

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Feb 25, 2003 08:32

PAPER NUMBER: LTR-03-0099

LOGGING DATE: 02/25/2003

ACTION OFFICE: EDO

To: Collins, NRR

AUTHOR: Joseph Picciano

AFFILIATION: NY

ADDRESSEE: Edward Jacoby

SUBJECT: Radiological emergency preparedness program--Indian Point Energy center ...

CYS: EDO
DEDMPS
DEDR
DEDM
AO
NSIR
RI

ACTION: Information

DISTRIBUTION: RF

LETTER DATE: 02/21/2003

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES:

FILE LOCATION: Adams

DATE DUE:

DATE SIGNED:

Template: SECY-017

E-RIDS: SECY-01



Federal Emergency Management Agency

Region II

Jacob K. Javits Federal Building

26 Federal Plaza, Room 1307

New York, NY 10278-0002

February 21, 2003

Mr. Edward F. Jacoby, Jr., Director
New York State Emergency Management Office
Building #22, Suite 101
1220 Washington Avenue
Albany, New York 12226-2251

RE: Radiological Emergency Preparedness Program – Indian Point Energy Center
Response Due: May 2, 2003

Dear Mr. Jacoby:

Please find enclosed five copies of the Final Exercise Report for the Indian Point 2 Full-Participation Plume Exposure Pathway conducted September 24, 2002 (Attachment A). The State of New York and the counties of Westchester, Rockland, Orange and Putnam in New York, and Bergen in New Jersey participated during the exercise.

There were no Deficiencies and thirteen Areas Requiring Corrective Action (ARCAs) identified as a result of this exercise. There are also six unresolved ARCAs from the November 2000 plume exercise and one ARCA that remains unresolved from the May 1999 ingestion pathway exercise. Twenty-two prior ARCAs were adequately demonstrated and are now closed.

In addition to the Exercise Report, please find attached an update of our review of the 2000 plans for the State and the four risk counties including a review of the plan changes submitted in 2002 (Attachment B). The attached identifies all the plan issues previously raised by FEMA in past reviews and cross-references them against the State's independent. We have included additional information on the status of each plan issue identified. As you are aware, the State agreed to update all plans prior to the September 24, 2002, exercise. It is important to note that significant planning items have yet to be addressed almost five months after the September exercise.

No exercise finding rose to the level of a Deficiency as defined in 44 C.F.R. Part 350. However, based on the absence of corrected and updated plans from the counties and State, as outlined in the enclosures, at this time, I am not able to provide a final recommendation of "reasonable assurance" that the county and State officials can take appropriate measures.

The primary concern of FEMA is the health and safety of the public. The State and FEMA, as demonstrated by our efforts and cooperation in the REP Program over the last 20 years, have always worked closely in resolving any issues regarding emergency preparedness. If the State of New York, as previously requested, can provide updated plans on or before May 2, 2003, then this decision will be re-evaluated. If, in the event the State is unable to do so, in my capacity as Acting Regional Director, I will proceed with advising FEMA headquarters that I cannot provide a recommendation of reasonable assurance that the State and local plans are adequate to protect the health and safety of the public. In this event, FEMA headquarters would notify the Nuclear Regulatory Commission (NRC) and the Governor of New York State of the decision.

During this process, if initiated, you will have an opportunity to provide a plan for corrective action with a negotiated completion date from FEMA. Failure to comply would result in formal notification to the NRC that "reasonable assurance" cannot be issued. In any event, Region II and our FEMA headquarters will assist the State in addressing all planning issues.

Please feel free to contact me for further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Picciano", is written over a vertical line that extends from the top of the signature down to the typed name below.

Joseph Picciano
Acting Regional Director

Attachments



Exercise Report

INDIAN POINT 2 NUCLEAR POWER STATION

Licensee:	ENTERGY
Exercise Date:	September 24, 2002
Report Date:	February 21, 2003

**FEDERAL EMERGENCY MANAGEMENT AGENCY
REGION II
26 Federal Plaza
New York, New York 10278**

I. EXECUTIVE SUMMARY

On September 24, 2002, the Federal Emergency Management Agency (FEMA) evaluated an exercise in the plume exposure pathway around the Indian Point 2 Nuclear Power Station. Specifically, the purpose of the exercise was to assess the level of State and local preparedness in responding to a radiological emergency in the 10 mile Emergency Planning Zone (EPZ). This exercise was held in accordance with FEMA's policies and guidance concerning the exercise of State and local radiological emergency response plans (RERP) and procedures.

FEMA wishes to acknowledge the efforts of the many individuals in New York State; Westchester, Rockland, Orange, and Putnam Counties; and Bergen County, New Jersey who participated in this exercise.

Protecting the public health and safety is the full-time job of some of the exercise participants and an additional assigned responsibility for others. Still others have willingly sought this responsibility by volunteering to provide vital emergency services to their communities. The cooperation and teamwork of all participants were evident during this exercise.

This report contains the final evaluation of the biennial exercise and the evaluation of the following out-of-sequence activities in Orange, Putnam, Rockland and Westchester counties: Reception Centers; Congregate Care Centers; Emergency Worker Personnel Monitoring Centers; General and Special Population Bus Companies; School Bus Companies; Traffic Control Points; School Interviews; Medical Drills and Siren Tests.

Exercise Results

The State and local organizations, except where noted in this report, satisfactorily demonstrated knowledge of their emergency response plans and procedures and adequately implemented them. While no Deficiencies were identified during the exercise, thirteen (13) Areas Requiring Corrective Action (ARCAs) were identified and are discussed in more detail in this report. Seven of these involved the Joint News Center and the provision of information to the media and the general public. The remaining were county operational ARCAs.

In addition, twenty-one ARCAs from the previous exercise have been resolved; thirteen were resolved either immediately (at the time of demonstration) or on follow-up before December 31, 2000. One ARCA, concerning dose assessment at the State EOC, was resolved at the full-scale exercise for the Nine Mile Point plant on December 4, 2001. Five ARCAs from the November 2000 plume phase exercise and one ARCA from the May 1999 ingestion exercise remain unresolved. The prior ARCAs that either were or were not resolved at the September 2002 exercise are described in this report.

Planning Issues

FEMA Region II staff, assisted by the Regional Assistance Committee (RAC), composed of representatives of 11 federal agencies, performed a review of the State and county Radiological Emergency Response Plans and procedures for Indian Point. The results of that review were provided to the State on January 15, 2002. This was followed up with a letter dated December 3, 2002, which summarized remaining concerns and the State's commitment to take corrective action. Although the State and counties have responded to a number of FEMA's concerns with the plans as described in the plan review, there remain weaknesses in the plans. Some of these concerns were included in the State's own draft report "Review of Emergency Preparedness at Indian Point and Millstone"¹ (the State Report). While FEMA's review is more comprehensive, the State Report did validate a number of our previous findings. Moreover, we value many of the findings in the State Report and understand the concerns it generated among State and local officials surrounding the facility. It should be noted that all of the planning findings in the State Report were previously raised by FEMA, and the State and counties have previously agreed to correct the weaknesses or to provide missing information. FEMA's updated plan review "Reviews of the Radiological Emergency Response Plans for the State of New York, and the Indian Point Counties" (based on the State and county 2002 plans) includes similar planning issues raised by the State in its own report. This review is provided under separate cover and includes further comment on the State Report and related information. Among the issues raised in FEMA's updated plan review, the most significant outstanding planning issues include:

1. Neither the State nor the counties have submitted their *Letters of Agreement* for FEMA review in order to determine the availability of resources needed by the counties in event of an incident at the plant.
2. *The Joint News Center Procedures and Public Education Workplan*, which is the basic procedure for dissemination of information to the public during a response to an emergency at the plant, is inadequate and continues to interfere with performance, as noted during both the 2000 and 2002 exercises.
3. The plans do not yet have the information from the *Updated Evacuation Time Estimates* (ETE) that have been prepared to reflect new demographics as well as shadow evacuation. Without the updated ETEs, the plans do not reflect the latest information on the time(s) it would take to evacuate the population of an emergency response planning area under various conditions (i.e., time of day, day of week, time of year, weather conditions, etc

¹ "Review of Emergency Preparedness at Indian Point and Millstone – Draft," James Lee Witt Associates, LLC, January 10, 2003.

4. While the procedures for schools in the plans are adequate, the individual school district, pre-school and day care center plans also need to be submitted to FEMA for review.

New York State Report Findings

On August 1, 2002, Governor George Pataki announced that James Lee Witt Associates (JLWA) would conduct a comprehensive and independent review of emergency preparedness around the Indian Point Energy Center and that portion of New York that is near the Millstone Nuclear Power Plant located in Connecticut. On January 10, 2003, a draft report entitled "Review of Emergency Preparedness at Indian Point and Millstone" was released by JLWA for public comment. Comments on this draft State report were to be submitted by February 7, 2003.

FEMA has reviewed the draft State report and prepared written responses to the major findings contained in the report. FEMA believes that the draft State report raises a number of issues that should be considered for enhancing the level of preparedness in the communities surrounding the Indian Point Energy Center. These include better education of the public, more training of offsite responders and improved emergency communications. Some of these issues should be evaluated for their applicability program-wide. However, FEMA also believes that a number of issues raised by the state report are not supported by FEMA's own exercise evaluations, plan reviews and knowledge of the REP Program.

FEMA's detailed responses to these issues can be found in the second attachment to the letter to the Director of the New York State Emergency Management Office entitled "Reviews of the State and County Radiological Emergency Response (REP) Plans for the Indian Point Energy Center and Comments on the REP Program, Planning and Exercise Issues Raised by Others." FEMA will obtain and review the final state report when it is released to ensure that any revisions that could affect our final determination are taken into consideration.

Out-of-Sequence Activities

Numerous out-of sequence activities were demonstrated and evaluated as part of the 2002 exercise for Indian Point. Out-of-sequence activities are demonstrations of facilities and knowledge of procedures that occur out of sequence with the full-scale exercise scenario. The following activities were conducted and evaluated by FEMA personnel in order to develop a better understanding of the level of preparedness:

- 18 School Interviews
- 10 School Bus Company Interviews
- 9 Special Population Bus Company Interviews
- 8 Congregate Care Centers

4 Reception Centers
4 Emergency Worker Personnel Monitoring Centers
6 Traffic Control Points
4 Medical MS-1 Drills
Full-System Siren Test – March 26, 2002

Conclusions

Although, as noted above, no exercise finding rose to the level of a Deficiency as defined under 44 CFR Part 350, at this time, FEMA, in the absence of fully corrected and updated plans for the counties and State, cannot provide “reasonable assurance” that appropriate measures can be taken in the event of a radiological emergency. However, should the State of New York provide complete plans on or before May 2, 2003, with a schedule of corrective actions to address the exercise issues, then this decision will be re-evaluated. If the State is unable to do so, FEMA will proceed with notification to FEMA Headquarters that assurance cannot be provided regarding the adequacy of the plans to protect the health and safety of the public. At that time, FEMA headquarters would notify NRC and the Governor of the decision.

FEMA and the State of New York and the counties in the emergency planning zone have worked together to assure the safety and health of the public in the event of an incident at Indian Point Energy Center. FEMA anticipates that the planning issues cited above and the exercise issues described in the report will be addressed and resolved in a timely fashion.