September 9, 2003

Ms. Deborah Jindela
10 Briarwood Court
Emerson, NJ 07630

Dear Ms. Jindela:

I am responding to your letter dated July 26, 2003, to the U.S. Nuclear Regulatory Commission (NRC) expressing concerns over the safety and security of the Indian Point Nuclear Power Plant and the spent nuclear fuel stored at the facility. 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.

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, 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 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.

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.

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 also considered the James Lee Witt Associates findings 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 on-site 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 Witt report, involves 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 licensee, Entergy, in their efforts to improve emergency planning and preparedness for Indian Point.

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 the pools 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.

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

Sincerely,

/RA/

Cornelius F. Holden, Jr., Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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