

September 30, 2003

Mr. Alex Matthiessen
Executive Director
Riverkeeper, Inc.
25 Wing & Wing
Garrison, NY 10524-9910

Dear Mr. Matthiessen:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter of August 8, 2003, to Chairman Nils Diaz in which you expressed concern that a catastrophic release of radiation at the Indian Point Nuclear Power Plant could devastate the Hudson River ecology and possibly contaminate the water supplies for New York City and Westchester County. You also forwarded cards signed by numerous citizens concerned about the potential effect of a terrorist attack on the plant and spent fuel storage and about emergency planning.

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. As you are aware, emergency planning for commercial nuclear power plants in the U.S. specifies two concentric emergency planning zones (EPZs), 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.

Commercial nuclear power plants have security measures in place to defend against a broad spectrum of potential terrorist threats, which are designed to prevent the release of radioactive material to the environment. 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. If a terrorist attack inflicted damage on a nuclear plant, the redundant design features and the high level of training accorded the plant staff would likely result in actions being taken by the plant staff to prevent or minimize the release of radioactive material. The emergency response plans would also provide for protective actions for the surrounding population if a release were to occur.

On July 25, 2003, the Federal Emergency Management Agency (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 for the public.

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 licensee. The NRC will continue to work closely with FEMA and the other parties to ensure continued protection of the public health and safety.

Regarding the disposition of spent nuclear fuel currently on site, the NRC shares the public's 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. The public can obtain additional information regarding spent fuel pools on the NRC website at <http://www.nrc.gov/waste/spent-fuel-storage/pools.html>.

The NRC considers Indian Point to be operated safely and the current security posture to be strong. On the basis of the actions taken to date by the utility and the NRC's oversight, the NRC has concluded that the operation of the Indian Point facility does not need to be suspended. The NRC continues to actively monitor the situation at Indian Point, and all of our nation's nuclear power plants, and is prepared to take measures to ensure the continued safety of those 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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*See previous concurrence

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