

August 6, 2003

Ms. Karen Lind
200 Paterson Plank Road, Apt. 409
Union City, NJ 07087-2889

Dear Ms. Lind:

I am responding to your letter of June 23, 2003, to the Chairman of the U.S. Nuclear Regulatory Commission (NRC) in which you expressed concerns over the emergency planning at the Indian Point Nuclear Power Plant. You also expressed that the plant's owner, Entergy Nuclear Operations, Inc., should secure the spent fuel storage pools in a more robust fashion.

The NRC's primary mission is to ensure adequate protection of public health and safety. In this regard, the NRC closely monitors nuclear power plants to ensure that they are maintained and operated in accordance with NRC regulations. At the Federal level, the Federal Emergency Management Agency (FEMA) has the lead in offsite emergency 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 onsite 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 onsite 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 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 to deal with potential lower-level, long-term risks primarily due to exposure from ingestion of contaminated food and water. Outside of 10 miles, direct exposure is expected to be sufficiently low that evacuation or sheltering should not be necessary. Exposure to a radioactive plume would not likely result in immediate or serious long-term health effects. Consideration of public sheltering and evacuation in emergency plans is very conservative and recommended at very low dose levels, well below the levels where health effects would be expected to occur.

On July 25, 2003, FEMA issued its finding of reasonable assurance that appropriate protective measures to protect the health and safety of surrounding communities can be taken and are capable of being implemented in the event of a radiological incident at Indian Point. The NRC has determined, from its continuing evaluation of the licensee's on-site emergency planning and

preparedness for radiological events, that Indian Point meets the requisite criteria for reasonable assurance of adequate protection. Considering both FEMA's offsite and NRC's onsite emergency preparedness assessments, the NRC's overall determination continues to be that Indian Point emergency preparedness is satisfactory and provides reasonable assurance of adequate protection.

The NRC and FEMA recognize that planning for possible emergencies is an ongoing process. Efforts to improve emergency preparedness associated with the Indian Point facility continue to be made by the State of New York, involved Counties, and the plant operator. The NRC will continue to work closely with FEMA and the other parties to assure continued protection of the public health and safety.

NRC regulations set high standards for security programs at nuclear power plants and other sensitive nuclear facilities. The NRC has required significant protection of licensed facilities against sabotage or attack since the agency's inception. Security against sabotage has been an important part of the NRC's regulatory activities, with defense-in-depth as the guiding design and operating principle. NRC regulations ensure that nuclear power plants are among the most hardened and secure industrial facilities in our nation. The many layers of protection offered by robust plant design features, sophisticated surveillance equipment, physical security protective features, professional security forces, and access authorization requirements provide an effective deterrent against potential problems related to terrorist activities that could target equipment vital to nuclear safety.

Since the terrorist attacks of September 11, 2001, the NRC has taken a number of steps to enhance the already high level of security at the nation's nuclear power plants. These steps have resulted in, among other things, more guards being trained and placed on duty at the plants. The effectiveness of these security programs has been confirmed by NRC, as well as other authorities, including the Federal Bureau of Investigation. NRC actions have included more than forty advisories to licensees to describe threat conditions or recommend additional measures, Orders formalizing certain security enhancements as requirements, development of an NRC Threat Advisory and Protective Measures System, consistent with the Homeland Security Advisory System, to rapidly respond to national changes in the threat environment, and other actions. The NRC will continue to take actions, including the resumption of force-on-force exercises, to test the adequacy of licensee security programs and to confirm the enhanced security actions and activities are effectively implemented by the licensees.

The NRC considers the facility to be operated safely and the current security posture to be strong. On the basis of the actions taken, the NRC does not feel that the operation of the Indian Point facility should be suspended at this time. The NRC continues to actively monitor the situation and is prepared to take measures to ensure the continued safety of Indian Point and all of our nation's nuclear facilities.

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. The construction of the spent fuel pools is robust, and the pools are protected by the licensee's security program. Additional information

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regarding spent fuel pools can be found on the NRC website at <http://www.nrc.gov/waste/spent-fuel-storage/pools.html>.

I appreciate the opportunity to respond to your concerns, and I hope that you find this information useful.

Sincerely,

/RA/

James W. Clifford, Acting Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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