



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 cursive script, reading "Joseph Picciano". The signature is written in dark ink on a light-colored background.

Joseph Picciano
Acting Regional Director

Attachments