

June 12, 2006

Ms. Susan Shapiro
21 Perlman Drive
Spring Valley, NY 10977

Dear Ms. Shapiro:

I am responding to the question you raised at the Indian Point 2 Special Inspection Team public meeting on March 28, 2006. Specifically, you asked for a formal, written definition of "reasonable assurance" and "adequate protection" as used by the NRC in defining the level of public health and safety protection afforded to those that live near a nuclear station.

I have provided as Enclosure (1) a 2004 decision of the NRC in which the legal definitions of "reasonable assurance" and "adequate protection" were clearly spelled out. As quoted from this Director's Decision, "Under Atomic Energy Commission [AEC - the predecessor of the NRC] and NRC case law, reasonable assurance of adequate protection of public health and safety is, as a general matter, defined by the Commission's health and safety regulations themselves. That is, unless otherwise provided, there is reasonable assurance of adequate protection of public health and safety when the applicant or licensee demonstrates compliance with the Commission's regulations". The regulations were established using defense-in-depth principles and conservative practices.

The term "reasonable assurance that adequate protective measures can be taken" is most often referenced by the NRC in the course of evaluating emergency preparedness. For this reason, I have enclosed a document entitled, "Summary of Analysis of Comments of the U.S. Nuclear Regulatory Commission and the Department of Homeland Security Public Meeting Regarding Emergency Preparedness (EP) Regulations and Guidance for Commercial Nuclear Power Plants." We note that you raised questions in this matter previously and that the substance of your questions was addressed in Section 14.3 of this document. I have also enclosed an Office of Public Affairs document entitled, "Frequently Asked Questions About Emergency Preparedness and Response," for your review and reference since the document further discusses these terms.

If you have further questions in this matter, please contact me at (610) 337-5065.

Sincerely,

/RA/

Richard S. Barkley, P.E.
Technical Communications Assistant

- Enclosures:
- 1) In the Matter of First Energy Nuclear Operating Company, 59 NRC 215
 - 2) Summary of Analysis of Comments of the USNRC and DHS Public Meeting on August 31 and September 1, 2005, Regarding EP Regulations and Guidance for Commercial Nuclear Power Plants
 - 3) Frequently Asked Questions About Emergency Preparedness and Response

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* Concurred via E-mail

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