

August 7, 2007

Lisa Rainwater, PhD.
9 Seaman Avenue, Apt. K
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Dear Dr. Rainwater:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your June 1, 2007, letter regarding the license renewal request for Indian Point Nuclear Generating Station (Indian Point) Unit Nos. 2 and 3. Similar or identical letters were submitted by a number of other persons, listed in the enclosure to this letter. Copies of this letter are being forwarded to those persons in response to their letters.

In your letter, you expressed concern regarding the impact on safety and environmental pollution that may be caused by the additional 20 years of operation if the NRC were to renew the Indian Point operating license. In addition, you noted your concerns about evacuation in the event of an emergency and a 2003 report prepared by James Lee Witt Associates (Witt report). The report discussed emergency preparedness (EP) in the areas around Indian Point and the Millstone Power Station (Millstone). You remarked that the report concluded that emergency evacuation plans for the areas around Indian Point are "not adequate to . . . protect people from an unacceptable dose of radiation in the event of a release from Indian Point." You further stated that "the counties surrounding Indian Point and New York State have not submitted their Annual Certification Letters since the Report was released," and that the NRC, Federal Emergency Management Agency (FEMA) and Department of Homeland Security have certified the emergency plans without providing a detailed response to the problems identified in the Witt report. You then requested that the NRC provide a detailed response to the findings in the Witt report in the relicensing process for Indian Point.

The NRC staff has accepted the Indian Point license renewal application for docketing, and is currently reviewing the application. The NRC is committed to safety and has designed the license renewal review process to assess whether a nuclear power plant can continue to operate safely during the extended period of operation. During the review, the NRC staff focuses on reactor systems and components that could affect safety during the renewal period. The NRC staff will issue a renewed license only if the facility can satisfy applicable regulations, as set forth in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants."

In addition to the safety aspects of the review, the NRC also will perform an evaluation of environmental impacts of license renewal. This review will comply with the procedures set forth in Section 102(2) of the National Environmental Policy Act (NEPA) of 1969, as amended, and NRC regulations in 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." The NRC will adhere to all applicable statutory and regulatory requirements when reviewing the Indian Point application for license renewal.

With respect to emergency preparedness, all operating nuclear power plants are required to comply with the regulations published in 10 CFR Part 50, including 10 CFR 50.47, 50.54, and 10 CFR Part 50 Appendix E. Under the regulations, the NRC is generally responsible for evaluating the adequacy of onsite emergency plans developed by the utility, while FEMA is generally responsible for assessing the adequacy of offsite (state and local) radiological emergency planning and preparedness activities. In adopting its regulations for license renewal, the Commission determined that the existing regulatory framework for emergency preparedness at operating reactors is sufficient and that the staff need not review emergency preparedness again as part of the license renewal process.

The requirements in 10 CFR 50.47, "Emergency Plans," and Appendix E to Part 50, will continue to apply during the extended period of operation for any facility that receives a renewed operating license. Through the regulatory oversight process, NRC provides for continued monitoring of the adequacy of a licensee's EP program. In addition, licensees must update the facility's EP program periodically, work with state and local governments, and conduct biennial exercises with offsite authorities, whose emergency plans and preparedness are evaluated by FEMA.

The NRC generally relies on FEMA's review of emergency plans and preparedness for areas surrounding nuclear power plants. A finding of "reasonable assurance" by FEMA indicates that adequate protective measures can and will be taken in the event of a radiological emergency. FEMA, with the assistance of the Regional Assistance Committee, a panel of experts in various aspects of emergency preparedness from a number of Federal agencies, performs reviews of these plans against the standards in 10 CFR Part 50 and guidance published by NRC and FEMA (NUREG-0654 and FEMA-REP-1-Rev. 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants"). Reviews of the emergency plans for areas surrounding Indian Point have been conducted, and the results have indicated that the emergency plans are adequate.

The primary focus of the Witt report was off-site emergency preparedness. As previously discussed, this role falls within the bounds of FEMA's responsibilities. FEMA assumed the lead role to review and comment upon the Witt report. The results of FEMA's review were included as Attachment B to the September 2002 Indian Point exercise evaluation report (February 21, 2003). FEMA continues to work with state and local governments to assure the adequacy of emergency planning and preparedness in the communities surrounding Indian Point.

I hope that I have addressed your concerns regarding this matter. Thank you for your interest in the license renewal process and emergency preparedness at Indian Point.

Sincerely,

/RA Bruce A. Boger for/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

cc: See next page

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* Concurrence via email

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Ltr to L. Rainwater dated August 7, 2007

SUBJECT: EMERGENCY PLANNING IN RELICENSING INDIAN POINT

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