

MAR 07 1986

Docket No. 50-286

Power Authority of the State of New York
Indian Point 3 Nuclear Power Plant
ATTN: Mr. William Josiger
Resident Manager
P. O. Box 215
Buchanan, New York 10511

Gentlemen:

The enclosed FEMA Region II status report on the Indian Point Special Proceeding Decision (CLI-85-08) contains a schedule of offsite emergency preparedness deficiencies which remain unresolved. We ask that you continue to work with the State and local governments in the resolution of these unresolved items.

If you have questions concerning this matter, please contact Mr. William Lazarus, (215) 337-5207, of my staff.

Sincerely,

Original Signed By:

Terry L. Harpster, Chief
Emergency Preparedness Section
Division of Radiation Safety
and Safeguards

Enclosure: As stated

cc w/encl:

L. W. Sinclair, President
J. P. Bayne, First Executive Vice President and Chief Operations Officer
J. C. Brons, Senior Vice President - Nuclear Generation
Gerald C. Goldstein, Assistant General Counsel
A. Klausmann, Vice President - Quality Assurance
F. X. Pindar, Quality Assurance Superintendent
G. M. Wilverding, Chairman, Safety Review Committee
M. Blatt, Director, Regulatory Affairs (Con Ed)
NRC Licensing Project manager
Dept. of Public Service, State of New York
FEMA Region II
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
State of New York

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Power Authority of the State
of New York

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bcc w/encl:
Region I Docket Room (with concurrences)
DRP Section Chief

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3/7/86~~

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Haberster
3/7/86~~

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Federal Emergency Management Agency

Washington, D.C. 20472

FEB 5 1986

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

FROM: *Richard W. Krimm*
Richard W. Krimm
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 December 6, 1985, requesting a status report on certain items mentioned in the Commission decision on the special proceeding on the Indian Point Nuclear Power Plant (CLI-85-06). The following items remained unresolved at the time of our August 30, 1985 memorandum:

- 1) Letters of agreement for reception centers and congregate care centers in all four counties in the Indian Point 10-mile Emergency Planning Zone (EPZ),
- 2) Letters of agreement with bus companies in Westchester County,
- 3) Procedures for route alerting in all four counties, and
- 4) Procedures for disposal of contaminated waste water when the county (rather than the State) is in command and control.

Attached is a status report prepared by Region II of the Federal Emergency Management Agency (FEMA). Since August 1985, annual plan revisions have been received by Region II for three of the four counties involved in the Indian Point 10-mile EPZ, i.e., Westchester, Rockland and Putnam Counties. No revisions have been received for the Orange County plan.

- 1) FEMA has received some letters of agreement and found them to be acceptable. However, plan revisions submitted since August 1985 for Westchester, Rockland and Putnam Counties contain no new letters of agreement regarding reception centers. No 1985 plan revision was submitted for Orange County. To date, FEMA has not received all of the necessary letters of agreement with respect to the availability of facilities for use as congregate care centers. As a result, FEMA's position on this item, as stated in our August 30, 1985, memorandum, remains unchanged. FEMA concludes that letters of agreement are still required with schools and other facilities designated as reception and congregate care centers in each of the four counties. Until letters of agreement are submitted to FEMA and found acceptable, this issue remains unresolved.

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- 2) FEMA has received no additional material since the August 30, 1985 report with regard to letters of agreement with bus companies in Westchester County. As we said then, the issue of letters of agreement with these companies remains unresolved until all necessary documentation establishing the existence of these contracts with bus companies is provided by the State.
- 3) A sample of route alerting was evaluated in all four counties in the November 28, 1985 Indian Point exercise. In addition, the plan revisions in the Westchester, Rockland and Putnam County plans are adequate and close the issue of route alerting for these three counties. When the route alerting message is formally inserted in the Orange County plan, this issue will be closed. Until the Orange County plan has been revised, this issue will remain unresolved for Orange County.
- 4) FEMA's position remains unchanged on procedures for the disposal of contaminated waste water when the county is in command and control. The New York State procedure is acceptable for situations when the Governor declares a state of emergency. However, further clarification is needed for situations when the county is in command and control (i.e., no State declaration).

FEMA's Region II is continuing to work with the State of New York on these outstanding items. However, due to the fact that the State must work with the Counties to obtain the remaining material required to close out the open issues, it is not possible to make a firm estimate of the time required for completing the necessary corrective actions. At the present time, New York is actively moving towards a resolution of all open issues mentioned above. We hope this information is useful to you. If you have any more questions, please feel free to call me at 646-2871 or Robert S. Wilkerson at 646-2861.

Attachment
As Stated



Federal Emergency Management Agency

Region II

26 Federal Plaza

New York, New York 10278

February 3, 1986

Memorandum For: Richard W. Krimm
Assistant Associate Director
Office of Natural & Technological Hazards
From: *Philip M. McIntire*
Philip M. McIntire, Chief
Natural & Technological Hazards Division
Subject: Status Report on Indian Point Special
Proceeding Decision (CLI-86-06)

Enclosed please find the status report on the offsite preparedness for the Indian Point site. Although New York State has made progress since our August 20, 1985 status report, additional work needs to be done before all outstanding issues can be closed. Due to the fact that the state must work through the counties to obtain the remaining material required to close out the opened issues, a firm estimate of the time required for completing these remaining corrective actions cannot be made. At the present time, New York State is actively moving towards a resolution of all open issues.

If you have any questions, please call me at (212) 264-8385.

Encl.

Status Report

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

FEMA Region II
New York, New York

January 31, 1986

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1. 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 the existence of letters of agreement with reception and congregate care facilities.

Commission 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.

FEMA August 1985 Position:

Issue remains unresolved.

Progress Since August 1985 Update:

Annual plan revisions have been submitted for three of the four counties involved in the Indian Point plume exposure EPZ, Westchester, Rockland, and Putnam. No plan revisions have been received for the Orange County plan.

Rockland County

The 10/85 revision of the Rockland County Plan designates the following seven (7) facilities as reception centers:

- Nanuet Senior High School
- Pearl River High School
- Salvation Army Training Center
- Spring Valley Junior High School
- Spring Valley Senior High School
- Suffern High School
- Tappan Zee High School

The Rockland County Plan lists (page M-2) a letter of agreement between the Salvation Army and Rockland County. FEMA has not received a copy of this letter for review and therefore cannot judge the adequacy of this letter of agreement. With regard to the use of school facilities as reception centers, the following is the New York State position as expressed in a December 27, 1985 letter:

Rockland County - the County Emergency Management Director contends that existing commitments between the County Chief Executive and schools whose facilities are targeted as reception centers are sufficient to insure the use of these facilities. This is the same position that was articulated in our letter to you on August 6, 1985.

Westchester County

The 9/85 revision of the Westchester County Plan designates the following ten (10) facilities as reception centers:

- Van Wyck Junior High School
- R. C. Ketcham High School
- John Jay High School
- Pawling High School
- White Plains High School
- Westchester Community College
- Port Chester Middle School
- Harrison High School
- Ardsley Middle School
- Fox Lane High School

The following is the New York State position as expressed in the December 27, 1985 letter:

Westchester County - You have received all appropriate letters of agreement for this county in our letter to you dated August 6, 1985.

The August 6, 1985 New York State letter enclosed acceptable letters of agreement for the Ardsley Middle School and the Harrison High School. In addition, letters from the following schools or school districts were enclosed which indicate that the respective schools or school districts are participating in the "Indian Point Radiological Emergency Response Plan and Procedure for Westchester County, New York" without specifying what roles or resources were being committed:

- North Salem Central School
- Solomon Schechter School of Westchester
- Port Chester-Rye Union Free School District
- Katonah-Lewisboro School District
- Saint Patrick's School
- Dobbs Ferry Union Free School District
- White Plains Public School District
- Rye City School District

A letter was enclosed for the Fox Lane High School which listed the emergency coordinator's name and phone numbers, but did not commit the use of any school resources.

Putnam County

The 9/85 revision of the Putnam County Plan designates the following three (3) facilities as reception centers:

- Dutchess Mall
- Van Wyck Junior High School
- R. C. Ketcham High School

The following is the position of New York State as expressed in the December 27, 1985 letter:

Putnam County - In FEMA's response to Commission on Indian Point (dated May 8, 1985), you indicated "Putnam evacuees go to Dutchess County. There is a letter of agreement with Dutchess Mall as the primary center."

FEMA has not received a copy of the letter of agreement with the Dutchess Mall for review and therefore cannot judge the adequacy of this letter of agreement.

Orange County

Since there have been no revisions submitted for 1985, the 10/84 revision of the Orange County Plan designates the following five (5) facilities as reception centers:

Newburgh Free School
Temple Hill School
Middletown High School
South J High School
Warwick Valley Middle School

The following is the New York State position as expressed in the December 27, 1985 letter:

Orange County - You have received all appropriate letters of agreement in for this county in our letter to you dated August 6, 1985.

Acceptable letters of agreement between Orange county and the following schools or school districts were enclosed with August 6, 1985 New State letter:

Orange - Ulster BOCES
Monroe-Woodbury Central School District
Enlarged City School District of Middletown
Newbury City School District

A letter of agreement with the Highland Falls/Fort Montgomery Central School District was also enclosed, however, this agreement was not signed by the County.

All Counties

FEMA has not received, for review, all of the necessary letters of agreement with respect to the availability of facilities for use as Congregate Care Centers. It is understood that the American Red Cross generally operates these facilities and that the letters of agreement would be between the facility owner and the Red Cross. In order to assure that the facilities designated as Congregate Care Centers in the respective County Plans are available, FEMA must be provided copies of the letters of agreement for the facility use.

Evaluation

The FEMA position stated in the August 20, 1985 Response to the Commission Decision remains unchanged. FEMA has received some letters of agreement which were reviewed and found acceptable. New York State has advised FEMA in a January 29, 1986 letter, that they will pursue aggressively the signing of the remaining letters of agreement. Until these documents are received, there is no reason to change the FEMA position which was:

"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 letters of agreement are provided to FEMA, and found acceptable, this issue remains unresolved".

2. 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 routine-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 August 1985 Position:

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.

Progress Since August 1985 Update:

The 10/85 revision of the Rockland County Plan states the following:

RCS-1, 5.3.8.10:

"If notified of a siren failure utilize the patrol or local police to provide route alerting."

"NOTE: Route alerting maps and messages are available in police vehicle emergency kits."

RCS-2, 5.3.2:

"If requested, route alerting for siren failures should be performed utilizing maps and message cards contained in the vehicle kit."

The 9/85 revision of the Westchester County Plan gives (page 2-93) a procedure for route alerting in the event of siren failure.

The 9/85 revision of the Putnam County Plan gives (pages LE-43 to 47) a procedure for route alerting in the event of siren failure.

No 1985 revisions have been received for the Orange County Plan, however, in a New York State letter to FEMA dated January 29, 1986, a page is enclosed which gives the procedure for use in the event of siren failure. It is assumed that this page will be inserted in the next plan revision of the Orange County Plan.

Also enclosed in the December 27, 1985 New York State letter are maps of the individual routes for each siren in all four (4) counties.

Evaluation:

As discussed in the August 1985 update, a sampling of route alerting was evaluated in all four counties in the November 28, 1985 Indian Point Exercise. The plan revisions in Rockland, Westchester, and Putnam County Plans discussed above close this issue for these three (3) counties.

When the routine alerting message is formally included in the Orange County Plan, this issue will be closed. Until the Orange County Plan has been revised this issue remains unresolved for Orange County.

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

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

ASLB's Findings:

No letters of agreement from Westchester County bus drivers.

Commission's Comments:

No comments were made regarding this Planning Standard.

FEMA August 1985 Position:

Letters of agreement are required only with bus companies, but not individual bus drivers.

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:

- o signatures of all parties involved;
- o a current contract with Liberty Bus Lines that includes information as to available bus resources including type of vehicle to be provided.

Progress Since August Update:

The 9/85 revision of the Westchester County Plan lists the same four (4) transportation companies as providers of buses as those reviewed in the August 1985 FEMA Update.

FEMA has received no additional material since development of the August 20, 1985 Response to the Commission with regard to letters of agreement with bus companies in Westchester County.

Evaluation:

The FEMA position stated in the August 20, 1985 Response to the Commission Decision remains unchanged. Since there has been ^{no} new information submitted to FEMA, there is no reason to change the FEMA position, which was:

"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:

- o signatures of all parties involved;
- o a current contract with Liberty Bus Lines that includes information as to available bus resources including type of vehicle to be provided."

4. RADIOLOGICAL EXPOSURE CONTROL - NUREG-0654 - PLANNING SCHEDULE 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 August 1985 Position:

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).

Progress Since August 1985 Update:

A December 27, 1985 New York State letter to FEMA stated the following:

The procedures for disposal of contaminated waste water when the county is in command and control remains an open issue until USEPA provides New York State a letter to confirm that the proposed method of disposal of contaminated waste water does not pose a significant environmental or public health threat.

Evaluation:

As discussed in the August 1985 Update, the FEMA concern involved cases where there is no Governor's declaration of a state disaster emergency. FEMA understands it is the New York State position that such a declaration allows the Governor to temporarily suspend specific provisions of the New York State Environmental Conservation Law. The issue is not the USEPA position on waste water disposal. The issue is "How does the New York State Environmental Conservation Law apply to the counties?" The FEMA position as stated in the August Update remains unchanged:

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).