UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 16, 2000

Vanessa E. Quinn, Chief
Radiological Emergency Preparedness Branch
Chemical and Radiological Preparedness Division
Preparedness, Training, and Exercises Directorate
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

Dear Ms. Quinn:

The Nuclear Regulatory Commission (NRC) is engaged in a document search related to the conduct of exercises at the Indian Point and Fitzpatrick/Nine Mile Point sites. As discussed in previous telephone conferences between our two agencies, the practice at these two sites is for the onsite licensees to alternate their participation in the biennial exercises of the offsite plans that are evaluated by the Federal Emergency Management Agency (FEMA). This apparently has been the practice at these two sites since the early 1980's.

The issue has come to our attention as a result of the February 15, 2000, steam generator tube failure event at Indian Point Unit 2 (IP2) and the subsequent activities related to the restart of IP2. We are conducting a search of our records for any documentation related to the initiation of the practice of alternate licensee participation in offsite exercises at these sites. In particular, we are seeking correspondence between the licensees, the State of New York, FEMA, and the NRC that is related to this practice and indicates consideration and approval by the NRC and/or FEMA. As we have discussed, we have located a June 21, 1982, letter from the State of New York to FEMA Region II (attached) that expresses the State's understanding of the applicable exercise regulations and seeks confirmation from FEMA.

To assist us in this matter, we request that FEMA perform a search of its records for any documentation related to recognition, acceptance, or approval of the practice of alternate licensee participation in the FEMA evaluated biennial (originally annual) offsite exercises at the Indian Point and Fitzpatrick/Nine Mile Point sites. We also request that FEMA convey our interest

in this issue to the State of New York and request that they also do a search of their records for any correspondence related to this practice. Please contact Falk Kantor at 301-415-2907 if you have any questions concerning this request.

Sincerely,

Kathy Halvey Gibson

Kathy Halvey Gibson, Chief
Emergency Preparedness and
Health Physics Section
Operator Licensing, Human Factors
and Plant Support Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

Enclosure: As stated

STATE OF NEW YORK
DEPARTMENT OF HEALTH OFFICE OF PUBLIC HEALTH
TOWER BUILDING • THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA • ALBANY, N.Y. 12237

DAVID AXELROD, M.D.
Commissioner

GLENN E. HAUGHIE, M.D.
Director

June 21, 1982

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Mr. Philip McIntire
Federal Emergency
Management Agency
Region II
26 Federal Plaza
New York, NY 10278

Dear Phil:

The schedule and scope of exercises of the Radiological Emergency Preparedness Plan in the coming months will result in the need for even more coordination and cooperation among the involved parties. It is essential that FEMA, NRC, New York State, its local governments and the licensees all be in agreement as to when exercises must occur and what the scope of those exercises must be.

This is our interpretation of the applicable exercise regulations:

- Each site must be subjected to a full scale offsite exercise once a year
- "Full Scale" means indepth State and local government participation
- "Once a Year" means 9 months to 15 months from the last site exercise

Some examples:

- The Nine Mile Point site (Niagara Mohawk Plant) was exercised in September 1981. This was a full scale exercise.

  The J.A.F. (PASNY) plant at Nine Mile Point is set for a full scale exercise in August 1982.

  This site will be retested 11 months after the last exercise. The regulation is satisfied. The next full scale exercise must occur for this site between May 1983 and November 1984.

- The Ginna site was tested on a full scale basis in January 1982. A full scale exercise between October 1982 and April 1983 is acceptable.

- The Indian Point site (PASNY plant) was exercised in March 1982. This was a full scale test.

  The site cannot have another qualifying full scale exercise until December 1982 at the earliest or June 1983 at the latest.

  If an NRC required onsite exercise occurs at Indian Point prior to December 1982, that test cannot qualify as the annual 1983 site review. However, such an exercise can be conducted for NRC purposes without FEMA participation and with limited State and local government involvement.

- FEMA and New York State expect the second year exercise at shared sites to be conducted by the Licensee which was not responsible for the first test.

Please review our conclusions and advise as to their accuracy as soon as possible.

Sincerely yours,

Donald B. Davidoff
Director
Radiological Emergency
Preparedness Group

bcc: Dr. Blauer
Mr. Lang
Mr. Thompson
Mr. Lempges
Mr. Kelly
Mr. Jones
Mr. Bruen
Mr. Heimbach
Mr. Grant
Mr. DelBello
Mr. Wright
Mr. Decker
Mr. Morin
Mr. Smith
Mr. Marasco
Mr. Schmer
Mr. Hastings
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Dr. Axelrod
Mr. Leavy
Dr. Stasiuk
Mr. Tyree
Lt. Col. Law
Mr. DeVito
Mr. McQueen
Dr. Rimawi
Ms. Milstrey

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Sincerely,

/RA/

Kathy Halvey Gibson, Chief
Emergency Preparedness and
Health Physics Section
Operator Licensing, Human Factors
and Plant Support Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

Enclosure: As stated

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