February 28, 2003

Ms. Paula Williams
Mr. Ben Williams
3 Gate Hill Co-op Road
Stony Point, NY 10980

Dear Mr. And Ms. Williams:

I am responding to your letter of December 3, 2002, to the U.S. Nuclear Regulatory Commission (NRC) in which you express concerns about the Indian Point Nuclear Power Plant. In your letter, you request that: (1) the NRC adopt a resolution declaring no-confidence in the Indian Point evacuation plan and calling for the facility to be shut down pending a full and independent review of the plant's ability to operate safely, and (2) spent fuel at Indian Point be immediately transferred to a safer storage system than the current wet-pool system. As the basis for your request, you state that only a small portion of those threatened by an accident would be safely evacuated and already congested roads would be impassible within a matter of minutes.

At the Federal level, the Federal Emergency Management Agency (FEMA) has the lead in offsite planning and response for nuclear power plants. The NRC assists FEMA in carrying out this role. 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 in the event of a radiological emergency. The NRC has responsibility for the on-site emergency planning and requires nuclear plant operators 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 facilities that we regulate, in addition to oversight of plant operations and security.

In the U.S., emergency planning for commercial nuclear power plants specifies two concentric emergency planning zones (EPZs), centered around the plants. The EPZs are the areas for which planning is needed to assure that prompt and effective actions can be taken to protect the public in the unlikely event of an accident. The choice of the size of the EPZs represents a judgment on the extent of detailed planning which must be performed to assure an adequate response. The first zone, called the plume exposure pathway EPZ, is an area of about 10 miles in radius from the center of the plant. The major protective actions planned within this EPZ are evacuation and sheltering in order to protect members of the public from adverse health effects due to inhalation or direct exposure to airborne radioactive material which may be released by the plant during an accident, i.e. the plume. The second zone, called the ingestion pathway EPZ, is an area of about 50 miles in radius from the plant. Outside of 10 miles, direct exposure is expected to be sufficiently low that evacuation or sheltering would not be necessary. Within the 50-mile EPZ, protective actions such as putting livestock on stored feed and controlling food and water, may be employed to reduce exposure to the public from ingestion of contaminated food and water. Protective actions such as these would only be needed for the segment or "slice" of the EPZ within the path of the plume. For either EPZ, actions could be expanded as necessary depending on the conditions of the accident.

Emergency planning is a dynamic process and, as a result, emergency response plans are periodically updated. FEMA, with the assistance of the Regional Assistance Committee, a panel of experts in various aspects of emergency preparedness from a number of Federal agencies, periodically reviews the offsite plans. We continue to work closely with FEMA, the State, the counties, and Entergy on further enhancements.

The emergency plans are also tested in frequent small-scale drills and periodic full-scale emergency exercises that simulate a serious reactor accident. The plans and their implementation are periodically reviewed by NRC and FEMA to confirm that plans and preparedness are being maintained in a manner that will ensure that adequate protective measures can and will be taken to protect the public in the event of a radiological emergency. The most recent emergency exercise at Indian Point occurred on September 24, 2002. While some areas for improvement were identified, the NRC judged the overall on-site performance to be satisfactory. Several days ago, FEMA issued its report on the offsite performance. We are now studying this FEMA report which addresses a variety of planning issues including concerns raised in a draft report prepared by James Lee Witt Associates for the State of New York. The draft report entitled “Review of Emergency Preparedness at Indian Point and Millstone,” discusses matters which in large measure pertain to offsite planning and preparedness and are mostly within the purview of FEMA. FEMA assessed the draft report and its significance relative to offsite matters and its conclusions are documented in FEMA’s report on the September 24 exercise. While the judgment as to the overall state of emergency planning and preparedness is for the NRC to reach, the NRC has also initiated a review of the draft report to understand its conclusions and basis.

Following the attacks of September 11, 2001, the NRC issued advisories to nuclear power plant operators recommending security enhancements, including prompt and immediate actions, as well as those designed to monitor future progress. On February 25, 2002, the NRC issued Orders to all power reactor licensees requiring that they incorporate specific security enhancements which included increased security patrols, augmented security forces, additional security posts, increased vehicle standoff distances, enhanced coordination with law enforcement and intelligence communities, and training of security guards on new response strategies. Through extensive inspection activities, the NRC has confirmed that Indian Point has implemented the measures specified in the February 25 Order.

Regarding the disposition of spent nuclear fuel currently on-site, the NRC shares your concern about the safeguards and physical security of spent fuel. We believe that spent fuel can be safely stored at the Indian Point reactor site until it can be shipped to a centralized interim spent fuel storage facility or a permanent disposal facility. The current spent fuel storage pool designs were reviewed and approved by the NRC during initial licensing, and the construction and small size assist with physical security. In addition, the pools are included in the enhanced security measures in place at the plant. The licensee has also indicated that an engineering evaluation is underway regarding the installation of a dry-cask storage system at Indian Point.

Thank you for your interest in these issues. I hope that you will find this information useful.

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
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Office of Nuclear Reactor Regulation

DISTRIBUTION: for letter to B. and P. Williams

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