

August 23, 2002

The Honorable Nita M. Lowey
United States House of Representatives
Washington, D. C. 20515

Dear Congresswoman Lowey:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter of June 28, 2002, which expressed concerns about safety and security of the Indian Point nuclear plants. Additionally, you expressed concern about the timeliness of the NRC's review and evaluation of the evacuation and emergency response plans for the surrounding communities.

As you know, at the Federal level, the Federal Emergency Management Agency (FEMA) is responsible for evaluating the radiological emergency planning and preparedness activities and oversight of off-site emergency preparedness for nuclear power plants. NRC regulations require that comprehensive emergency plans be prepared and periodically exercised to assure that actions can and will be taken to notify and protect citizens in the vicinity of a nuclear facility. The NRC has responsibility for the on-site emergency planning and requires licensees to have detailed procedures for handling accidents, making timely notification to appropriate authorities, and providing accurate radiological information. This responsibility involves direct assessment of on-site emergency planning and preparedness of the licensees that we regulate, in addition to oversight of plant operations and security.

We work closely with and support FEMA in its assessment of off-site emergency preparedness. NRC and FEMA routinely interact at both the headquarters and regional levels on issues pertaining to emergency preparedness. In the last two years, and particularly in the aftermath of the September 11th attacks, FEMA, with support from NRC and other Federal agencies, has given special attention to the annual reviews of off-site emergency planning conducted by responsible State and county organizations. FEMA and NRC have conducted numerous meetings and workshops with New York State and county officials to address issues which have arisen in these reviews. The working session in Westchester County, hosted by you and Representatives Sue Kelly and Benjamin Gilman, was an important part of this effort.

With regard to your concerns about the timing of the biennial emergency plan exercise for the Indian Point facility, it is important to note that scheduling of a federally evaluated exercise involves significant logistical demands due to the large number of organizations (approximately 50 State and county organizations and hundreds of people) involved in the exercise. Given these demands, the scheduling process starts years in advance and the date of a particular exercise is set more than a year before the exercise.

While the Indian Point biennial exercise will not be conducted until September 24, 2002, many evaluation activities are already in progress. Last year, FEMA, with the assistance of the Regional Assistance Committee (RAC), a panel of experts in various aspects of emergency preparedness from a number of Federal agencies, conducted a full review of the Indian Point

emergency response plans. The off-site plans were reviewed against 15 emergency planning standards established in Federal regulations. These planning standards address important aspects of emergency preparedness such as facilities and equipment, medical and public health support, communications, and training. FEMA and the RAC continue to find that these plans provide a sound framework for effective decision making and implementation of essential emergency preparedness functions. However, FEMA and the RAC recommended some enhancements which have been addressed by the four surrounding counties (Westchester, Orange, Putnam, and Rockland) and New York State in recent revisions of the response plans. These revised plans will be used in the upcoming biennial exercise.

In addition to the ongoing plan reviews, selected important emergency response functions, which are not readily evaluated during an integrated exercise, are being tested. In advance of the biennial exercise, FEMA is conducting performance evaluations of various emergency preparedness facilities and functions through field visits and drills. These evaluation activities, which have been ongoing for several months, continue to indicate a high degree of preparedness.

Emergency response plans are living documents. While the plans have been found adequate, FEMA, the State, the counties, and the licensee continue to work closely to make further enhancements. These enhancements include such things as re-alignment of school reception centers and incorporation of the results of the ongoing evacuation travel time estimate studies. Additionally, siren replacement and upgrades are in progress, and the licensee continues to run drills to maintain proficiency and find areas for improvement. We expect these enhancements to address, as appropriate, the issues raised in the State Assembly Committee report referenced in your June 28th letter. The evaluation of the emergency plans will continue after the September exercise and further changes to the plans will be tested accordingly.

With respect to on-site emergency preparedness activities, in the past, NRC has identified performance issues during previous exercises and plant events at Indian Point 2. NRC emergency preparedness specialists conducted a number of inspections and monitored performance during a special exercise, conducted in June 2001, to test the effectiveness of licensee corrective actions. As documented in NRC Inspection Report 50-247/2001-007, issued on August 9, 2001, we found that the licensee effectively addressed the underlying causes of the performance issues. Currently, emergency preparedness performance indicators, specifically monitored in our Reactor Oversight Process, are in the acceptable range.

You also requested public hearings regarding the emergency response plans. The NRC has sought to understand the concerns of citizens and elected officials regarding the Indian Point facility. In the last two years, the NRC has held more than a dozen meetings with the Indian Point licensee. All meetings were open to public observation, and many provided ample opportunity for public questions and comments. Additionally, preceding several of these meetings, the NRC met with elected officials to brief them on the associated issues and to answer their questions.

Since the September 11th attacks, FEMA has also had several meetings with Federal, State, and local officials to discuss off-site preparedness and to prepare for the upcoming biennial exercise. After the exercise is completed, FEMA, supported by the NRC, will host a

meeting to present preliminary exercise results. The meeting will be open to the public and will provide opportunity for public questions and comments. I assure you that the NRC will continue to communicate with the public at meetings and be receptive to public input.

On February 25, 2002, NRC issued Orders to all operating reactor licensees requiring that they implement interim compensatory security measures in response to the continued, generalized high-level threat environment. These Orders mandated many of the security measures and features already implemented in response to the threat advisories issued following the terrorist attacks on September 11, 2001. These Orders also included actions to assure that emergency plans are compatible with the heightened security posture that currently exists at each plant.

NRC intends to remain engaged with FEMA as it works with the State and counties to review the off-site emergency plans and address the issues and concerns raised by all stakeholders. Again, enhancements will continue to be made to those plans, as appropriate, to maintain and improve the protection of the health and safety of the public around Indian Point.

I hope that you find this information useful in addressing your concerns.

Sincerely,

/RA/

Richard A. Meserve

cc: J. Allbaugh, FEMA