

March 29, 2004

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 January 21, 2004, to Chairman Nils Diaz in which you expressed concern that a 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 12 citizens concerned about emergency planning and the potential effects of a terrorist attack on the plant.

The NRC is highly committed to its primary mission 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 we detailed in our previous letter to you on September 30, 2003, the NRC considers Indian Point to be operated safely and the current security posture to be strong. 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 the facilities. 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 little or no release of radioactive material. The emergency response plans would also provide for protective actions for the surrounding population if a significant 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. 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.

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. The next emergency preparedness exercise at IP is scheduled for June 2004.

In a letter dated December 29, 2003, Entergy Nuclear Operations, Inc. notified the NRC of its intent to store spent nuclear fuel in dry casks on the Indian Point site in an Independent Spent

Fuel Storage Installation (ISFSI) under the general license provisions of 10 CFR Part 72. The dry cask storage design that Entergy plans to use at Indian Point has been reviewed and approved by the NRC. NRC approves spent fuel cask designs through a rulemaking process. The rulemaking process includes an opportunity for public review and comment. NRC's approval of a cask design is provided in a Certificate of Compliance. Entergy, as a general licensee, will be required to perform evaluations to ensure that the use of the specific dry cask storage system is bounded by the Part 72 Certificate of Compliance and the existing Part 50 license requirements for Indian Point. Entergy's evaluations will be subject to NRC inspection. Furthermore, NRC will perform inspections during construction, pre-operational testing, and operational activities to ensure that all safety requirements are met.

We understand that residents and local elected officials have questions and concerns regarding the planned ISFSI at Indian Point. During our Annual Assessment meeting with Entergy on April 27, 2004, we plan to discuss, at some level, the NRC's licensing and oversight of dry cask storage systems and ISFSIs. Subsequent to the April 27, 2004 meeting we plan to hold an additional public meeting in the vicinity of Indian Point to discuss the NRC's role in the Part 72 general licensing process, dry cask storage system technical reviews, and inspection of ISFSI activities. The intent of this meeting is to inform the public about the NRC's oversight, including a discussion of the technical requirements for dry cask storage, and the nature of site specific assessments to be completed by Entergy to demonstrate the dry cask storage system meets all requirements. We will also provide general information regarding actions taken and in progress to ensure the security of spent fuel storage and will respond to other questions and concerns that may be raised. In addition, we understand that Entergy plans to conduct an "open house" in mid-April 2004 to share the specific plans for construction and operation of the ISFSI.

We have received a large number of letters requesting a formal adjudicatory hearing on the planned ISFSI at Indian Point. We have posted a response to these requests on the NRC public website at <http://www.nrc.gov>. Consistent with 10 CFR Part 72, a formal adjudicatory hearing is not called for; however, the planned public meeting will provide an opportunity for members of the public to ask questions and provide comments regarding the planned ISFSI at Indian Point.

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

Sincerely,

**/RA by Brian J. McDermott
Acting For/**

Brian E. Holian, Deputy Director
Division of Reactor Projects

Mr. Alex Matthiessen

- 3 -

Distribution:

W. Travers, EDO
 P. Norry, DEDM
 C. Paperiello, DEDMRS
 W. Kane, EDO
 S. Collins, EDO
 W. Dean, EDO
 S. Burns, OGC
 K. Cyr, OGC
 J. Dyer, NRR

D. Skay, NRR
 J. Goldberg, OGC
 H. Miller, RI
 P. Milano, NRR
 A. Blough, RI
 B. Holian, RI
 B. McDermott, RI
 EDO R/F (G20040064)
 SECY (CRC 04-0046)

DOCUMENT NAME: G:\BRANCH2\ISFSI Related Items\GT20040064Letter to Matthiessen Rev1.wpd

After declaring this document "An Official Agency Record" it **will/will not** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/DRP	RI/ORA	RI/DRP	RI/DRP	
NAME	WCook/WAC	TWalker/TEW	BMcDermott/BJ M	Bholian/BEH	
DATE	03/26/04	03/26/04	03/29/04	03/29/04	

OFFICIAL RECORD COPY