



**FEMA**

May 4, 2009

Jack Colley, Chief  
Governor's Division of Emergency Management  
P.O. Box 4087  
Austin, TX 78773-0220

David L. Lakey, M.D.  
Texas Department of State Health Services  
Radiation Control Program  
P.O. Box 149347, Mail Code 1911  
Austin, TX 78714-9347

Dear Mr. Colley and Dr. Lakey:

The purpose of this letter is to officially notify you that the deficiency identified in a letter dated April 15, 2009, has been re-classified as an Area Requiring Corrective Action (ARCA). The change was made as a result of further review of the circumstances surrounding the decision to release the Emergency Alert System (EAS) message and sound the sirens in Hood County.

As stated in our previous letter, the definition of a deficiency is "*...an observed or identified inadequacy of organizational performance in an exercise that could cause a finding that off-site emergency preparedness is not adequate to provide reasonable assurance that appropriate measures can be taken in the event of a radiological emergency to protect the health and safety of the public living in the vicinity of a nuclear power plant.*" Upon further review, it was determined that though the sirens were sounded after the EAS message was released, there was no impact to the health and safety of the public because a release was not occurring at the time; therefore, this issue does not fit the definition of a deficiency.

We have thoroughly reviewed and discussed this issue with DHS/FEMA Headquarters and the Nuclear Regulatory Commission (NRC). All parties agree that the issue should be identified as an ARCA. The definition of an ARCA is "*...an observed or identified inadequacy of organizational performance in an exercise that is not considered, by itself, to adversely impact public health and safety.*" Correction of this ARCA will be required by the next scheduled biennial exercise.

Please contact Lisa Hammond, Regional Assistance Committee Chair, at (940) 898-5199 with any questions relating to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary A. Jones", is written over a printed name and title.

Gary Jones  
Acting Regional Administrator

cc: Vanessa Quinn - FEMA HQ  
Megan Palko - GDEM  
Bob Free - DSHS  
Elmo Collins - NRC Region IV