

March 26, 2002

Mr. Mike Eckhaus
9 Barron Circle
Chappaqua, NY 10514

Dear Mr. Eckhaus:

I am responding to your letter of January 12, 2002, to U.S. Nuclear Regulatory Commission (NRC) Chairman Richard A. Meserve. In your letter you expressed concern about the emergency preparedness plans for the area surrounding the Indian Point Nuclear Generating Unit Nos. 2 and 3. You also expressed concern over the vulnerability of the spent fuel pools.

In regard to your concerns about the adequacy of the emergency plan for the area surrounding the Indian Point plants, the State of New York, in late January 2002, issued its annual letter of certification to the Federal Emergency Management Agency (FEMA). By this letter, the State informed FEMA that specific emergency preparedness activities had been completed including training and updating of State and local plans; however the updating of State and local plans is an ongoing activity. FEMA is currently evaluating the concern you expressed about the willingness of bus drivers to complete their assigned responsibilities. We will inform you of the results of this evaluation.

In regard to your concerns about the safeguards and physical security of spent fuel, let me assure you that the NRC shares these concerns. Following the attacks of September 11, 2001, the Chairman directed the staff to reevaluate the NRC's safeguards and physical security programs. This thorough reevaluation involves all aspects of the Agency's safeguards and physical security programs and will consider what physical or procedural modifications are warranted as a result of the attack. When the reevaluation is complete, the Commission will be in a position to determine whether NRC regulations and requirements need to be revised or updated. In the interim, the NRC staff has determined that spent fuel can be safely stored at the Indian Point reactor site until it can be shipped to an interim spent fuel storage facility or a permanent disposal facility. Although the spent fuel storage buildings at Indian Point are not as protected as the containment structures, the spent fuel pools themselves are robust and relatively small structures. The pools provide a sufficient margin of protection for the contents. The spent fuel is stored in racks resting on the floor of the pools and is covered with water. The pools are designed to prevent a rapid loss of water with the structure intact. Although the NRC cannot totally rule out the possibility of a release of radioactive materials from an attack, the robust design and small size of the pools minimize the likelihood that such an attack would result in an offsite release of radioactive material.

As part of its reevaluation of physical security requirements, the NRC staff will consider whether or not modifications to the spent fuel pool structures and enclosures are warranted and whether or not additional safeguards measures should be established. The Commission has stated that it will devote its highest priority to the staff's recommendations and will ensure that appropriate security measures are taken. In the meantime, the Commission has issued orders to all

M. Eckhaus

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nuclear power plants requiring certain interim compensatory measures that will serve to augment security. The Commission will keep the public informed of its actions in this area.

I trust that this letter addresses your concerns. Thank you for writing to us about this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

/RA/

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

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