

April 29, 2003

The Honorable Joseph I. Lieberman  
United States Senate  
Washington, D.C. 20510

Dear Senator Lieberman:

On behalf of the Commission, I am responding to the February 25, 2003, letter you and Senator Dodd sent to the U.S. Nuclear Regulatory Commission (NRC) and the Federal Emergency Management Agency (FEMA), expressing concerns about the emergency preparedness program for the Indian Point Energy Center. We have been working deliberately on these issues.

As you know, Federal oversight of radiological emergency planning and preparedness associated with commercial nuclear facilities involves both FEMA and NRC. Consistent with President Carter's directive in December 1979 and the longstanding Memorandum of Understanding between FEMA and the NRC, FEMA takes the lead in initially reviewing and assessing offsite planning and response and in assisting State and local governments, while NRC reviews and assesses the onsite planning and response. FEMA findings and determinations as to the adequacy and capability of implementing offsite plans are communicated to the NRC. The NRC reviews the FEMA findings and determinations and makes the onsite findings. NRC then makes a determination on the overall state of emergency preparedness. These overall findings and determinations are used by the NRC to make radiological health and safety decisions before the issuance of licenses and in the continuing oversight of operating reactors.

We work closely with and support FEMA in its assessment of offsite emergency preparedness. NRC and FEMA routinely interact at both the headquarters and regional levels on issues pertaining to emergency preparedness. In the last 2 years, particularly since the September 11 attacks, FEMA, with support from NRC and other Federal agencies, has given special attention to the annual reviews of offsite 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.

We are closely monitoring the steps being taken by FEMA, the State, counties, and the plant operator (Entergy) to address the issues raised about Indian Point. In this regard, we are giving close attention to the actions being taken to address the matters identified by FEMA not only in its most recent review of the full-scale exercise conducted in September 2002, but also in its earlier evaluations of areas requiring corrective action, as well as the issues raised in the reports prepared on behalf of the State of New York by James Lee Witt Associates, LLC, and in the report and petition submitted to FEMA by New York State Assemblyman Richard Brodsky. The NRC is prepared to assist FEMA to facilitate the timely resolution of those matters needed to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Emergency preparedness is very important and one of the many features we use to ensure adequate protection of public health and safety. I assure you that the NRC continues to focus on its primary mission, protection of public health and safety. Thank you for your interest in the safety and security of the Indian Point Energy Center. If the Commission can be of further assistance, please do not hesitate to contact me.

Sincerely,

**/RA/**

Nils J. Diaz

April 29, 2003

The Honorable Christopher Dodd  
United States Senate  
Washington, D.C. 20510

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Nils J. Diaz