

March 14, 2002

Mr. Byran Burrell
Nyack School Board President
13A Dickinson Avenue
Nyack, NY 10960

Dear Mr. Burrell:

I am responding to your letters of December 12, 2001, and January 9, 2002, to Mr. Richard Meserve, Chairman of the U.S. Nuclear Regulatory Commission (NRC), concerning the security of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point) and the adequacy of the Rockland County Emergency Plan. In your January 9th letter, you also forwarded a Resolution by the School Board for the Nyack Public Schools stating that: (1) the current evacuation plan for Indian Point is unworkable in its current form and (2) Indian Point is not currently secure from the threat of terrorism. Therefore, the Board requested the shutdown of Indian Point unless or until these concerns were eliminated. The School Board also stated that it advocates the timely dismantling and safe disposition of all spent nuclear fuel currently stored at the site. I regret the delay in replying to your letters. The NRC did not receive your December 12 letter until February 19, 2002, and your January 9 letter until February 7, 2002, because our mail was detained due to increased precautions in handling mail sent to the Federal Government.

We, also, understand and recognize that many of our fellow citizens are concerned that a U.S. nuclear facility could be a target of future terrorist action. In view of the recent unprecedented events, Chairman Meserve, with the full support of the Commission, has directed the staff to undertake a top-to-bottom review of our security regulations and procedures, including the basic assumptions of our current programs. This review involves U.S. national security organizations, and is part of a broader review being undertaken by the Federal Government. As you may be aware, the State of New York's Office of Public Security (OPS) worked with various Federal and State agencies, including the Federal Bureau of Investigation, to assess the long-term security needs at Indian Point. As a result, OPS prepared a report that provided several recommendations to enhance security. Many of the measures suggested by OPS have been implemented by the licensee and others are currently under advisement.

As you are aware, the NRC recently issued Orders to all commercial nuclear power plants to implement interim compensatory security measures for the high-level threat environment. Some of the requirements formalize a series of security measures that NRC licensees had taken in response to advisories issued by the NRC, and others are security enhancements which have emerged from the Commission's ongoing top-to-bottom security review. The Commission decided to issue Orders because the generalized high-level threat environment has persisted longer than expected and, as a result, it is appropriate to maintain the security measures within the established regulatory framework. The details of specific additional security requirements are sensitive and will not be provided to the public, but they include such things as additional personnel access controls; enhanced requirements for guard forces; increased stand-off distances for searches of vehicles approaching nuclear facilities; and heightened coordination with appropriate local, State, and Federal authorities.

Although we cannot rule out the possibility of future terrorist activity directed at one of our licensee sites before implementing any potential enhancements to our safeguards programs, we believe that these facilities can continue to operate safely. Nuclear power plants are inherently robust. Their design is based on defense-in-depth principles, and includes many features to protect public health and safety. For example, reinforced containment buildings and redundant safety systems would aid trained operators in preventing or limiting the release of radioactive material in the unlikely event of a terrorist attack. Therefore, in light of the facility's defense-in-depth, the heightened security measures implemented in response to the events of September 11th, and the NRC's ongoing reevaluation of its safeguards regulations and programs, we do not consider the immediate closure of Indian Point to be necessary to provide adequate protection for the public's health and safety.

In late January 2002, the State of New York issued its annual letter of certification to the Federal Emergency Management Agency (FEMA). By this letter, the State informs FEMA that specific preparedness activities have been completed including training and the updating of State and local plans. However, further update of the State and local plans is still ongoing. The NRC and FEMA are the two Federal agencies responsible for evaluating emergency preparedness at and around nuclear power plants. The NRC is responsible for assessing the adequacy of onsite emergency plans developed by the facility licensee, while FEMA is responsible for assessing the adequacy of offsite emergency planning. The NRC relies on FEMA's findings in determining that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. We understand that you sent a letter to FEMA on December 12, 2001, regarding the plans and that FEMA has provided a reply.

Regarding the disposition of spent nuclear fuel currently on site, the NRC shares your concern about the safeguards and physical security of spent fuel. We believe that spent fuel can be safely stored at the Indian Point reactor site until it can be shipped to a centralized interim spent fuel storage facility or a permanent disposal facility. The current spent fuel storage pool designs were reviewed and approved by the NRC during initial licensing, and the construction and small size assist with physical security.

Thank you for your continued interest in these concerns of importance to the Nation and nuclear power plant security. If you should have any further questions, please feel free to contact me at 301-415-1353 or Patrick Milano at 301-415-1457.

Sincerely,

/RA/

Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Sincerely,
/RA/

Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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ACCESSION NO: ML020630601
*See previous concurrence

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NAME	PMilano	SLittle	DSkay	JMunday	RHall forJMonninger
DATE	03/13/02	03/13/02	02/28/02	03/07/02	02/28/02
OFFICE	IRSB/SC*	ERCT*	R-I/DRP*	PDI/D	
NAME	KGibson	RRosano	BHolian by fax	EAdensam	
DATE	03/13/02	02/28/02	03/05/02	03/13 /02	

DISTRIBUTION: for letter to B. Burrell dated March 14, 2002

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