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FAX To: Chairman Diaz

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From: Wesley T. Foster, Deputy Chief of Staff
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Subject: INDIAN POINT

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Federal Emergency Management Agency

Washington, D.C. 20472

July 25, 2003

The Honorable George Pataki
State Capitol
Albany, New York 12224

Dear Governor Pataki:

I am writing to transmit the Federal Emergency Management Agency's (FEMA) determination of reasonable assurance that the off-site preparedness for the Indian Point Energy Center (Indian Point) is adequate. I also want to outline the additional actions FEMA is prepared to take to help make the region a model of preparedness for the nation.

Basis for Determination

After carefully considering all available information, we have reasonable assurance that appropriate protective measures to protect the health and safety of surrounding communities can be taken and are capable of being implemented in the event of a radiological incident at the Indian Point facility.

Emergency planning for Indian Point is an on-going, cyclical process. In early 2003, FEMA reviewed in detail all of the State and local plans received since the late summer of 2002 and notified the State and local counties of additional improvements needed in the plans. At present, three of the counties - Putnam, Orange, and Rockland - have updated their plans and provided an annotated list of their changes. Westchester County has also updated its plans with the assistance of outside contractors, but Westchester has refused to provide FEMA with a copy of those detailed plan updates. However, Westchester County has demonstrated an adequate level of preparedness by actively exercising their plans and participating in other planning and training events. Our finding is based on the following:

- Our February 21, 2003 letter transmitting the Indian Point 2002 Exercise Report to New York State reported that the September 2002 full-scale exercise of local emergency response plans was successful, with no Deficiencies in the off-site emergency protective measures used.
- In the most recent out-of-sequence demonstrations and drills related to the September 2002 exercise, the State and counties have continued to successfully demonstrate their ability to respond to the scenarios presented.
- In our review, it is apparent that the plans from Rockland, Orange and Putnam counties have been further updated since the September 2002 exercise to

address: (1) the 2003 Evacuation Time Estimate Studies (ETE), with shadow evacuation estimates; (2) Letters of Agreement between counties and resource providers, such as bus companies; and (3) planning for schoolchildren with appropriate notification and protective action decisions. These plans, including Westchester County's plan, will be tested in the scheduled exercise in the middle of 2004.

- Although Westchester County has not permitted a detailed review by FEMA of its updated plans the County has worked with Entergy to update its plans in response to comments from FEMA, it continues to participate in all drills, and continues to demonstrate its involvement by leading the Four County Nuclear Safety Committee and by attending other training and planning events.

The Future Security of Indian Point

In response to your previous letters concerning the security of Indian Point, FEMA has been working with the Nuclear Regulatory Commission (NRC) to ensure that your issues are addressed. To demonstrate our commitment to help the State and affected counties become a model of preparedness for the nation, FEMA and the NRC will work with New York to include a simulated terrorist scenario as part of the next emergency planning exercise for Indian Point currently planned for the middle of 2004. In addition, our regional office in New York will conduct additional training and provide further technical assistance on preparing for and responding to Weapons of Mass Destruction attacks. To fulfill your prior request that FEMA and the NRC review the safety of the Indian Point site, FEMA officials are available to meet with you to discuss federal guidance for offsite planning as they relate to potential terrorist threats.

We look forward to close coordination with your office to accomplish our mutual goal of assuring that the emergency response plans and preparedness not only continue to be adequate to protect the public health and safety but become a model for the nation. We remain available to meet with your office to further discuss our joint efforts and your suggestions regarding an improved radiological emergency planning process.

Sincerely



R. David Paulison
Director, Preparedness Division
Federal Emergency Management Agency

cc: Chairman Diaz