

EDO Principal Correspondence Control

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FINAL REPLY:

Sen. Hiliary Rodham Clinton

TO:

Chairman Meserve

FOR SIGNATURE OF :

** PRI **

CRC NO: 03-0035

Chairman

DESC:

ROUTING:

Request the Commission Review the Draft Report by
Witt Associates Regarding Emergency Preparedness
for the Areas of New York State Around the Indian
Point and Millstone Nuclear Power Plants

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Zimmerman, NSIR
Miller, RI

DATE: 01/24/03

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with Region I.

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File: secy-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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LOGGING DATE: 01/23/2003

ACTION OFFICE: EDO

AUTHOR: Sen. Hillary Clinton

AFFILIATION: SEN

ADDRESSEE: Richard Meserve

SUBJECT: Request the Comm review the draft report by Witt Associates regarding emergency preparedness for the areas of New York State around the Indian Point and Millstone nuclear power plants

ACTION: Signature of Chairman

DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 01/22/2003

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES: Commission Correspondence

FILE LOCATION: Adams

DATE DUE: 02/03/2003

DATE SIGNED:

EDO --G20030034

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United States Senate

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January 22, 2003

The Honorable Richard A. Meserve
Chairman
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing to request that you thoroughly review the draft report by Witt Associates (attached), which comprehensively reviews emergency preparedness for the areas of New York State around the Indian Point and Millstone nuclear power plants. Many of the recommendations in the report pertain to upgrading federal regulations, and I strongly urge the United States Nuclear Regulatory Commission (NRC) to begin making changes immediately. If there are recommendations for regulatory changes contained in the report for which the NRC does not believe it currently has the necessary authority, I would like to be made aware as soon as possible of what additional statutory authority is required.

Unfortunately, the attached, draft report finds that "the current radiological response system and capabilities are not adequate to overcome their combined weight and protect the people from an unacceptable dose of radiation in the event of a release from Indian Point." As a result, the report makes a number of recommendations, including:

- Higher, federal-level requirements for plants adjacent to high population areas that take into account that protective actions are more difficult and the consequences of failure or delay are higher in these areas;
- Terrorism annexes or components added to the emergency preparedness plans;
- Plans reflecting significant, spontaneous evacuations within and beyond the ten-mile zone; and
- Performance, outcome-based exercises that include a number of realistic accident scenarios and broader participation by the surrounding communities.

As a result of the Witt report's findings, I have decided to join Assemblyman Richard Brodsky and others in petitioning the Federal Emergency Management Agency (FEMA) pursuant to 44 CFR 350.13 to withdraw its approval of the Indian Point radiological emergency preparedness plan. I have written to FEMA and requested that the Agency respond to the petition, which was submitted last June.

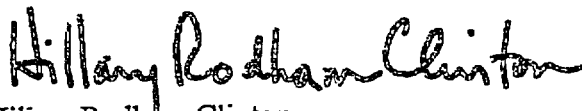
In addition, earlier this month, I joined Senator Reid in reintroducing the *Nuclear Security Act*. We will be working with our colleagues on a tri-partisan basis to ensure that legislation is passed this Congress requiring regulatory changes that ensure the safety and security of communities around nuclear power plants. I therefore strongly urge the NRC to

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begin taking actions accordingly, based on the recommendations contained in the Witt report. In addition, I request that the NRC proactively work with Entergy, the State of New York, and relevant local governments to help make improvements to emergency preparedness around Indian Point as soon as possible.

Thank you for your consideration of this most important matter. I look forward to receiving your response, particularly with respect to needs for additional statutory authority, no later than February 5, 2003.

Sincerely yours,


Hillary Rodham Clinton