

August 28, 2003

Mr. Joel Kopp
Ms. Kate Kopp
230 Central Park West, 12-A
New York, NY 10024

Dear Mr. And Ms. Kopp:

I am responding to your letter dated July 21, 2003, to the U.S. Nuclear Regulatory Commission (NRC), expressing concerns over emergency planning for the Indian Point Nuclear Power Plant and the spent nuclear fuel stored at the facility.

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

Earlier this year, FEMA provided the final exercise report for the Indian Point biennial exercise conducted in September 2002 and updated its review of emergency response plans that were revised in 2002. In the report, FEMA identified a number of areas requiring corrective action, but did not identify any issues that would indicate an inability to protect public health and safety. FEMA considered the findings of the independent report, prepared by James Lee Witt Associates for the State of New York, in its report. On July 25, 2003, FEMA issued its final determination of reasonable assurance that offsite preparedness for the Indian Point Energy Center is adequate. Based on this finding and in conjunction with our continuing oversight of the licensee's onsite emergency planning and preparedness, the NRC remains assured that emergency preparedness for this site is adequate. An important consideration in this determination, which also responds to an issue in the James L. Witt report, involves the significant steps taken to strengthen security at Indian Point and other nuclear plants since the September 2001 terrorist attacks.

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.

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 requiring 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 designed to identify deficiencies in licensee security programs and to train personnel in the response to an assault. The force-on-force exercises 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.

Regarding the disposition of spent nuclear fuel currently on site, the NRC appreciates 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 they are protected by the licensee's security program. Additional information regarding spent fuel pools can be found on the NRC website at <http://www.nrc.gov/waste/spent-fuel-storage/pools.html>.

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. Planning for possible emergencies is an ongoing process; therefore, the NRC will continue to work closely with FEMA, the State, counties, and the licensee, Entergy, in their efforts to improve emergency planning and preparedness for Indian Point.

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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