNE: There are 16 planning
16 categories. So I would guess it would be in categories.

17 COMMISSIONER GILINSKY: I just wonder what you
18 meant by the conclusion that the present state of
19 planning is generally adequate to carry out the
20 responsibilities of state and local government in the
21 case of an accident at these sites? This wasn't just a
22 judgment on the legislation I presume.

23 MR. THOMAS: No. You want a bottom line
24 conclusion from us and we have to take a systems
25 approach in making that bottom line conclusion, and

1 that was at that point in time based on where we were in
2 the process. As I pointed out, we have not had a
3 full-scale exercise in the field. We had gotten the
4 formal plan back from the State of New York during that
5 120-day process. We felt at that time they were moving
6 ahead with the plan and with correcting the actions
7 noted. They had corrected the major one as far as
8 legislation is concerned, and the bottom conclusion was
9 there was an adequate state of planning.

10 COMMISSIONER GILINSKY: I don't bring these
11 things up to harass you.

12 MR. THOMAS: No, I know that.

13 COMMISSIONER GILINSKY: But the real point
14 here is how seriously do we take the efforts now and are
15 we to view them differently than what took place in the
16 past because a lot of people feel they are getting the
17 runaround, that we start these clocks going and they
18 stop before 120 days and is this going to happen again
19 now that we will stop the clock and a year from now we
20 will be looking at the same deficiencies. Now one
21 doesn't want that to happen.

22 COMMISSIONER AHEARNE: But I don't think it
23 has been established that they the same deficiencies.
24 They are the same categories. There are 16 planning
25 categories. The deficiencies are bound to fall into one

1 of those bins.

2 MR. THOMAS: A number of deficiencies, for
3 instance, came out of the exercise.

4 COMMISSIONER GILINSKY: Well, let me ask you,
5 to what extent do the deficiencies overlap?

6 MR. THOMAS: There is some overlap in the
7 deficiencies, but a number of the deficiencies, for
8 instance, noted in this finding to you came out of the
9 exercise which hadn't been held the first time.

10 COMMISSIONER GILINSKY: No, I understand.

11 MR. THOMAS: They are in broad categories and
12 in broad categories I would say the deficiencies, there
13 is a pretty good overlap between the deficiencies then
14 and the deficiencies now.

15 COMMISSIONER GILINSKY: Let's see if we can
16 follow up John's point. To what extent to the
17 deficiencies overlap in the sense of specific detailed
18 deficiencies like lack of agreements with bus companies?

19 COMMISSIONER AHEARNE: For example, did you
20 last time a year or so ago find that the lack of
21 agreement with the bus companies was a specific weakness?

22 MR. THOMAS: Yes.

23 COMMISSIONER AHEARNE: You did find that. Was
24 there any follow up? Did you discuss that with the
25 county governments?

1 MR. THOMAS: We discussed it with the state.
2 As a matter of fact, the plan review of the state, there
3 were specifics given to the state of what the
4 deficiencies were and corrective actions to be taken and
5 the state indicated what corrective actions they were
6 going to take.

7 COMMISSIONER AHEARNE: Maybe it goes back then
8 again to an earlier one of my concerns. Is all your
9 interaction with the state?

10 MR. THOMAS: Yes.

11 COMMISSIONER AHEARNE: None with the counties?

12 MR. THOMAS: We deal with the state agency
13 that has been designated by the governor to prepare the
14 plan. Now oftentimes in the meetings that are held that
15 our people participate in you have state and county
16 personnel involved.

17 Additionally, we participate in public
18 meetings. For instance, in this case, there were two
19 public meetings at a county level. So county people
20 have participated.

21 COMMISSIONER AHEARNE: So when you say that
22 you approve the state and local plans, it is approval of
23 the local plan as incorporated in the state plan?

24 MR. THOMAS: That is correct.

25 COMMISSIONER AHEARNE: Is that correct?

1 MR. ADLER: Yes.

2 COMMISSIONER AHEARNE: So there is not any
3 direct FEMA dealing with the county on developing their
4 plan or addressing here are the weaknesses we find in
5 what you are doing?

6 MR. THOMAS: That is identified within the
7 critique that is given back to the state.

8 COMMISSIONER AHEARNE: The state but not
9 directly to the county.

10 MR. THOMAS: (Nodding affirmatively.)

11 COMMISSIONER AHEARNE: We have had great
12 difficulty in this area because, as has been pointed
13 out, we have to deal with the utility. That is where
14 our leverage is. It seems to me in looking through all
15 the Indian Point problems, as I keep on trying to say,
16 that the crux is not the state, but the crux are the
17 counties. That is where the problems are. Are you
18 prevented by your law that set you up, that established
19 you from dealing with the counties?

20 MR. THOMAS: No, we are not prevented from
21 dealing with the counties. The process that we have set
22 up, however, is that we have to look at an entire plan
23 for a state that includes the state command and control
24 elements, et cetera, with the counties.

25 COMMISSIONER AHEARNE: I understand that,

1 right.

2 MR. THOMAS: We are not prevented from
3 dealing with a county, but in the concert of dealing
4 with a state the counties are political jurisdictions or
5 subjurisdictions of the state itself. So when we deal
6 with a state we in fact are incorporating the county
7 responsibilities.

8 COMMISSIONER AHEARNE: I guess what I am
9 worried about is that in our attempt to get at the local
10 governments and encourage them to do the planning we
11 have to probe the utility because that is the only link
12 we have. It almost sounds like the approach that you
13 are taking is to try to probe the county through the
14 state.

15 MR. THOMAS: Right.

16 COMMISSIONER AHEARNE: It seems both of us are
17 doing it at arm's length.

18 (Laughter.)

19 COMMISSIONER AHEARNE: I was wondering since
20 you don't have perhaps the legal problem of talking
21 directly to the county and identifying your findings why
22 not do it.

23 MR. THOMAS: Vern, do you talk to that?

24 MR. ADLER: We do. I think it is not accurate
25 to reflect this kind of formalism. We want to do it in

1 an integrated way through the point man, if you can put
2 it that way, and that is the state. Working in the
3 region are people who talk to the state and say we would
4 like to have some detailed meetings with key county
5 persons and the state would normally either set that up
6 themselves for our regional people or say go ahead and
7 give these guys the nod themselves to go and make a
8 telephone call and sit down and have a meeting on a very
9 specific subject. So it has got flexibility.

10 COMMISSIONER AHEARNE: Let me follow then on
11 how this flexibility came into play. Let's continue on
12 this one issue of the lack of agreements with the bus
13 companies. You say you did identify that over a year
14 ago as a problem and you have once again identified it
15 as a problem. What kind of discussions with the county,
16 or any of the counties were held identifying here is the
17 problem and here is how you can solve it?

18 MR. ADLER: I don't know which meetings were
19 held or at which ones with county personnel present
20 addressed that question. I would be very surprised if
21 there weren't some along with a laundry list of many
22 other issues that were identified a year or more ago.
23 You are coming to the question of why perhaps wasn't
24 something more responsive done and that is a harder
25 question to answer.

1 COMMISSIONER AHEARNE: I guess I wasn't at
2 that step. I was wonder whether the message was clear
3 to which something responsive wasn't done?

4 MR. ADLER: I am confident that the message
5 was made very clear.

6 MR. HAYNES: Commissioner Ahearne, with
7 respect to the bus drivers, I believe that issue is
8 mostly in Westchester County and Westchester County does
9 not have a county operated bus system. It is a
10 privately owned bus system that is operated under
11 contract. So it is not like Mr. Delbello can go out and
12 say to my county employees you shall respond. It is a
13 private corporation instead.

14 COMMISSIONER AHEARNE: Yes. I, as a matter of
15 fact, knew that from one of the pieces of paper Mr.
16 Delbello sent us. I guess I was trying to understand
17 what is the process by which once FEMA has identified
18 problems that they get laid out in front of the people
19 who really have to resolve those problems?

20 It would seem in this particular case that it
21 is a county bus company agreement that has to be
22 developed.

23 COMMISSIONER GILINSKY: To what extent did you
24 make clear at the time you said that the present state
25 of planning is generally adequate and so on back in

1 August of '81 that there remained a lot to be done, that
2 the job wasn't over?

3 MR. THOMAS: There at that point in time were
4 formal comments back to the state as to what corrective
5 actions needed to be taken. We shortly thereafter gave
6 formal review comments back to the state on the details
7 of what needed to be resolved.

8 One of the things, let me point out, that we
9 have at a regional level, which is the level where we
10 deal with a particular state and review the plan,
11 regional assistance committees made up of primary
12 federal agencies that would be involved and have
13 expertise in review of a state plan, NRC, EPA, the
14 Department of Energy, the Food and Drug Administration
15 or members of those as others are, and FEMA chairs it.

16 So when we get a state plan in, a formal plan
17 in we have those committee members, those federal
18 agencies review that plan and specifically components of
19 it and give us detailed comments on that plan. Problems
20 with radioactive protective measures, for instance, the
21 Food and Drug Administration and HHS and DOE and others
22 would comment on that. Those detailed comments are then
23 forwarded back to the state and the state asks for a
24 schedule of corrective actions, that is, give us a
25 schedule of when these deficiencies will be resolved or

1 when these comments of deficiencies will be resolved.

2 The same thing happens when we have a
3 full-scale exercise. An exercise is held in the field.
4 For instance, at Indian Point we had about 50 federal
5 observers in the field of FEMA people and other federal
6 agency people who are official observers of that
7 exercise and they break up responsibility and observe
8 specific components. They then conclude that with a
9 formal exercise critique which goes back to the state
10 and the state then responds to it. So they get detailed
11 comments back from the Federal Government as far as the
12 problems they have.

13 COMMISSIONER GILINSKY: Well, is it fair to
14 say that you gave them the green light in August of '81
15 on the basis of progress, but that you also made clear
16 that deficiencies remained that needed to be rectified?

17 MR. THOMAS: I think at that point in time the
18 state was fully aware of the deficiencies in the plans
19 as we had them.

20 COMMISSIONER AHEARNE: Do you think the
21 counties were?

22 MR. THOMAS: It specifies in our review the
23 problems at a county level. It specifies the problems
24 of the state and the problems of the counties.

25 COMMISSIONER GILINSKY: And the NRC was aware

1 of this?

2 MR. THOMAS: The NRC gets copies of that.
3 Also, the NRC at a regional level, and I think that is
4 important. Our two regions work together both through
5 the Regional Assistance Committee and otherwise.

6 COMMISSIONER GILINSKY: Let me ask Mr. Haynes
7 then. We sent a letter to ConEd in August of '81 which
8 said that FEMA concludes "The present state of planning
9 is generally adequate to carry out the responsibilities
10 of state and local government in case of an accident at
11 these sites."

12 Then NRC continues "We therefore conclude that
13 this issue has been resolved satisfactorily." You
14 didn't sign the letter. But I am asking you, do you
15 have any sense for what was meant by NRC by that letter
16 from the region? Is that telling ConEd that everything
17 is okay or what did we mean?

18 MR. HAYNES: My understanding of what we meant
19 was that the major impediment that we had, or the
20 concern that we had at that time, and that was the lack
21 of who was in charge in the event of an emergency, had
22 been resolved. That was the state and county agreement.

23 COMMISSIONER GILINSKY: Well, you know, it is
24 a very short letter. It just says "The attachment
25 listed numerous deficiencies in New York State in local

1 emergency response" and so on. That letter referred to
2 both the legal problems and a whole host of other
3 problems, and then we go on to say "We therefore
4 conclude the issue is resolved satisfactorily" which
5 obviously it wasn't. I am a little surprised on the
6 basis of what Mr. Thomas says that we said that at all.

7 MR. HAYNES: Of course, I can't speak to all
8 of that, but I do know that the state did submit their
9 plans, a host of updated plans, as I recall, when I read
10 the literature before that letter was sent out.
11 Subsequently the RAC reviewed those plans and found some
12 deficiencies and FEMA went back to the state in December
13 of '81 and brought some more additional deficiencies to
14 their attention and asked for resolution.

15 COMMISSIONER AHEARNE: Ron, let me, rather
16 than constantly asking Lee this question, ask you this
17 question. Is it your sense or your people's sense in
18 dealing with this that the counties are getting an
19 accurate picture from the state of the problems that are
20 still remaining? Does it flow through to the counties?

21 COMMISSIONER GILINSKY: I wonder if we can,
22 before we get on to that, just as a general point pursue
23 that one letter.

24 COMMISSIONER AHEARNE: Sure.

25 COMMISSIONER GILINSKY: I wonder if anybody

1 else here at the table from NRC has any background on
2 that?

3 MR. GRIMES: Yes, I do. I was involved with
4 both the initiating 120-day clock in April of 1981 and
5 the final letter that was sent out ending that clock.

6 I think that we can first state that the
7 initiating clock brought strongly forth the point that
8 the authority problem, the jurisdictional problem was a
9 major issue. It also attached a FEMA report with some
10 70 items I believe which were not differentiated for
11 significance and said in addition some of these items
12 may also be significant.

13 Toward the end of the 120-day clock period we
14 talked to FEMA of course and asked them for an overall
15 judgment on adequacy. We received that and it
16 essentially said what we had understood, that they had
17 seen some draft material and then perhaps the day before
18 they gave us the letter they received the formal filing
19 of the New York State plan, and that their overall
20 judgment was the adequacy of the response at that point,
21 based on the best they could do not having had a lot of
22 time to review that plan, was that things looked much
23 better and they made a judgment that things were
24 satisfactory.

25 When we looked back at what the deficiencies

1 were we find that a good portion of them had been indeed
2 addressed. The ones that are still outstanding appear
3 to me to be mainly the ones that were not at all
4 addressed were those sections of the plan that were not
5 even developed in April of '81.

6 Now I don't know what the exact status those
7 was by August of 1981, but clearly by December I believe
8 FEMA had done a thorough detailed review of the plan and
9 had provided specific comments where they found
10 shortcomings in some of those areas and then expected
11 that those things were being resolved also.

12 When they actually observed the exercise in
13 March and finally in early June produced the critique
14 they found that some things were identified as a result
15 of the exercise and others of their points were
16 reinforced as significant items by the exercise itself.

17 So we have got a list now which is subdivided
18 by planning standards. Part of those planning standards
19 are found inefficient based on a combination usually of
20 things observed in the exercise and shortcomings in the
21 plan. So I think there may indeed be some common items
22 from the April '81 to the current deficiency judgments.
23 But we didn't ask FEMA for a judgment on whether those
24 items alone were deficiency in 1981, although indeed
25 they may have come up deficient based on not major

1 portions not being addressed in April of '81.

2 We did not ask them for the significance of
3 the subclass and there were still problems in '82. In
4 '81 we asked them for an overall judgment on each of the
5 planning standards and looking at the combination of
6 things there I see a mix of exercise and planned things
7 which add up to significant problems in these areas.

8 COMMISSIONER GILINSKY: Well, let me leave
9 aside the lifting of that 120-day clock. FEMA seems to
10 have been clear that there were deficiencies in the plan
11 at that time even though they were giving them good
12 marks for progress. Our letter refers to these
13 deficiencies and then says we conclude that this issue
14 has been resolved satisfactorily. It seems to me that
15 we got a little overenthusiastic in the effort to lift
16 this 120-day clock that was ticking away.

17 Let me ask you this. What did we mean when we
18 said "We therefore conclude that this issue has been
19 resolved satisfactorily," that emergency planning is
20 satisfactory?

21 MR. GRIMES: No, that the 120-day ---

22 COMMISSIONER GILINSKY: Do you think the
23 utility was clear on that or the state was clear?

24 MR. GRIMES: Well, we attached the FEMA letter
25 I believe which made clear that they could not make a

1 final determination until they had seen an exercise and
2 that they were reviewing the details of plans. So there
3 should have been no doubt that this was not an
4 item-by-item write-off on all the items that had been
5 identified as possibly significant items.

6 COMMISSIONER AHEARNE: Ron, could you answer
7 the question? The question, and I will reiterate it,
8 was from the dealing that your people have with the
9 county people, does the information get down to them on
10 what are the deficiencies?

11 MR. HAYNES: Well, there is no substitute for
12 direct dealing with the counties. They are the ones
13 that know their people the best, their locality the best
14 and what they can do and what they can't do. I am not
15 always sure that the information does get down to the
16 county as it should.

17 I think we have a particular problem at Indian
18 Point because New York State, as you know, passed a law
19 where each of the utilities pay \$250,000 a year into the
20 state to defer the costs of emergency preparedness and
21 planning. As such with the utilities paying that money
22 they are less inclined to come and work with the
23 counties directly as I have seen in other places that
24 utilities do.

25 Now as of last Thursday none of the counties

1 in New York State had received any monies at all from
2 the state, although one million and a half had been paid
3 several months ago. The problem though in all fairness
4 was how are you going to distribute the money, what was
5 the formula? Commissioner Dividoff(?) said that he had
6 solved that issue and he got an agreement on the
7 distribution formula and that these monies should not
8 start to flow out to the county and there was some
9 \$450,000 to be distributed to the nine or ten counties
10 that are involved. He said it is going to be
11 distributed on the basis of population. That means that
12 money would be coming into the Indian Point site should
13 help perhaps defers some of these costs.

14 Also I found, as Lee was saying earlier, that
15 the state of course also uses this money to help pay for
16 things like the dosimetry. It is my understanding that
17 there will be a 11,000 pieces of a dosimetry available
18 for emergency workers which includes both the
19 self-reading pencil as well as the thumb badge.

20 The state, as I understand it, is purchasing
21 this equipment and will be distributing it. One
22 thousand pieces have been distributed as of now and
23 2,000 more are to be distributed by October 15th with
24 the remainder being distributed by March of next year.
25 I think that is the tentative schedule. But the state

1 has gone ahead and taken the initiative from the million
2 five that they got and have used part of that anyhow to
3 take care of these types of problems.

4 COMMISSIONER AHEARNE: Will that be a million
5 five each year that they collect?

6 MR. HAYNES: Yes, sir. Also it is my
7 understanding is that this is the highest levied for
8 these purposes for utilities in the country by some
9 factor of six or eight.

10 COMMISSIONER AHEARNE: Lee, did you have more
11 that you wished to cover?

12 MR. THOMAS: I don't think so. I would
13 confirm the issue on the dosimetry though. They have in
14 the status report, meaning yesterday, they did basically
15 lay out a schedule as to how the state is moving forward
16 with their equipment purchase.

17 COMMISSIONER AHEARNE: Vic?

18 COMMISSIONER GILINSKY: Yes. What are you
19 going to base your judgment on at the end of this
20 120-day period, on the basis of your basic criteria or
21 again on the basis of progress or movement or effort?

22 MR. THOMAS: The status at that point against
23 the 16 planning standards and specifically in the case
24 to the specific deficiencies noted and the resolution of
25 each of those deficiencies. As I noted, for instance,

1 the deficiency on the fact that there was not a training
2 program for public information officers for
3 dissemination of emergency public information on the
4 state and county level. The state indicates that they
5 have developed that and they will have their first
6 training program completed by November 19th. One of the
7 things we will be looking at is in fact is that in place
8 and have they had the training.

9 So those are the kinds of things we will be
10 looking at. There are a whole range of in each of those
11 categories actions that they have indicated are underway
12 and that we in fact are participating with them in some
13 cases and see are underway to deal with those
14 deficiencies.

15 Now the bottom line and one that I think is
16 particularly important that we probably ought to make
17 and that is that you have two levels of review. One is
18 the planning level, and that is is the plan adequate,
19 does it meet the standards and have they covered all the
20 issues that are noted to be covered. The second one is
21 preparedness, and preparedness is the ability to
22 implement the plan. The best method we have for gauging
23 preparedness is through exercise.

24 COMMISSIONER ASSELSTINE: I wonder if I could
25 raise one question there. Lee, you mentioned earlier

1 that the full-scale exercise that you did have for
2 Indian Point was instrumental in identifying a number of
3 deficiencies. I wonder if it would be very useful or
4 helpful to you in making your assessment if there was
5 another full-scale exercise at or near the end of the
6 120-day period to do just what you said, to confirm not
7 only that the steps have been taken to address these
8 deficiencies, but in effect that those steps are
9 effective? The proof is in the pudding in essence that
10 not only are the planning steps there, but that they in
11 actuality work.

12 MR. THOMAS: The exercise schedule that we
13 have I think is that there is a planned exercise at
14 Indian Point, their annual exercise for early spring,
15 the 1st of March, something like that, and at that point
16 in time, yes, we would be looking at, just as we did in
17 the last exercise, the whole range of standards and
18 specifically their capability to actually implement
19 those.

20 The specific point about whether there should
21 be one at the end of this period of time or not, I think
22 you have to take into account which of these
23 deficiencies are planning deficiencies, which of them
24 are preparedness deficiencies and which of them are
25 both. You would also take into account where the state

1 stands as far as other exercises. All the utilities in
2 the state have ongoing exercises. We had one in August,
3 for instance, at Fitzpatrick. All right, you exercise a
4 portion of the plan when you do that. You exercise the
5 state portion of the plan not site specific to that
6 plant. So there are a whole series of things that are
7 not looked at, but you look at parts of the command and
8 control.

9 COMMISSIONER GILINSKY: That isn't the part
10 that is troubling here.

11 MR. THOMAS: Mainly, no, but part of it is.
12 The only point I guess is that in scheduling another
13 interim exercise, say, or scheduling a specific exercise
14 for Indian Point out of the context of the normal
15 schedule for exercises, you have got to take into
16 account where the state is in all of their other
17 exercises. Do we have another full-scale exercise at
18 another plant being held March the 1st? So the ability
19 of the state to actually have an exercise and conduct
20 one literally, practically may not be possible on March
21 the 2nd.

22 COMMISSIONER ASSELSTINE: But if it is
23 possible to, say, move the next full-scale exercise for
24 Indian Point up to a point where it would occur at or
25 near the end of the 120-day period, it seems to me that

1 would give us the best possible indication as to whether
2 or not there are remaining serious deficiency areas at
3 the end of the 120-day period. That would give us the
4 kind of confidence that we seem to have lacked at
5 various points in the past, and not only are the
6 planning deficiencies being adequately addressed, but
7 also the plans as they exist at that point in time are
8 likely to work without serious deficiencies in any given
9 area.

10 COMMISSIONER GILINSKY: I must say I think
11 that is quite a good idea. This has really dragged for
12 some time and one wouldn't want to be again in the
13 position of concluding the situation was satisfactory on
14 the basis of promises of what will be done and then once
15 again run into 120-day period. I just don't think we
16 can go on this way indefinitely.

17 COMMISSIONER AHEARNE: Lee, going back to
18 Commissioner Gilinsky's question and addressing what
19 kind of a criterion will you use in making the judgment
20 at the end of 120 days, what role do the counties have
21 in advising you or what weight do you give to the county
22 governments' views?

23 What calls this to mind is we have seen a
24 number of times where county executives have said the
25 plan can't work and we can't implement it.

1 MR. THOMAS: We give quite a bit of weight to
2 that. I mean if a county executive says it can't work,
3 then obviously that is a major issue that we expect to
4 be addressed as far as the state is concerned and how
5 they feel it can work and how they will overcome the
6 problems that the county executive points out or in a
7 particular exercise did it work in spite of the fact
8 that the county executive indicated he didn't think it
9 would.

10 Let me go back and comment on one point on the
11 matter of the exercise. It may well be that it would be
12 more appropriate to look at an exercise of specific
13 components as opposed to full-scale. If you look at the
14 specific deficiencies you can determine whether a number
15 of those deficiencies have been corrected or not just by
16 in fact looking at if the action has been taken, for
17 instance, if in fact you do have written agreements
18 between the bus companies and those kinds of things
19 without exercising that. But you may well have a number
20 of those components there that you would want to
21 exercise.

22 COMMISSIONER GILINSKY: Well, it may well be
23 an exercise that deals with certain segments of the
24 plant.

25 MR. THOMAS: Exactly.

1 COMMISSIONER GILINSKY: But I reiterate that I
2 think it wouldn't be good if we were once again counting
3 on what will be done when it wasn't done before.

4 COMMISSIONER AHEARNE: Jim?

5 COMMISSIONER ASSELSTINE: The only thing I
6 would like to find out is if it would be possible to
7 explore the possibilities of either a full-scale or a
8 more limited scale exercise at or near the conclusion of
9 the 120-day clock.

10 I guess the last point I would ask if just if
11 Bill or Ron or Brian have any comments on whether they
12 think such an exercise would be useful to this effect?

13 MR. DIRCKS: Well, I think, as was pointed
14 out, we have been in this process for a long time and if
15 we can close it definitely with some sort of a
16 demonstration of effect, then potentially I think that
17 would be important.

18 COMMISSIONER AHEARNE: Ron?

19 MR. HAYNES: My background was as a start-up
20 engineer. So I like to test things out myself.

21 (Laughter.)

22 COMMISSIONER ASSELSTINE: Lee, could you
23 explore that possibility and get back to us?

24 MR. THOMAS: We will do that.

25 COMMISSIONER ASSELSTINE: I would appreciate

1 it.

2 COMMISSIONER AHEARNE: Before you disappear I
3 wanted to ask Ron, in your letters that you had sent to
4 the licensees you asked them to get back to you in 30
5 days. I see we have copies of their responses which
6 they sent on September 2nd. Do you have any preliminary
7 comments on their responses?

8 MR. HAYNES: Well, from what I have seen they
9 are making progress because they have defined the
10 specific deficiencies and they have outlined a course of
11 action on which to provide remedial action.

12 I will say this, that obviously the utilities
13 are very concerned and they are doing anything that they
14 can to work with the counties directly and work with the
15 state.

16 COMMISSIONER AHEARNE: Well, obviously by now
17 you recognize that to me the key to this issue is
18 whether the counties participate and whether the
19 counties are worked with.

20 I would just comment that in the letters we
21 got, those two letters which at least preliminarily look
22 like the same letter on different letterheads with
23 different signatures, working with the counties is not
24 mentioned. Working with the state is mentioned
25 frequently. So it seems again that there is a

1 circumstance where it seems to me that most of the
2 working is done with the state. I well recognize that
3 has to be done and had to be done, but by and large the
4 problems reside at the county level and it is the county
5 people that have to implement the plans and it is the
6 county arrangements that have to be developed.

7 It seems to me that a lot more concern about
8 working with the counties ought to come through.

9 MR. THOMAS: I agree, and in my verbal
10 discussions with the program manager they did say that
11 they would working with the counties.

12 COMMISSIONER GILINSKY: It is the United
13 States of America.

14 (Laughter.)

15 COMMISSIONER AHEARNE: That is an interesting
16 comment. Yes, it is. Nevertheless, we had better get
17 the counties involved.

18 (Laughter.)

19 COMMISSIONER GILINSKY: That is the end of the
20 first episode of nuclear regulation of counties.

21 (Laughter.)

22 COMMISSIONER AHEARNE: Well, Lee, thank you
23 very much for coming and I appreciate it. It is a very
24 difficult task and you people have been working very
25 hard at it. Obviously we will continue to explore with

1 you what can we do and I hope our staff is assisting you
2 in the ways that they can.

3 COMMISSIONER GILINSKY: I want to thank you,
4 too, and thank you for your presentation. I want to add
5 that I very much support Jim Asselstine's suggestion.

6 MR. DIRCKS: We will explore that and get back
7 with you.

8 COMMISSIONER AHEARNE: Thank you.

9 (Whereupon, at 3:30 p.m., the meeting
10 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 - Discussion of Staff Action on Emergency
Planning at Indian Point

Date of Proceeding: September 9, 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.

Mary C. Simons

Official Reporter (Typed)

Mary C Simons

Official Reporter (Signature)

OFF SITE EMERGENCY

PREPAREDNESS

AT

INDIAN POINT

NUCLEAR POWER

STATION



September, 1982

FEMA'S AUGUST 2, 1982, INTERIM FINDING

- MAJOR DEFICIENCIES CITED

NOTIFICATION METHODS AND PROCEDURES

- INCLUDED SIREN MALFUNCTIONS

PUBLIC EDUCATION AND INFORMATION

- INCLUDED LACK OF PUBLIC AWARENESS ABOUT EMERGENCY PLANS

PROTECTIVE RESPONSE

- INCLUDED LACK OF MEANS TO NOTIFY TRANSIENT POPULATION
- INADEQUACIES DEALING WITH USE OF EVACUATION ROUTES
- LACK OF AGREEMENTS WITH BUS OPERATORS

RADIOLOGICAL EXPOSURE CONTROL

- INSUFFICIENT RESOURCES FOR DECONTAMINATION OF PERSONNEL
- ABSENCE OF PERMANENT RECORD DEVICES AND INSUFFICIENT SUPPLY OF SELF READING DOSIMETERS

RESPONSIBILITY FOR THE PLANNING EFFORT

- INCLUDED STATE/LOCAL PREPAREDNESS EFFORT AND NEED FOR COMPENSATORY MEASURES



CURRENT STATUS

- FEMA AND STATE OF NEW YORK MET ON AUGUST 18, 1982 AND ESTABLISHED TASK FORCE CONCEPT TO INSURE TIMELY CORRECTIVE ACTIONS

<i>TASK FORCE</i>	<i>MEMBERS</i>
EXECUTIVE WORK GROUP	<ul style="list-style-type: none">• STATE RADIOLOGICAL PREPAREDNESS GROUP• FEMA
PIO WORK GROUP	<ul style="list-style-type: none">• STATE RADIOLOGICAL PREPAREDNESS GROUP• STATE PIO• PASNY• CON EDISON• COUNTY PIO• FEMA
PLAN REVISION TASK FORCE	<ul style="list-style-type: none">• STATE RADIOLOGICAL PREPAREDNESS GROUP• FEMA
RADIOLOGICAL TASK FORCE	<ul style="list-style-type: none">• STATE DEPARTMENT OF HEALTH• U.S. EPA
INGESTION TASK FORCE	<ul style="list-style-type: none">• STATE DEPARTMENT OF HEALTH• U.S. FOOD AND DRUG ADMINISTRATION



TASK FORCE WORK ELEMENTS

<i>TASK FORCE</i>	<i>PRINCIPAL CONCERNS</i>	<i>KEY WORK ELEMENTS</i>
EXECUTIVE WORK GROUP	<ul style="list-style-type: none">• RESPONSIBILITY FOR THE PLANNING EFFORT• NOTIFICATION METHODS AND PROCEDURES• PROTECTIVE RESPONSE	<ul style="list-style-type: none">• NOTIFICATION OF EMERGENCY PERSONNEL AND LOCAL SCHOOLS• DEVELOP STATE PLAN FOR POSSIBLE NON-PARTICIPATING COUNTIES• SUPPLEMENTAL PERSONNEL AND EQUIPMENT (BUS OPERATORS, BUSES, RADIOS)
PIO WORK GROUP	<ul style="list-style-type: none">• PUBLIC EDUCATION AND INFORMATION• NOTIFICATION METHODS AND PROCEDURES	<ul style="list-style-type: none">• EBS• PIO SOP'S• PUBLIC EDUCATION (INCLUDES BROCHURE DEVELOPMENT)• RUMOR CONTROL• NOTIFICATION OF TRANSIENTS• TRAINING ON NEW PIO SOP'S
PLAN REVISION TASK FORCE	<ul style="list-style-type: none">• PROTECTIVE RESPONSE	<ul style="list-style-type: none">• EVACUATION PLANS• RECEPTION AREA MONITORING• EVACUATION OF HANDICAPPED
RADIOLOGICAL TASK FORCE	<ul style="list-style-type: none">• RADIOLOGICAL EXPOSURE CONTROL• PROTECTIVE RESPONSE	<ul style="list-style-type: none">• FIELD RADIOLOGICAL DATA• DECONTAMINATION PROCEDURES• DISPOSAL OF WASTE MATERIAL• MONITORING EQUIPMENT
INGESTION TASK FORCE	<ul style="list-style-type: none">• PROTECTIVE RESPONSE	<ul style="list-style-type: none">• PROTECTIVE MEASURES FOR INGESTION PATHWAY• INVENTORY OF INGESTION PATHWAY (FARMS, FOOD PROCESSORS, RESERVOIRS, ETC.)



STATE'S SCHEDULE FOR CORRECTIVE ACTION

NOTIFICATION METHODS AND PROCEDURES	<i>NOVEMBER 15, 1982</i>
PUBLIC EDUCATION AND INFORMATION	<i>OCTOBER 29, 1982</i>
PROTECTIVE RESPONSE	<i>NOVEMBER 19, 1982</i>
RADIOLOGICAL EXPOSURE CONTROL	<i>OCTOBER 1, 1982</i>
RESPONSIBILITY FOR THE PLANNING EFFORT	<i>OCTOBER 1, 1982 (INTERIM ACTION)</i>



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Meeting Title: Apprentice / Discussion Session

MEETING DATE:

9/9/82

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OFFICE OF SECRETARY
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4 August 1982

Nunzio J. Palladino, Chairman
Victor Gilinsky, Commissioner
John F. Ahearne, Commissioner
Thomas M. Roberts, Commissioner
James K. Asselstine, Commissioner

U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

HAND DELIVERED

Gentlemen:

The Union of Concerned Scientists and the New York Public Interest Research Group, Inc., are in receipt of the FEMA "Interim Findings on the Adequacy of Radiological Emergency Response Preparation of State and Local Governments at the Indian Point Nuclear Power Station", dated July 30, 1982. Based upon our reading of this report, there can no longer be any pretense regarding the documented and significant inadequacies regarding the plans and preparedness for a radiological emergency at Indian Point Units 2 and 3. The FEMA Interim Finding report specifically concludes that both the plans and the level of preparedness are inadequate.

Consolidated Edison Company and the Power Authority of the State of New York have had nearly two years to devise adequate emergency plans. A continuing series of FEMA reviews of those plans beginning in April 1981 has found inadequacies in those plans, and FEMA continues to this day to find basically the same problems following seemingly endless rounds of "comment" and "correction". Notwithstanding the conclusion of NRC Region I Headquarters in August 1981 that the emergency planning problems at Indian Point had been "resolved satisfactorily", the same deficiencies were again apparent in reviews of the plans in September and December, 1981, and in the review of the full-scale emergency plan exercise held at Indian Point on March 3, 1982.

*Under
430666-10*

We understand that it is the NRC Staff's intention to once again institute the so-called "120-day clock", thus giving the Licensees another four months to correct the deficiencies. Such a course of action misrepresents the seriousness of the present situation and ignores the fact that the deficiencies which have been most recently noted have existed ever since the plans were first submitted. In short, the Licensees have had two years to correct the problem. Given the lack of adequate funding to support further plan development, training of emergency response personnel, and purchase of necessary emergency equipment, it is obvious that the recognized deficiencies cannot be corrected in the near term,

4 August 1982

and certainly not within four months as provided by the "120-day clock" mechanism.

Moreover, it is clear now that the last time this clock ran nothing of substance happened. The same deficiencies which were allegedly "resolved satisfactorily" last August are still present.

When the Commission adopted its revised emergency planning regulations in August 1980, you concluded that "onsite and offsite emergency preparedness as well as proper siting and engineered design features are needed to protect the health and safety of the public". That conclusion is especially significant for Indian Point. First, it is widely acknowledged that the Indian Point site is among the poorest, if not the worst, sites for a nuclear reactor in the country. Indeed, an internal evaluation of reactor sites against the siting criteria proposed in NUREG-0625 demonstrated that Indian Point was the only operating site to fail five of the six proposed siting criteria. As the Commission itself has noted, the population surrounding the Indian Point site is larger at 10, 30, and 50 miles than for any other site in the U.S.

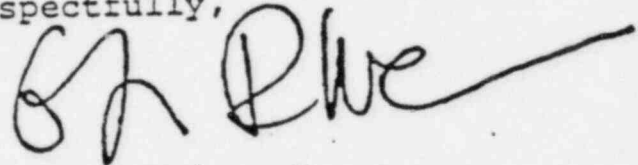
Second, the Commission concluded in adopting the emergency planning regulations that planning within the Plume Exposure Pathway Emergency Planning Zone would be sufficient to support a response for areas outside this zone should this ever be required. Given the very large population in the area surrounding Indian Point (and the implications that this population has in terms of the numbers of special facilities in areas outside the Plume EPZ), it is clear that if planning within the Plume EPZ is inadequate there can be little confidence that ad hoc actions for areas outside the Plume EPZ will be adequate.

It is unthinkable to UCS and NYPIRG that the Commission would permit continued operation of Indian Point Units 2 and 3 when emergency planning for those reactors is so demonstrably inadequate. A serious accident at one of these reactors, involving severe core damage or core melt with loss of containment integrity, could result in a catastrophe of proportions unprecedented in U.S. history. If NRC's emergency planning regulations are to have any meaning at all for the members of the public at risk from the operation of nuclear power plants, the public must know that those regulations will be enforced. The situation at Indian Point has gone on far beyond the bounds of reasonableness. The Licensees have had every chance to conform the emergency plans to NRC's regulations, and they have failed to do so.

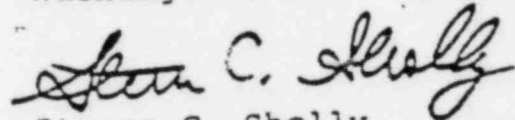
4 August 1982

UCS and NYPIRG respectfully call upon the Commission to immediately suspend the operating licenses for Indian Point Units 2 and 3 until it can be determined that adequate emergency plans are in place and are capable of adequately protecting the public in the event of a serious accident. To reinstate the "120-day clock" at this juncture is to simply hide behind a wall of administrative process and postpone a difficult decision on a problem for which the Commission already knows cannot be resolved within that time frame. UCS and NYPIRG urge the Commission to take swift and effective action in alleviating the present risk to the population residing near Indian Point by suspending the operating licenses for Indian Point Units 2 and 3.

Respectfully,



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cc: Mr. Leonard Bickwit, Esq.,
General Counsel

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C&R (Natalie)

Attached are copies of a Commission meeting transcript/s/ and related meeting document/s/. They are being forwarded for entry on the Daily Accession List and placement in the Public Document Room. No other distribution is requested or required. Existing DCS identification numbers are listed on the individual documents wherever known.

Meeting Title: Discussion of Staff Action on Emergency Planning at Indian Point

MEETING DATE: 9/9/82 Open Closed

ITEM DESCRIPTION:	Copies		DCS COPIES:		
	Advanced To PDR:	(1 of each Checked)	Original Document	May be Dup*	Duplicate Copy*
1. <u>transcript</u> <u>(w/ viewgraphs attached)</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u> </u>	<u> </u>
2. <u>Letter dated 8/4/82</u> <u>fr. Union of Concerned Scientists</u>	<u>1</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
3. <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4. <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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(PDR is advanced one of each document, two of each SECY paper.)

*Verify if in DCS, and change to "PDR available."