

EDO Principal Correspondence Control

FROM: DUE: 05/14/03 EDO CONTROL: G20030225
DOC DT: 05/02/03
FINAL REPLY:

Representative Eliot L. Engel
Representative Nita M. Lowey
Representative Maurice D. Hinchey

TO:

Chairman Diaz

FOR SIGNATURE OF : ** GRN ** CRC NO: 03-0269

Chairman Diaz

DESC:

ROUTING:

Effectiveness of Emergency Evacuation Plans for
the Region Around th Indian Point Nuclear Power
Plants

Travers
Paperiello
Kane
Norry
Dean
Burns/Cyr
Collins, NRR
Zimmerman, NSIR

DATE: 05/05/03

ASSIGNED TO: CONTACT:

RI

Miller

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with NRR and NSIR.

Template: SECY-017

ERIDS: SECY-01

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

Date Printed: May 05, 2003 08:48

PAPER NUMBER:	LTR-03-0269	LOGGING DATE:	05/05/2003
ACTION OFFICE:	EDO		
AUTHOR:	Eliot Engel		
AFFILIATION:	REP		
ADDRESSEE:	Nils Diaz		
SUBJECT:	Concerns the effectiveness of emergency evacuation plans for the region around the Indian Point nuclear power plants		
ACTION:	Signature of Chairman		
DISTRIBUTION:	RF, OCA to Ack		
LETTER DATE:	05/02/2003		
ACKNOWLEDGED	No		
SPECIAL HANDLING:	Rep. Nita Lowey Rep. Maurice Hinchey		
NOTES:	Commission Correspondence		
FILE LOCATION:	Adams		
DATE DUE:	05/16/2003	DATE SIGNED:	



Congress of the United States
House of Representatives
Washington, DC 20515

May 2, 2003

Nils J Diaz, PhD
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Diaz:

We are writing to express our disappointment with FEMA's determination not to issue a decision expected today on the effectiveness of emergency evacuation plans for the region around the Indian Point nuclear power plant.

As you may know, FEMA and New York State agreed that May 2, 2003 would be the deadline for FEMA to decide whether the offsite emergency evacuation plans were adequate to ensure the safety of the 20 million people living within 50 miles of the plant. Indeed, on February 21, 2003 FEMA announced that unless the regional emergency plans were updated by May 2, it could not provide a "final recommendation of reasonable assurance that the county and state officials can take appropriate measures" in the event of a catastrophe at Indian Point. Yet, today, May 2nd, FEMA has stated that it will not issue a decision regarding the adequacy of the evacuation plans, continuing to leave 20 million people in jeopardy.

We understand that a Memorandum of Understanding exists between the NRC and FEMA stating that FEMA is responsible for nuclear power plants' offsite emergency evacuation plans. That being said, it is not written anywhere in either agencies' regulations that the NRC cannot act without a determination from FEMA. In this case, since FEMA was not able to provide reasonable assurance that the emergency evacuation plans are adequate earlier in the year and has not been able to render reasonable assurance by the agreed upon deadline, we believe that it is time for the NRC to start reviewing the plan on its own.

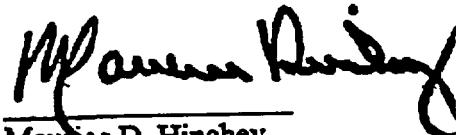
As the Witt report concluded, the emergency evacuation plan cannot be improved. As a result, the existence of Indian Point poses an unacceptable risk to our constituents. We believe that the NRC must take action now because keeping the plant open without an adequate evacuation plan may contradict the NRC's own rules and regulations.

Thank you for your consideration of our request.

Sincerely,


Eliot L. Engel


Nita M. Lowey


Maurice D. Hinchey