



Federal Emergency Management Agency

Washington, D.C. 20472

AUG 30 1985

MEMORANDUM FOR: Edward L. Jordan
Director, Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement
Nuclear Regulatory Commission

FROM: *[Signature]* Richard W. Krinn
Assistant Associate Director
Office of Natural and Technological Hazards Programs

SUBJECT: Indian Point Special Proceeding Decision (CLI-85-06)

This is in response to your memorandum of June 17, 1985, requesting that the Federal Emergency Management Agency (FEMA) provide information in response to certain items in the May 8, 1985, Commission Decision (CLI-85-06) on the October 1983 findings of the Atomic Safety and Licensing Board (ASLB) on Indian Point. You also asked for information on the current status of emergency planning at Indian Point and on whether deficiencies identified by the Hearing Board and by the Commission in the proceeding have been corrected. Finally, FEMA was asked to advise NRC on two Board recommendations: 1) emergency planning related to advance alerting of the public during adverse weather conditions, and 2) additional measures for communicating with handicapped or non-English-speaking people.

The attached report, prepared by FEMA's Region II office, provides the information you requested. The original deadline was extended because of the work-intensive schedule of the Region II office and because New York State was requested to provide additional information.

We wish to note that in the May 1985 review of the revised Westchester County plan, the Regional Assistance Committee found that letters of agreement (LOA) with bus companies were not incorporated or referenced in the plan. The State subsequently submitted four LOA's, which were found to be improperly executed. FEMA Region II wrote to the State on July 26, 1985, in an attempt to resolve this issue. However, the State's August 6, 1985, response continued to support the existing version of the LOA's. In addition, some concerns also exist with LOA's for reception and congregate centers. Details on these issues are contained in the attached report.

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As an additional note, FEMA is in the process of developing a Guidance Memorandum on Evacuation of School Children which will discuss, among other things, evaluation of plans in which early dismissal is an option for the protection of school children in the event of a radiological emergency at a nuclear reactor site. It is still in the draft stage at the current time, however.

If you have any questions, please feel free to contact me at 646-2871 or Robert S. Wilkerson at 646-2861.

Attachment
As Stated

FEMA's Response
to
the Commission Decision on Indian Point
Dated May 8, 1985

FEMA, Region II
New York, New York

August 20, 1985

I. INTRODUCTION

The Atomic Safety Licensing Board (ASLB) in its recommendation to the Nuclear Regulatory Commission (NRC) on Indian Point, dated October 24, 1983, addressed each planning standard as it applies to the Westchester, Putnam, and Orange County plans. With regard to Rockland County, the ASLB decided not to evaluate the Rockland County plan against each of the planning standards of 10 CFR 50.47(b) and NUREG-0654 since neither the Rockland County plan nor the State Compensatory Plan were complete at that time. On February 1, 1984, the Federal Emergency Management Agency (FEMA) submitted its comments on the findings of the ASLB to the NRC's staff. FEMA's report, dated January 30, 1984, addressed the status of planning and preparedness around Indian Point at that time.

The Commission in its decision dated May 8, 1985, directed the NRC staff to confer with FEMA and report to the Commission on the current status of emergency planning at Indian Point and whether or not the deficiencies identified by the ASLB and by the Commission have been corrected. In the June 17, 1985 letter from Mr. Edward L. Jordan of NRC to Mr. Richard W. Krimm of FEMA, the NRC formally requested the assistance of FEMA in evaluating the status of off-site emergency preparedness at Indian Point. In addition, FEMA was requested to advise the NRC staff on the advisability of two Board recommendations including:

- improvement in emergency planning related to advance alerting of the public during adverse weather conditions;
- need for additional measures for communicating with handicapped and non-English speaking people.

In accordance with this request, FEMA submits this report which is divided into two sections:

- Commission Question 3: Status of Emergency Planning at Indian Point;
- Commission Question 4: Improvements in Emergency Planning.

II. COMMISSION QUESTION 3: STATUS OF EMERGENCY PLANNING AT INDIAN POINT

A. Status of Emergency Planning in Rockland County

ASLB's Finding

The Board concluded that planning and preparedness were generally deficient and that the (then) draft Rockland plan, that the State had adopted as a compensating measure, had "substantial" omissions, including provisions for evacuating school children, for adequate training, and for implementation of public education requirements. The Board reached no conclusion as to the adequacy of the "New State Compensatory Plan," which was used during the August 1983 exercise, nor was the Board aware of the status of the planning progress in Rockland in the 5-month period between the close of the record and the issuance of its Opinion.

Commission's Comments

The Commission directed the NRC staff to confer with FEMA to determine whether the deficiencies have been corrected.

FEMA's Response

In FEMA's response of January 30, 1984 to the ASLB's recommendation to the Commission on Indian Point, it was reported that the State Compensatory Plan for Rockland County was reviewed and found adequate by the Regional Assistance Committee. In addition, this plan was successfully tested during the exercise on August 24-25, 1983. Based on FEMA's review of the State Compensating plan and the results of the exercise on September 29, 1983, FEMA concluded that there was an adequate level of emergency preparedness in Rockland County to protect the public in the event of a radiological emergency at the Indian Point Nuclear Power Station.

The level of emergency planning in Rockland County has significantly advanced since the close of the Atomic Safety and Licensing Board's record and FEMA's report to NRC of January 30, 1984. On February 7, 1984, the Rockland County Legislature voted to join the four-county planning effort and to regain lead responsibility in emergency preparedness for the Indian Point Nuclear Generating Stations.

On February 16, 1984, the first task force meeting was held to develop a new Rockland County Emergency Response Plan. Representatives from the State, County and FEMA attended that meeting. The task force identified immediate and long-term goals. The immediate goals included:

- plan development including the input from each county agency with respect to their resources and SOPS,
- training of all emergency response personnel.

The long-term goal identified was that Rockland County would assume full responsibility for emergency preparedness upon the approval by both the State and FEMA of the overall preparedness in Rockland County.

On October 9, 1984, the draft Rockland County plan was submitted to FEMA for review and comment. The plan was reviewed by FEMA and the Regional Assistance Committee. Discussions of these reviews were held with the State and County officials on November 1, 1984.

On December 10, 1984, FEMA formally submitted the Regional Assistance Committee's (RAC) review of the Rockland County plan to the State. Overall, the plan properly identified all organizations that were intended to be part of overall emergency response and their responsibilities during a radiological emergency. Although FEMA identified some inadequacies in its review of the draft Rockland County plan, it was determined that this plan contained all critical elements necessary to test the capability of Rockland County to respond to a radiological incident.

This plan also included provisions for evacuating school children, for adequate training of emergency workers and for implementation of public education requirements which the Board found to be deficient in the State Compensating Plan.

With respect to school children, Rockland County's Radiological Emergency Preparedness Plan states that at the emergency classification level of "alert or greater emergency", the Assistant Superintendent of Business and Finance will direct the Administrators of Schools to take one of the appropriate following actions:

- PRIOR to 6:30 AM, classes will be cancelled for all schools in Rockland County. School superintendents and local radio stations will be advised of this action.

- OR -

- AFTER 6:30 AM, some or all schools in Rockland County are in the process of opening, the Administrators of these schools will be directed to follow school closing procedures, having arriving buses return their students to their homes, and to have students who do not normally use buses return home in their usual manner. The radio stations will be notified of the closings of schools.

- OR -

- DURING SCHOOL HOURS, the Administrators of the schools will send their students home, or to an alternative address previously designated by the parents, in accordance with each school's "Go Home Plan", developed for use in case of a fire, explosion or similar emergency.

- OR -

- If the emergency is not radiological in nature, the Emergency Coordinator may order the continuation of normal school sessions until the end of the school day, at which time students will return home in their usual manner and on their regular schedules.

- OR -

- In the event the "Go Home Policy" is not the potentially safest course of action, based on instructions from the Chairman of the Legislature, the Assistant superintendent Business and Finance will direct the affected schools to evacuate to a School Reception Center.

Schools outside the 10 mile EPZ will be advised of the situation and informed of the possible need for use of their facilities as Reception Centers.

The Assistant Superintendent of Business and Finance will assure that any movement of children other than the early dismissal plan will be coordinated with the Public Information Officer for EBS instruction.

If a "State of Emergency" is declared by the State of New York during a radiological event, State officials would be responsible for directing and controlling the situation and supplementing Rockland County resources.

With regard to provisions for implementation of public education requirements, the State, in conjunction with the four (4) counties, developed in 1984 a Public Information Procedural Manual. This manual states that information shall be made available to transients via informational stickers and telephone directory inserts. This information will be made available to management personnel of all public buildings, public parks, hotel/motels, restaurants, shopping centers, schools and office complexes.

With respect to training of emergency workers, the plan states that Rockland County, in conjunction with the New York State Radiological Emergency Preparedness Group (REPG), is charged with establishing a suitable training program that is specifically oriented toward radiological release incidents for all county emergency response agencies including mutual aid agencies. In addition, Rockland County in connection with the State REPG, has the primary responsibility for establishing initial training and periodic retraining of all county emergency response personnel agencies including mutual aid agencies.

Although the RAC determined that the plan needs to be revised to incorporate the details of training, the State of New York provided FEMA with the comprehensive summary of training conducted in 1984. In an August 6, 1985 letter, the State informed FEMA that the report regarding the first six months of training activities in 1985 is now being prepared. As of this date, FEMA has not received a copy of this report.

In preparing for the November 28, 1984 full scale exercise, Rockland County held a table top exercise on November 14, 1984, which FEMA informally evaluated. FEMA's feedback was shared with all county participants on November 15, 1984. On November 28, 1984, the joint exercise of the plans and preparedness for off-site emergency response organizations and personnel was conducted for the Indian Point Nuclear Power Stations. This was the first time since March 1982 that Rockland County fully participated in the exercise with the State and remaining three (3) counties.

Based on FEMA's detailed analysis of the findings and evaluations of the federal observer team, two deficiencies were identified during this exercise that would lead to a negative finding. In brief, these deficiencies were:

- * The information and issuance of EBS messages from the Joint New Center was not timely; and,
- * Decisions regarding protective action recommendations were delayed in Rockland County.

In accordance with FEMA rule, 44 CFR 350.9, and the NRC rule 10 CFR, Appendix E, FEMA scheduled and evaluated a remedial exercise on April 10, 1985. This remedial exercise was designed primarily to test whether or not these two (2) deficiencies had been corrected. To accomplish this, it was necessary to activate fully the Joint News Center and Rockland County Emergency Operations Center (EOC). There were only partial activations and limited evaluations of emergency response organizations in New York State and Westchester, Orange and Putnam Counties.

Based on the evaluation of the April 10, 1985, exercise by a team of federal observers, both deficiencies identified during the November 28, 1984 exercise were corrected.

On May 14, 1985, the FEMA Regional Director concluded that the level of planning and preparedness in Rockland County had reached a point where he could provide reasonable assurance that the public health and safety of the citizens within the emergency planning zone (EPZ) could be protected. Therefore, there was no longer a need for the State Compensating plan for Rockland County. Consequently, in the May 14, 1985 letter to Mr. Herbert Reisman, Chairman of the Rockland County Legislature, Dr. David Axelrod, Chairman of the New York State Disaster Preparedness Commission stated:

. . . . I have notified the Governor that the state compensating team is no longer required to supervise preparedness activities in Rockland County. The team has been disbanded, and formal responsibility returned to you, as chairman of the County Legislature.

B. STATUS OF EMERGENCY PLANNING IN WESTCHESTER, PUTNAM AND ORANGE COUNTIES

1. ASSIGNMENT OF RESPONSIBILITY - NUREG-0654 - PLANNING STANDARD A

10 C.F.R. 50.47(b)(1)

ASLB's Findings:

No significant deficiencies.

Commission's Comments:

No comments were made regarding this planning standard.

FEMA's Response:

No Federal Action is required.

2. ONSITE EMERGENCY ORGANIZATION - NUREG-0654 - PLANNING STANDARD B

10 C.F.R. 50.47(b)(2)

ASLB's Findings:

No significant deficiencies.

Commission's Comments:

No comments were made regarding this planning standard.

FEMA's Response:

No Federal Action is required.

3. EMERGENCY RESPONSE SUPPORT AND RESOURCES - NUREG-0654 - PLANNING STANDARD C

10 C.F.R. 50.47(b)(3)

ASLB's Findings:

Record inconclusive as to existence of letters of agreement with reception and congregate care facilities.

Commission's Comments:

Further, though various schools were designated as reception centers or congregate care facilities and were notified of their designation, not all accepted the designations and letters of agreement are missing for most of them. Transcript at 11,919-23, page 47.

The Commission directed the NRC staff to confer with FEMA and report on the status of compliance with this requirement.

FEMA's Response:

In FEMA's response of January 30, 1984 to the ASLB's Recommendation to the Commission, it was indicated that on December 23, 1983, FEMA requested the State of New York to incorporate or reference the agreements with reception and congregate care centers in the plan. On January 6, 1984, the State responded to our recommendation by saying:

Congregate Care Centers letters (Red Cross and building owners) exist and are listed. If reception centers are placed in public schools, there are no agreements, so none can be listed.

FEMA found the State's response to be too general and not adequate in providing details on the subject of the inquiry and FEMA requested that all letters of agreement be provided for review.

The RAC completed its review of the draft Rockland County plan in November of 1984 and the revised Westchester, Putnam and Orange County plans in May 1985. These reviews revealed that letters of agreement with reception and congregate care centers were not included or referenced in the four (4) county plans. FEMA requested that all letters of agreement, that are currently in effect and those to be obtained, should be referenced in the plan as well as be signed and dated. On May 30 and 31, 1985 meetings were held among FEMA, RAC, New York State and Westchester, Orange and Putnam County representatives to discuss the results of the FEMA/RAC plan review.

At that meeting each county stated that most letters of agreement are on file and that they would be submitting them to FEMA through the State shortly.

In a July 1, 1985 letter to FEMA, the State indicated that they agreed to provide a listing of agreements in the plan. The actual agreements are on file and available for FEMA/RAC's review. Furthermore, in a July 18, 1985 letter the State informed FEMA that:

Westchester County has letters of agreement with each reception center. Putnam evacuees go to Dutchess County. There is a letter of agreement with the Dutchess Mall as the primary center. The county is obtaining additional school agreements through the Red Cross. Rockland County school districts have premised their plans on Article 2-B of the Executive Law and the ability of the Chief Executive to

use the facilities during a local emergency declaration. The plan therefore is based upon the Chief Executive's order to open the schools as reception centers (refer pg. IV-43). There are therefore no letters required. Orange County has letters of agreement with each reception center.

On July 26, 1985 FEMA, in a follow up letter to the State, requested a further clarification of the Executive Law 2B. Specifically, FEMA pointed out that the latest State's position appeared to be in conflict with their previous reply to FEMA's June 11, 1984 letter regarding the NYPIRG Petition where they stated that the Executive Law, Article 2-B does not require school districts, or any other units of local governments, to participate in radiological emergency matters.

In the July 26, 1985 letter, FEMA also restated its previous position that letters of agreement are required with schools designated as reception and congregate care centers for each of the four (4) counties including Rockland County.

On August 6, 1985, the State provided FEMA with some letters of agreements with school districts and other types of facilities which serve as Reception and/or Congregate Care Centers. These letters of agreement are primarily from Orange and Westchester Counties. The State has also advised FEMA that they are awaiting copies of the agreements for Putnam County, and will forward them to FEMA upon receipt. With respect to Rockland County, the State replied that:

There are letters of agreement for primary facilities established as Congregate Care Centers for Rockland County. These facilities are adequate to handle the number of evacuees, although additional facilities would be optimum. Diligent good faith efforts by State, County, and Red Cross staff to obtain these additional letters of agreement have been unsuccessful to date.

However, Rockland County and REPG staff will jointly explore the possibility of finding and using other suitable sites where letters of agreement may be obtainable. Furthermore, we have requested the Red Cross to attempt again to obtain letters of agreement and to provide us with copies of the previously signed letters.

By mutual understanding between Rockland County and the participating schools, there are no letters of agreement for the sites which are utilized as Reception Centers. Instead, the schools have agreed to respond and to make their facilities available if the County Chief Executive gives them an order to do so in accordance with a duly executed County disaster declaration. The Rockland County plan has been rewritten accordingly, and adequately demonstrated. I do not forecast that we will obtain letters of agreement with schools which are used as Reception Centers in Rockland County.

Letters of agreement have, however, been obtained for the Reception Centers located in Orange County and utilized by Rockland evacuees.

Because of certain provisions of Article 2-B of the New York State Executive Law, we consider the issue of letters of agreement to be moot. Specifically, section 21.3(f) provides: "the Commission, upon a finding that a municipality is unable to manage local disaster operations, may, with the approval of the Governor, direct the temporary organization to assume direction of the local disaster operations of such municipality, for a specified period of time, and in such uses such temporary organization shall assume direction of such local disaster operations, subject to the supervision of the Commission. In such event, such organization may utilize such municipality's local resources, provided, however, that the state shall not be liable for any expenses incurred in using such municipality's resources."

The New York State Disaster Preparedness Commission has ample power and authority to insure that required local resources will be available.

With respect to Rockland County, FEMA feels that although, the New York State Executive Law, Article 2-B gives the Chief Executive the authority to use the facilities as reception centers, pre-emergency planning is essential to have an effective and coordinated response to a radiological emergency. In summary, FEMA concludes that letters of agreement are required with schools and other facilities designated as reception and congregate care centers in each of the four (4) counties. Until all letters of agreement are provided to FEMA, and found acceptable, this issue remains unresolved.

4. EMERGENCY CLASSIFICATION SYSTEM - NUREG - 0654 - PLANNING STANDARD D

10 C.F.R. 50.47(b)(4)

ASLB's Findings:

No significant deficiencies.

Commission's Comments:

No comments were made regarding this planning standard.

FEMA's Response:

No Federal Action is required.

5. NOTIFICATION METHODS AND PROCEDURES - NUREG-0654 - PLANNING STANDARD E

10 C.F.R. 50.47(b)(5)

ASLB's Findings:

No significant deficiencies, but record inconclusive with respect to the existence of or need for route-alerting or other procedures for the event the siren system fails.

Commission's Comments:

The existence of route alerting procedures remains an issue of fact for which there is no affirmative evidence in the record. The Commission directed the NRC staff to confer with FEMA and report on the status of compliance with this requirement.

FEMA's Response:

Following the 1982 exercise, FEMA recommended that route alerting or other procedures be developed in the event of failure of the siren system. In addition, on December 23, 1983, FEMA asked the State of New York whether or not formal route alerting procedures exist, and in the event that there are no route-alerting procedures in place, how the public would be notified if the siren alerting system malfunctions.

On January 6, 1984, the State of New York responded to our request by stating:

Route Alerting is an established activity in each County. Detailed procedures are not necessary since this response activity is a routine responsibility similar to setting up a roadblock.

FEMA evaluated the State's response and found there is a need for additional clarification with regard to route alerting procedures. The State agreed to provide FEMA with additional information (see FEMA's report of January 30, 1984).

As a result of the May 1985 FEMA/RAC plan reviews, it was determined that route-alerting procedures, to deal with the potential for siren failure, were not incorporated into the plans. At the FEMA/RAC meetings on May 30 and 31, 1985, New York State, Westchester, Putnam and Orange counties indicated that route alerting procedures are in place and will be incorporated into the revised plans. Also, in the July 1, 1985 letter to FEMA, the State indicated that route alerting procedures are in place in the Indian Point area. On July 26, 1985, in the letter to the State, FEMA requested that route alerting procedures be submitted at the earliest date possible. In response, on August 6, 1985, the State informed FEMA that these procedures will be forwarded to our office with the annual plan revisions. As of this date, FEMA has not received the route-alerting procedures.

It should be noted that during the November 28, 1984 exercise a sampling of route alerting was demonstrated in each of the four (4) counties and evaluated by Federal observers. The results of those observations were reported in the Post Exercise Assessment dated February 27, 1985 as follows:

Westchester County

A siren failure was simulated to test backup route alerting procedures. A Westchester County patrol car was deployed with a message card to read over the unit's mobile public address system in the area served by the siren. Although they did not have a specific route map for the area covered by the siren, the drivers knew the local streets well and traversed the required area. They demonstrated route alerting by simulating the use of the public address system.

Rockland County

The objective to demonstrate the ability to provide backup public alerting procedures, if necessary, in the event of partial siren system failure, was partly met. A local police unit equipped with a public address system was dispatched to demonstrate route alerting of the population to be alerted by Siren 25 (around Central Highway and Route 210 in Stony Point) which was simulated to have failed at approximately 1130. Initially, the local police could not locate the siren area map and the mobile unit was delayed in arriving at the field location until approximately 1220. Route alerting was initially demonstrated in the wrong area. After police officers were told of the error, the unit completed their route alerting responsibilities, covering the appropriate area in a satisfactory manner. It is recommended that local organizations with backup route alerting responsibilities should be familiarized with the siren maps and trained to complete this function in a timely manner (i.e., within 45 minutes of the initial notification). Standard operating procedures were recommended.

Orange County

Backup public alerting procedures in the event of a partial siren system failure were successfully demonstrated via the simulated failure of one siren. The territory to be alerted by the failed siren was covered in about an hour. However, in a real emergency three teams would be utilized, providing coverage in about 20 minutes. Resources available for route alerting in a real emergency consist of three fire company automobiles equipped with portable loudspeakers, and two (2) police cruisers. The emergency worker indicated that route alerting would be conducted regardless of siren function in a real emergency.

Putnam County

Backup public alerting procedures, in the event of a partial siren system failure, were successfully demonstrated. Route alerting was completed promptly and effectively by three Putnam County police cars. The police officers had route maps and a written message to read over the mobile public address system.

Also, based on these observations, FEMA determined that standard route alerting procedures are necessary in all four counties as a back-up system to assure that public alerting can be accomplished within 45 minutes of the initial notification.

6. EMERGENCY COMMUNICATION - NUREG-0654 - PLANNING STANDARD F

10 C.F.R. 50.47(b)(6)

ASLB Findings:

Record inconclusive as to adequacy of capability to communicate with emergency workers.

Commission's Comments:

The Commission directed the NRC staff to confer with FEMA and report on the status of compliance with this requirement.

FEMA's Response:

In FEMA's response of January 30, 1984 to the ASLB's Recommendation to the Commission this issue was addressed. At that time FEMA reported as follows:

During radiological exercises, the notification and mobilization of all emergency response organizations, especially those assigned to the EOC are tested. With regard to notification of bus drivers and ambulance drivers some rely on radios, others on telephones.

The New York State Radiological Emergency Communications System (RECS) interconnects Warning Points operated on a 24-hour basis by the Nuclear Facility Operator (NFO), State and the four counties surrounding Indian Point Nuclear Power Stations. This provides a reliable and compatible emergency communications system. There is also installed a backup radio system between the NFO, the county EOCs, and County Warning Points. The system uses the local government radio sets. Communications between contiguous States and counties in the 50-mile ingestion exposure pathway is a New York State responsibility and will be accomplished by the State Warning Point.

Communications with field radiological monitoring teams may be accomplished by four different means:

Primary - Portable mobile radio with each team.

Secondary - Transport of the team by police vehicle equipped with police mobile radio.

Backup - Team may be accompanied by a RACES operator with mobile radio.

Alternate Backup - Furnishing each team with a roll of dimes for use in public pay telephone to relay readings to the County EOC.

The Emergency Medical Communications System provides radio linkage between ambulances (EMS and fire), hospitals, and the County EOC. System includes fixed and mobile radio stations and operates on a 24 hour basis.

Schools are equipped with tone alert radios and commercial telephones. Buses rely on radios and telephones.

There is also a dedicated executive hotline located in the County and State EOCs which is used to keep the four County Executives and the Chairman of the New York State Disaster Preparedness Commission in constant communication to insure a total coordinated effort.

Overall, the key emergency response personnel in all four counties as well as the State are equipped with pagers.

Since FEMA's report to NRC on January 30, 1984, communications capabilities have improved significantly. Additional pagers for officials have been obtained and improvements continue to be made in emergency agencies radio communications. According to the State, they have ordered three state-of-the-art mobile communications vans with satellite capability. The vans include telephone, radio and microwave systems.

In addition, during the November 28, 1984 exercise four (4) counties and the State effectively demonstrated the ability to communicate with all appropriate locations, organizations, and field personnels using primary and backup communication links.

7. PUBLIC EDUCATION AND INFORMATION - NUREG-0654 - PLANNING STANDARD G

10 C.F.R. 50.47(b)(7)

ASLB's Findings:

Public Information brochures and posters were not distributed in Westchester County.

Commission's Comments:

The Commission believes the record suggests that the use of public information measures other than brochures may be desirable, and directed the NRC staff to confer with FEMA and report on the status of this issue.

FEMA's Response:

Since the close of the ASLB proceeding, revised brochures have been distributed in both 1983 and 1984. Brochures were distributed in Westchester, Orange and Putnam Counties in June 1983 and in Rockland County, based on the State Compensating Plan, in August 1983. With Rockland County actively returned to preparedness activities for Indian Point, revised brochures and transient information stickers were distributed in all 4 Indian Point Counties in November 1984.

In December 1984, New York State Radiological Emergency Preparedness Group, in conjunction with New York Power Authority and Con Edison, incorporated emergency information as an insert to telephone directories covering the entire 10-mile EPZ. In addition, as part of the ongoing public awareness program, county civil defense directors have been presenting emergency information workshops for the public on a regular basis.

The 1985 brochure is scheduled for distribution in September of 1985. The New York State Public Education Management Group (PEMG) which is comprised of twenty six (26) state, county and utility officials meets regularly to evaluate the success of public education program and identify strategies to increase its effectiveness.

Currently, the PEMG is working on three statewide public education projects:

- Revision/redistribution of the Radiological Emergency Planning brochure for farmers;
- Development of public education materials specific to schools within 10-mile EPZ's; and
- Investigation of the feasibility of establishing a statewide newsletter, specific to New York State, but generic to all counties and nuclear sites.

In conclusion, FEMA finds the measures undertaken by the State and counties and ongoing effort by the PEMG are adequate to satisfy this Planning Standard.

8. EMERGENCY FACILITIES AND EQUIPMENT - NUREG-0654 - PLANNING STANDARD H

10 C.F.R. 50.47(b)(8)

ASLB's Findings:

No significant deficiencies

Commission's Comments:

No comments were made regarding this Planning Standard.

FEMA's Response:

No Federal Action is required.

9. ACCIDENT ASSESSMENT - NUREG-0654 - PLANNING STANDARD I

10 C.F.R. 50.47(b)(9)

ASLB's Findings:

No significant deficiencies

Commission's Comments:

No comments were made regarding this Planning Standard

FEMA's Response:

No Federal Action is required.

10. PROTECTIVE RESPONSE - NUREG-0654 - PLANNING STANDARD J

10 C.F.R. 50.47(b)(10)

Q.1 ASLB's Findings:

". . .that insufficient attention has been given to protective actions during a severe winter storm . . ."

Commission's Comments:

According to the Commission (Commission Question 4, Page 51) the Board suggested that the Commission consider whether the emergency plans needed modification to provide for alerting the public at the Site Area Emergency classification level, instead of the customary General Emergency Level, when adverse weather conditions were likely to degrade the evacuation routes. The Commission directed the NRC staff to confer with FEMA and provide recommendations to them.

A.1 FEMA's Response:

FEMA, in its response of January 30, 1984 to the ASLB's Recommendation to the Commission on Indian Point, stated:

During the 120-day clock (Aug. 2 - Dec. 2, 1982), New York State provided FEMA with a list and procedures of State, County and private resources available to deal with impediments to evacuation, including snow removal equipment. Details on procedures for the removal of impediments from highways in the event of an Emergency, Attachment 4. (Previously submitted to NRC).

With regard to the ASLB's suggestion to provide a note to the tables advising the decision-makers of additional time required to clear snow; this concern was forwarded to the State on December 23, 1983 for consideration and appropriate action.

In the response letter dated January 6, 1984, the State of New York concluded:

In January 1981, New York State evacuation experts met with PBQ&D, consultants, to resolve level of service (LOS) issues affecting the evacuation times. The issue of weather scenarios was resolved through an agreement to include a range of realistic evacuation times for LOS E capacities representing ideal conditions and LOS D capacities representing less than ideal conditions. Rewriting of the notes on each table was done to ensure provisions to the decision maker of adequate guidelines for selecting an evacuation time corresponding to prevailing conditions. The notes clearly define the capacity conditions. Note 1 was added to each chart to read, "The Evacuation Time (Ranges) Estimates presented in this table are based on operational strategies indicated in the evacuation implementing procedures: (NYS REPP Part II, Section 1.B, Att.6, pgs. 1-16). Inherent in these procedures for each county is evacuation route maintenance, "the effects of weather (snow, rain, ice) traffic accidents, highway construction and other circumstances can impede the movement of evacuating vehicles. Prompt actions will be undertaken to clear evacuation routes of such impediments where possible. Where clearing of the evacuation route is not possible, alternative routes and links will be established with police authorities" (NYS REPP, Part II, Section 1, B. page IP - 56).

"Should decision makers find an evacuation route impassable, police and transportation authorities will provide an alternate route with amended time estimates. Further note should be taken that the

clearance of impassable roads due to severe winter storms will be done prior to an evacuation protective action order and thusly, would not affect the adverse condition tables."

We find the State response to be adequate.

With respect to the issue of alerting the public, the county plans state that at the Site Area Classification Level, in coordination with the Public Information Officer of the NFO, New York State, Putnam, Rockland, Orange and Westchester Counties, the Chief Executive of each county shall order the activation of the public notification system and the Emergency Boardcast System to issue advisories to the news media to notify the general public of the situation and of any protective actions that should be taken.

Since the plans clearly state that the public will be notified no later than at the Site Area Classification Level, regardless of the weather condition, there is no need for the plan modification.

Q.2 ASLB's Findings:

Plans for protection of school children were not finalized.

Commission's Comments:

The Commission directed the NRC staff to confer with FEMA and report on the status of compliance with this requirement.

A.2 FEMA's Response:

According to the State (letter dated April 3, 1985), school districts are participating in emergency preparedness programs. These programs involve superintendent briefings, principal/ teacher training, procedure review and public education material development. Some schools have used their Radiological Emergency Preparedness Plans as a guide for other emergency response.

The current status of the four county plans is as follows:

- * School evacuation is retained in the four county plans as one of the protective actions to be used when schools are in session and an evacuation of the general population is recommended by the Chief Executive of the county or State. Bus companies providing service to individual school districts will maintain their normal responsibilities to the school district until all school children have been moved to their predesignated school reception centers.

School administrators and staff of the schools to be evacuated will assist children in boarding buses and accompany them to the school reception centers where children will be reunited with their families. School reception center administrators will maintain records of children's names, names of persons picking them up, and destinations upon leaving the reception

center. The reception centers that schools children will be evacuated to are listed on the back of maps included in the county-specific public education brochures. In addition, per FEMA's agreement with the State of New York, these reception centers will be specified in EBS messages as a means of parental notification in the event that school evacuation is implemented due to a radiological emergency at Indian Point. The school reception centers will remain in operation until all children have been reunited with their families.

- ° Early dismissal is the preferred precautionary action to be recommended by the Chief Executive of the county or State at the Alert emergency classification level (i.e., in the early stages of an incident before a release occurs). This course of action will result in school children being at home with their families, or persons designated by their families, prior to any general evacuation order. Early dismissal plans have evolved through years of emergency experience and the acceptance of responsibilities by school officials. These plans have been developed by school officials to address varying conditions, such as the breaking of a boiler, fire, blizzards or floods. The objective of the plans is to return children to their homes, or to the home of someone predesignated by the parent in the safest, most expeditious manner. The adaptation of early dismissal in the radiological emergency preparedness plans for Indian Point is based upon the tested success of early dismissal by New York schools that have been exposed to emergencies that require the implementation of such plans. Therefore, it is the State's position (letter dated April 3, 1985) that there is no reason to review or evaluate the specific plans for early dismissal of schools that have been developed by local school officials with parental input.

FEMA's investigation of this matter has revealed the counties have been working with school districts within the 10-mile EPZ of Indian Point to develop radiological emergency plans for schools. For example, Westchester County has completed the development of school radiological emergency preparedness plans for its ten (10) school districts. Those plans are on file at each school and at the county EOC. The school plans are not identical; but rather have been tailored to meet the particular needs of each school district. Also, Rockland County officials in cooperation with the State, have conducted two (2) meetings with local school officials. The purpose of the meetings has been to develop training programs for schools that have response functions (e.g., for protective actions, reception centers, etc,) and to develop public education programs for school staff, students and parents.

Q.3 ASLB's Findings:

In Westchester (as in Rockland) insufficient attention was given to the identification of the non-institutionalized, mobility-impaired populace and assessment of their needs.

Commission's Comments:

The Commission directed the NRC staff to confer with FEMA to determine whether or not the Board's recommendation for additional measures to inform handicapped persons need to be undertaken, and report on this issue.

A.3 FEMA's Response:

In our response to the ASLB's Recommendations to Commission dated January 30, 1984 we stated:

In each of the four (4) counties, including Westchester County, lists of non-institutionalized mobility-impaired individuals have been compiled. These lists were developed from the return "tear-out cards" in the emergency planning brochure, lists of mobility-impaired from county offices of the aging, social services departments, and local public health nurse agencies. The State has assured us that procedures for updating these lists exist in each county.

In addition, during the March 9, 1983 Indian Point Exercise, FEMA evaluated the evacuation of selected non-institutionalized, mobility-impaired persons for Westchester County on a free play basis. The exercise provided us with the basis for testing the capabilities of decision-makers to identify individuals with special needs and to test the knowledge of bus and ambulance drivers to locate those individuals and evacuate them to respective Reception Centers.

Pursuant to FEMA's response dated January 30, 1984 to the Atomic Safety and Licensing Board's Recommendation to the Commission on Indian Point, a program to reach the non-institutionalized mobility-impaired population is an ongoing process. Through public education and annual brochure distributions, individuals requiring special assistance are encouraged to mail back cards incorporated in the brochures. Both Westchester and Rockland Counties demonstrated the proper means and procedures for protecting persons whose mobility may be impaired during the November 28, 1984 exercise. The following evaluations were made by the Federal Observer Team, and can be found in FEMA's Post Exercise Assessment Report dated February 27, 1985.

Westchester County:

A sample of resources necessary to evacuate non-institutionalized mobility-impaired individuals was adequately demonstrated by dispatching an ambulette to simulate the transportation of individuals located at five addresses. A vehicle was dispatched in a timely manner from the garage selected for this exercise. The driver was able to locate the assigned addresses quickly with the aid of good maps. It took about 2 1/4 hours altogether from dispatch to arrival at the reception center, stopping about 5-10 minutes at each of the 5 pickup addresses. The ambulance's radio worked most of the time but did not function well in the northern reaches of the county. Telephone backup was demonstrated.

Rockland County:

The resources necessary to evacuate non-institutionalized mobility-impaired individuals within the 10-mile EPZ in Rockland County were effectively demonstrated. A driver and vehicle representing one transportation company were mobilized and dispatched to simulate the pick up of mobility-impaired persons at five addresses and their transportation to a reception center. This transportation company currently has vehicles capable of holding 10 wheelchairs and expects this capacity to be expanded to 16 wheelchairs in the near future. Based on the performance at this exercise, it was evident that the driver had been trained concerning his route and responsibilities, correcting a previously observed deficiency. It was noted, however, that the transportation company observed at this exercise is open only 12 hours per day Monday through Friday and 8 hours on Saturday. It was suggested that the procedures for notifying this and other companies with responsibilities for transporting noninstitutionalized mobility-impaired individuals be reviewed to ensure that these companies can be notified and resources mobilized on a 24-hour basis.

On May 6, 1985, the State responded to FEMA's recommendation indicating that a review of the procedures for provisions of transportation for the mobility impaired has been undertaken by the Office of Emergency Services. The procedures are being revised to provide a methodology for 24-hour notification and the provision of personnel necessary for adequate resources to address evacuation needs. Actual demonstration of this procedure will be verified by FEMA during the next full-scale exercise.

Q.4 ASLB's Findings:

No letters of agreement for Westchester County bus drivers.

Commission's Comments:

No comments were made regarding this Planning Standard.

A.4 FEMA's Response:

With regard to volunteer bus drivers, the State as well as the bus companies, do not believe that it is necessary to obtain letters of agreement from individual bus drivers.

It is also FEMA's opinion that according to NUREG-0654, letters of agreement are required only with bus companies, but not individual bus drivers. The State maintains that the ongoing training and driver awareness of the REP plan will continue to provide a pool of drivers large enough to accommodate activation of existing evacuation procedures.

In the May 1985 review of the revised Westchester County plan, the Regional Assistance Committee found that letters of agreement were not incorporated or referenced in the plan.

On July 12, 1985, the State of New York provided FEMA with letters of agreement with four (4) transportation companies in Westchester County.

FEMA has reviewed these letters of agreement and found the following:

Bus Company	Vehicle Resources Identified	Ltr. Signed By Bus Co. Date	Ltr. Signed By Westchester County - Date	Termination Date
Vanguard Tours, Inc.	450	11/21/84	Not Signed	Not Identified
Hendrick Hudson School District	22	2/13/85	Not Signed	Not Identified
Chappaqua Transportation Inc.	55	11/27/84	Not Signed	Not Identified
Liberty Lines Transit Inc.	According to the State; operating assistance agreement with the County calls for 300 vehicles	11/27/84	Not Signed	12/31/84

In the July 26, 1985 letter, FEMA informed the State that all four (4) letters of agreement have not been properly executed, since they have not been signed by Westchester County. In addition, FEMA indicated that the letter with Liberty Lines expired on December 31, 1984 and therefore, is no longer valid.

In the response letter dated August 6, 1985, the State of New York concluded:

The commitments have been signed by the transportation providers. With or without the County signature on those documents, the County deems those commitments, to participate in the REP plan, as valid. So do we. Unilateral letters are acceptable. All commitments, with the exception of Liberty Lines, are open ended. There are no expiration dates nor will there be, unless both parties agree to modify the documents.

The "operating assistance agreement" referenced by Liberty in its letter refers to its agreement with Westchester County to operate the County's bus system. As we have previously explained to your office, Liberty Lines serves as the County bus company. Liberty operates County owned buses for the County. Thus, the REP Liberty vehicle agreement is reviewed annually to coincide with its major county contract. The major contract goes well beyond radiological emergency preparedness issues, and as such is not subject to Federal review.

In the August 6, 1985 letter, the State also provided FEMA with the following information with respect to transportation resources in Westchester County:

Buses required (per plan): 432

Buses under contract: 695

FEMA has evaluated the State's response and determined that these letters of agreement are not unilateral and, therefore, need to be signed by all parties involved. FEMA's decision is based on the fact that according to these letters, the Westchester County has certain obligations towards the bus companies. Specifically, these obligations are:

The county shall indemnify and hold harmless the Participant and its officers, agents, and employees from all claims and liabilities for bodily injury or property damage arising out of the use by the County of the Participant's facilities, equipment, or personnel under this Agreement; provided, however, that the duty on the part of the County to indemnify and save harmless prescribed by this action shall not arise (a) where the injury or damage resulted from intentional wrongdoing, recklessness or negligence on the part of the Participant or its officers, agents, or employees; or (b) with respect to any claim for which the County is immune from liability pursuant to Section 25(5) of Article 2-B of the Executive Law; or (c) in the event that the involved utilities shall expressly assume such duty to indemnify and hold harmless.

The County shall reimburse the Participant for all reasonable and necessary costs incurred as a result of Participant's assistance to the County pursuant to the terms of this agreement.

With respect to Liberty Lines, FEMA will continue to require proof of agreement between the county and bus companies and the number of vehicles that would be available in case of a radiological emergency.

In conclusion, FEMA finds that the issue of letters of agreement remains unresolved until all necessary documentation establishing the existence of these contracts with bus companies is provided by the State including:

- * signatures of all parties involved;
- * a current contract with Liberty Bus Lines that includes information as to available bus resources including type of vehicle to be provided.
- ° Provisions related to the period of time covered by the contract, i.e., information concerning contract expiration/termination provisions.

These concerns are again being communicated to the State of New York.

Q.5 ASLB's Findings:

FEMA should review the need for better communication with the non-english speaking population including publication of brochures and posters in Spanish, if warranted.

Commission's Comments:

The Commission indicated that the licensees criticized the last Board conclusion, arguing that there were few "unsupported non-English speakers in the EPZ" and no single foreign language was predominant. Furthermore, the Commission stated that if the licensees' comment is correct, they doubt that such measures are warranted. The Commission directed the NRC staff to confer with FEMA to determine the validity of this issue.

A.5 FEMA's Response:

The joint FEMA/NRC Guidance Memorandum (G.M.) #20 entitled, Foreign Language Translation of Public Education Brochures and Safety Messages, provides guidance on this issue. It takes the Voting Rights Act of 1965 with Amendments of 1975 and 1982 (Public Law 94-73) as a point of departure. Under this law the Director of the Bureau of the Census is required to identify those States and political subdivisions where more than 5% of the citizens of voting age are members of a single language minority. Political subdivisions are defined by the Act as counties and independent cities, except for certain cases such as Louisiana where parishes are the "equivalent" subdivision. GM #20 states:

Licensees, States, and local governments should provide public education and information (brochures and safety messages) translated into a foreign minority language, if the number of the foreign minority population of voting age exceeds 5% of a surrounding county's or equivalent population. Such a county or equivalent is covered under the Act and is already under an obligation to provide bilingual ballots and voters services.

Furthermore, this memorandum recommends that:

If minority language individuals in the Plume Exposure Pathway EPZ do not exceed 5% of the population and there are no foreign language materials provided, other efforts should be made to afford them protection similar to that provided to the general population.

During the 120-day clock, a survey was conducted by the New York State PIO work group to determine whether there were any persons living in the Indian Point 10-mile emergency planning zone who did not speak/read English and, if so, what their primary languages are. This survey identified several relatively small non-English-speaking communities; however, these communities did not amount to the 5% of the total

population. Based on this survey, New York State recommended meeting with the non-English speaking communities, social and religious leaders as a more effective way of reaching the non-English speakers.

On November 18, 1982 FEMA reviewed the recommendations for addressing information needs of non-English speaking persons residing in the Indian Point 10-mile EPZ and found it to be acceptable. FEMA agreed that it would be impractical to develop brochures in languages other than English considering the limited number of non-English speaking residents.

According to the State's letter of July 1, 1985, there is still no evidence of the need for additional provisions for the non-English speaking population at this time. A Hassidic community in Rockland County has been provided with an alert/notification system whereby community leaders can provide notification and instructions in Yiddish. Reports of Hispanic population have been investigated and the small population was found to be mostly bilingual.

FEMA found that efforts undertaken by the State and county are adequate and a further study does not appear warranted.

Q.6 ASLB's Findings:

Record inconclusive with respect to protective response planning in the ingestion pathway EPZ.

Commission's Comment:

The Commission directed the NRC staff to confer with FEMA and report on the status of compliance with this Planning Standard.

A.6 FEMA's Response:

FEMA in its response of January 30, 1984 to the ASLB's Recommendation to the Commission already stated that during the 120-day clock (Aug. 2 - December 2, 1982), the issue of surface water inventory and dairy farms was investigated. New York State demonstrated to the RAC that surface water inventories and maps identifying the location of produce farms as well as dairy farms from 10 to 50 miles around Indian Point were compiled and are available. Based on our review of these maps, we found they are acceptable and are in full compliance with planning element J.11.

As of this date, the New York State plan remains in compliance with this planning standard.

11. RADIOLOGICAL EXPOSURE CONTROL - NUREG-0654 - PLANNING STANDARD K

10 C.F.R. 50.47 (b) (11)

ASLB's Findings:

No significant deficiencies, but record inconclusive as to the adequacy of provisions for disposal of contaminated waste water.

Commission's Comments:

No comments were made regarding this Planning Standard. However, the Commission directed the NRC staff to confer with FEMA and provide them with recommendations.

FEMA's Response:

Since the closing of the Atomic Safety and Licensing Board record, the (4) four counties have incorporated procedures into the plans for disposal of liquid waste generated by decontamination of personnel and equipment. These procedures are in accordance with guidance supplied by the EPA Region II RAC member for disposal of such emergency generated waste. However, in the latest FEMA/RAC review, dated May 1985, the pertinent criteria element, K.5.b, has been rated inadequate. This rating was made because of a recent awareness of the New York State Environmental Conservation Law which may require an environmental impact statement and/or the obtaining of a permit to allow for the implementation of the procedures. FEMA has requested from New York State an interpretation as to the applicability of this law.

On July 23, 1985, the State informed FEMA that Article 2-B of the Executive Law contains a provision which serves to resolve this issue. Specifically Section 29-A provides that "the Governor may by executive order temporarily suspend specific provisions of any status, local law, ordinance, or orders, rules or regulations or parts thereof, of any agency during a State disasters emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the disaster.

FEMA has evaluated the State's response and found it acceptable for those situations in which the Governor declares a state disaster emergency. However, further classification is needed for those situations in which the county is in command and control (no state declaration).

12. MEDICAL AND PUBLIC HEALTH SUPPORT - NUREG-0654 - PLANNING STANDARD L

10 C.F.R. 50.47(b)(12)

ASLB's Findings:

No significant deficiencies.

Commission's Comments:

No comments were made regarding this Planning Standard.

FEMA's Response:

No Federal Action is required.

13. RECOVERY AND REENTRY PLANNING AND POSTACCIDENT OPERATION - NUREG-0654
PLANNING STANDARD M

10 C.F.R. 50.47(b)(13)

ASLB's Findings:

No significant deficiencies.

Commission's Comments:

No comments were made regarding this Planning Standard.

FEMA's Response:

No Federal Action is required.

14. EXERCISES AND DRILLS - NUREG-0654 - PLANNING STANDARD N

10 C.F.R. 50.47(b)14

ASLB's Findings:

No significant deficiencies.

Commission's Comment:

No comments were made regarding this Planning Standard.

FEMA's Response:

No Federal action is required.

Commission's Comment:

No comments were made regarding this Planning Standard.

FEMA's Response:

No Federal action is required.

15. RADIOLOGICAL EMERGENCY RESPONSE TRAINING - NUREG-0654
PLANNING STANDARD O

10 C.F.R. 50.47(b)(15)

ASLB's Findings:

Training of emergency workers was deficient-record inconclusive as to the extent of this deficiency. Training manual was deficient.

Commission's Comments:

No comments were made regarding this Planning Standard. However, the Commission directed the NRC staff to confer with FEMA and report on the status of this training.

FEMA's Response:

FEMA in its response to the ASLB's Recommendation to the Commission of January 30, 1984 determined that the training of emergency workers having a role in the plan was adequate. Since that time, the State provided FEMA with the detailed summary of training conducted in 1984 of all appropriate categories of emergency workers. FEMA is still awaiting the details of training in 1985 (see also FEMA's comments on the status of Emergency Planning in Rockland County).

During the November 28, 1984 exercise most participants were well trained and demonstrated the capability and knowledge necessary to deal with a radiological emergency.

16. RESPONSIBILITY FOR THE PLANNING EFFORT: DEVELOPMENT PERIODIC REVIEW
AND DISTRIBUTION OF EMERGENCY PLANS - NUREG-0654 - PLANNING STANDARD P

10 C.F.R. 50.47(b)(16)

ASLB's Findings:

No significant deficiencies.

Commission's Comments:

No comments were made regarding this Planning Standard.

FEMA's Response:

No Federal Action is required.

III. Commission Question: Improvements in Emergency Planning

The Commission posed the following question:

What improvements in the level of emergency planning can be expected in the near future, and on what time schedule, and are there other specific offsite emergency procedures that are feasible and should be taken to protect the public?

This question deals with several issues which for clarity reasons, have been addressed under appropriate NUREG-0654, Planning Standard in Section II above. Specifically, those issues were:

- whether the emergency plans needed modification to provide for alerting the public at the Site Area Emergency Level instead of the customary General Emergency Level, when adverse weather conditions were likely to degrade the evacuation routes. (addressed under Planning Standard J, Q.1).
- whether additional assistance should be provided for communicating with handicapped in a densely populated areas (addressed under Planning Standard J, Q.3).
- whether there is the need for better communication with the non-English speaking population (addressed under Planning Standard J, Q.5).

This concludes FEMA's response to Mr. Jordan's June 17, 1985 letter to Mr. Krimm.