



Entergy

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Michael R. Kansler  
President

May 1, 2003

**VIA FEDERAL EXPRESS**

Joseph Picciano  
Acting Director  
Federal Emergency Management Agency  
26 Federal Plaza  
New York, New York 10278

Re: **Indian Point Energy Center**

Dear Mr. Picciano:

Enclosed are discussion papers submitted by Entergy Nuclear Operations, Inc. ("Entergy") to demonstrate there is no basis for FEMA to retract its long-standing "reasonable assurance" determination that the State of New York (the "State") and the Counties of Westchester, Rockland, Orange and Putnam (collectively, the "Counties") have sufficient agreements and resources in place to take appropriate protective measures in the unlikely event of a radiological emergency.

In the cover letter to its February 21, 2003 Exercise Report concerning Indian Point 2 Nuclear Power Station ("Final Exercise Report"), FEMA Region II stated it could not, at that time, "provide a final recommendation of 'reasonable assurance' that the county and State officials can take appropriate measures." The Final Exercise Report, which evaluated an emergency response exercise that took place in September 2002, found no deficiencies in the emergency responses of the State or the Counties.

FEMA, however, noted four planning issues that required further action and requested that the State and the counties address these issues by May 2, 2003: (1) the Counties had not made copies of their Letters of Agreement ("LOAs") with emergency response organizations available for FEMA review; (2) the Joint News Center Procedures and Public Education Workplan ("JNCP") was inadequate; (3) the County Radiological Emergency Plans ("REPs") did not yet incorporate information from the Updated Evacuation Travel Time Estimates ("ETEs") to reflect new demographics and shadow evacuation; and (4) individual school districts, pre-schools and day care centers had not made their REPs available for FEMA review.

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As explained in more depth in the enclosed discussion papers, all four of these emergency planning issues have been, or are in the process of being, resolved. That being the case, there is no reason for FEMA to consider whether to reach an initial determination, pursuant to 44 C.F.R. § 350.13(a), that the State and local plans are no longer adequate to protect the public health and safety.

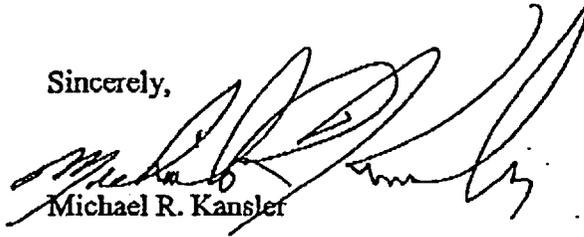
- Two of the counties (Putnam and Orange) have made their LOAs available to FEMA, and a third county (Rockland) has advised FEMA that the majority of its LOAs are being updated. Only Westchester County has declined altogether to provide access to its LOAs to FEMA. The failure of Westchester County to do so does not in itself provide a basis for FEMA to retract its prior reasonable assurance determination. To the contrary, the record demonstrates reasonable assurance that Westchester can and will be able to effectively implement its REP, if that became necessary.
- The State and the Counties, with Entergy's assistance, have developed an updated JNCP that improves the procedures to disseminate information to the public in the event of a radiological emergency. The FEMA Region II staff is presently reviewing the 2003 JNCP, which is intended to implement the guidance in Planning Standard E of NUREG-0654.
- Entergy, through a nationally-recognized consultant, has developed updated evacuation time estimates for Indian Point that are based on the most recent population data and take into account the possible effects of shadow evacuation, which is the voluntary evacuation by those people who are not present in the area affected by the emergency and have not been told to evacuate, but do so nonetheless. Entergy has provided the updated ETEs to the State and the Counties for their comments and expects to submit final, updated ETEs to FEMA early this month. The State and the Counties have indicated that they will incorporate the updated ETEs in their REPs.
- The Counties and Entergy have assisted in ensuring that schools have complete, up-to-date REPs. FEMA has reviewed, or is expected to be able to review in the near future, school plans either directly or in conjunction with technical visits in three of the four Counties. FEMA's present inability to review the Westchester County school plans by May 2, 2003, is of no material concern because: (1) FEMA noted no problems with school plans as part of its 2000 and 2002 Exercise Reports; (2) Westchester County recently discussed REP issues with its school districts, committed to make sure that its school plans are up-to-date, and provided to the schools up-to-date planning-related materials; and (3) Entergy is committed to addressing any issue that may arise out of the review of school plans by FEMA.

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The information presented in Entergy's discussion papers makes it abundantly clear that substantial cooperative efforts by the State and Counties are being undertaken as to all four issues identified by FEMA in its Final Exercise Report. Accordingly, FEMA at this time need not take any steps toward possibly withdrawing its approval of the Indian Point REPs in view of these efforts, which reflect substantial progress by the parties concerned in addressing FEMA's concerns.

As always, feel free to contact me if you have any questions or need additional information.

Sincerely,



Michael R. Kansler

Enclosures

cc: Michael D. Brown  
Diane Donley  
Stephen Burns  
Larry Chandler  
Hillary Rodham Clinton  
Charles E. Schumer  
Sue W. Kelly  
Andrew Feeney  
Edward A. Diana  
Robert J. Bondi  
C. Scott Vanderhoef  
Hub Miller  
Sandy Galef  
Mary Ellen Burns