

June 4, 2004

Mr. Andrew Spano  
Westchester County Executive  
County of Westchester  
148 Martine Avenue  
White Plains, New York 10601

Dear Mr. Spano:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am providing information about the safety of nuclear power plants that we discussed during our meeting on May 19, 2004. I appreciated the opportunity to discuss the important issues regarding safety, security, and preparedness for Indian Point. Our conversation was an important step in an ongoing dialogue to ensure that the health and safety of the public around Indian Point continue to be adequately protected and the emergency plans well-founded and effective, especially in the post-9/11 environment.

Immediately following the September 11, 2001, terrorist attacks in New York, Washington, and Pennsylvania, the NRC examined the ability of commercial nuclear power plants to withstand the impact of a large commercial aircraft. Our conclusions at that time were reflected in the NRC's press release of September 21, 2001:

*Nuclear power plants have inherent capability to protect public health and safety through such features as robust containment buildings, redundant safety systems, and highly trained operators. They are among the most hardened structures in the country and are designed to withstand extreme events, such as hurricanes, tornadoes and earthquakes. In addition, all NRC licensees with significant radiological material have emergency response plans to enable the mitigation of impacts on the public in the event of a release. However, the NRC did not specifically contemplate attacks by aircraft such as Boeing 757s or 767s, and nuclear power plants were not designed to withstand such crashes. Detailed engineering analyses of a large airliner crash have not yet been performed.*

The Commission continues to ensure that nuclear power plants, including Indian Point, remain among the most heavily protected civilian facilities in the country. The security of these facilities has been significantly enhanced since the event of 9/11/01, consistent with Orders issued by the NRC. As part of a comprehensive review of security for NRC-licensed facilities, the NRC conducted detailed engineering studies to assess potential vulnerabilities of nuclear power plants to deliberate attacks involving large commercial aircraft. In conducting these studies, the NRC drew on national experts from several Department of Energy laboratories and enhanced the state-of-the-art in structural and fire analysis. The agency also enhanced its ability to predict accident progression and radiological consequences realistically. In addition to improvements in analytical capabilities, tests to provide important empirical data were conducted to ensure that the NRC obtained realistic predictions regarding the performance of structures and systems at the plants in the extremely dynamic and challenging conditions of an aircraft crash.

The specific details of these analysis and their results are classified. However, we are making the conclusions publicly available to assist in appropriate emergency planning. The vulnerability studies confirm that the likelihood of both damaging the Indian Point reactor core and releasing radioactivity that could affect public health and safety is low. Significant time beyond the minimum time frame used for the emergency planning basis would be available to implement plant mitigating measures and offsite emergency plans. Therefore, the studies confirm that even in the unlikely event of a radiological release due to terrorist use of a large aircraft, NRC's emergency planning basis remains valid.

The Commission recognizes that a large aircraft would cause significant damage to a civilian industrial facility and a corresponding psychological impact on the surrounding community and the nation as a whole. Nonetheless, we believe that nuclear power plant safety, security, and emergency planning programs continue to provide reasonable assurance of adequate protection of the public health and safety. We believe that the prevention of an aircraft attack through such enhanced measures as airport passenger and baggage screening, strengthening of cockpit doors, and the Air Marshal program remains the most effective strategy to protect our Nation's infrastructure.

We appreciate your dedication and commitment to protecting the public health and safety in our mutual efforts to ensure the safe and secure use of radioactive material and nuclear power plants for the public good and look forward to working with you in a successful radiological emergency exercise at Indian Point Energy Center on June 8, 2004. The NRC is committed to learning from this and every exercise to make any necessary improvements. If you have any questions, please do not hesitate to contact me.

Sincerely,

*/RA/*

Nils J. Diaz

Identical letter sent to:

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