

June 3, 2004

Mr. Robert P. Marasco
City Clerk
309 City Hall
Newark, NJ 07102

Dear Mr. Marasco:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter of April 19, 2004, forwarding a resolution by the Newark Municipal Council regarding decommissioning and denial of the possible renewal of the operating license of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and 3). In its resolution, the Council expressed its concerns about the consequences of a potential terrorist attack on the facility.

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. In particular, the NRC regulations set high standards for effective security programs at nuclear power plants and other sensitive nuclear facilities. The NRC has required significant protection of licensed facilities against sabotage or attack since the agency'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 offered by plant design features, sophisticated surveillance equipment, physical security protective features, professional security forces, access authorization requirements, and emergency planning provide an effective deterrence against potential safety or security problems related to terrorist activities that could target equipment vital to nuclear safety.

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.

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.

The current facility operating licenses for IP2 and 3 expire in 2013 and 2015, respectively. Entergy Nuclear Operations, Inc. has not announced its intention to seek renewal of the operating licenses for an additional 20 years. At such time that the NRC receives an application for a renewed license, the NRC staff will review both the safety issues (10 CFR Part 54) and environmental issues (10 CFR Part 51). The licensee must provide the NRC with an evaluation that addresses the technical aspects of plant aging and must describe how the aging will be managed. In addition, the licensee must prepare an evaluation of the potential impact on the environment to support plant operation for the additional 20 years. Some licensee programs, such as security and emergency planning, have periodic update requirements throughout the current operating term that would continue during the period of extended operation. Therefore, these programs provide reasonable assurance that an acceptable level of protection is provided and additional review of their adequacy is not necessary for license renewal. Additional information about license renewal can be found on the NRC web site at <http://www.nrc.gov/reactors/operating/licensing/renewal.html>.

I trust this information is responsive to your concerns.

Sincerely,

/RA/

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

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I trust this information is responsive to your concerns. Please contact me if you need additional information.

Sincerely,

/RA/

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

Identical Letter sent to: Village of Briarcliff Manor
 INCOMING NO.: ML041240433 ACCESSION NO: ML041550750
 PACKAGE: ML041550802

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DATE	06/01/04	06/01/04	05/24/04	05/27/04	05/24/04	06/2/04	06/3/04

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DISTRIBUTION: for letter to R. Marasco dated June 3, 2004

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