

August 15, 2003

Ms. Jennifer B. Katz
36 Douglas Street, #3
Brooklyn, NY 11231

Dear Ms. Katz:

I am responding to your letter to the Chairman of the U.S. Nuclear Regulatory Commission (NRC), received on July 9, 2003, in which you expressed concerns over the safety and security of the Indian Point Nuclear Power Plant. In particular, you made mention of a report prepared by James Lee Witt Associates, LLC, for the Governor of the State of New York, regarding emergency preparedness at the Indian Point and Millstone facilities.

The NRC's primary mission, as an independent regulatory agency, is to regulate commercial nuclear power plants to ensure adequate protection of public health and safety. This is our most important responsibility, and we take our mission very seriously. In this regard, we ensure that each nuclear power plant operates in accordance with established regulations and that safety issues which could adversely impact the public health and safety are resolved.

NRC regulations set high standards for safety and security programs at nuclear power plants and other sensitive nuclear facilities. Since the NRC's inception, security 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 include robust plant design features, sophisticated surveillance equipment, physical security protective features, professional security forces, and access authorization requirements. Together, these layers of protection provide an effective deterrence against potential safety or security problems related to terrorist activities that could target equipment vital to nuclear safety.

Immediately after the terrorist attacks on September 11, 2001, the NRC began a comprehensive review of the threat environment, as well as a review of our requirements for physical protection and security. We have coordinated our efforts with the Federal Bureau of Investigation (FBI), the Department of Homeland Security, the Federal Aviation Administration, the Department of Defense, State and local authorities, and other intelligence and law enforcement agencies.

Although there have been no credible threats against the nation's nuclear power plants, the NRC has taken a number of steps to further improve the already high level of security, including more training for security guards and requiring additional guards at the plants. The effectiveness of these security program improvements has been verified by the NRC. In addition, the NRC recently conducted a pilot force-on-force exercise at Indian Point. Force-on-force exercises are designed to test the adequacy of licensee security programs and will be conducted at all nuclear power plants on a triennial basis. The results from the Indian Point exercise show that the licensee has a strong defensive strategy and capability that continues to give the NRC reasonable assurance that the facility can be adequately protected against terrorist attacks.

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. 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. 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 the emergency plans is very conservative and recommended at very low dose levels, well below the levels where health effects would be expected to occur.

Federal oversight of radiological emergency planning and preparedness associated with commercial nuclear facilities involves both the Federal Emergency Management Agency (FEMA) and NRC. While NRC has overall responsibility, FEMA takes the lead in reviewing and assessing offsite planning and response and in assisting State and local governments. NRC reviews and assesses the licensees' onsite planning and response.

Federal law establishes the criteria for determining whether offsite plans and preparedness provide reasonable assurance that appropriate measures can and will be taken to adequately protect the public in the event of a radiological emergency. On July 25, 2003, FEMA issued its final determination of reasonable assurance that offsite preparedness for the Indian Point Energy Center is adequate. We have reviewed and concur with FEMA's determination of reasonable assurance at Indian Point. Earlier this year, FEMA provided the final exercise report for the Indian Point biennial exercise conducted in September 2002. FEMA also considered the James Lee Witt Associates findings in its report. One important issue in the Witt report which falls under NRC purview relates to plant security and the effect of potential terrorism. Thus, it is important to consider the significant steps, as discussed above, taken to strengthen security at Indian Point and other nuclear plants since the September 2001 terrorist attacks. Planning for possible emergencies is an ongoing process; therefore, the NRC will continue to work closely with FEMA, the State, counties, and the plant operator, Entergy, in their efforts to improve emergency planning and preparedness for Indian Point.

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

J. Katz

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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

J. Katz

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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
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