

March 29, 2002

Ms. Carly Hess
21 Frog Rock Road
Armonk, NY 10504

Dear Ms. Hess:

I am responding to your letter of January 15, 2002, to U.S. Nuclear Regulatory Commission (NRC) Chairman Richard A. Meserve. In your letter you expressed concern about the economic consequences of closing the Indian Point Nuclear Generating Units (Indian Point) and about the environmental consequences of alternative power sources. You also raised the issues of plant security and the safety of spent fuel storage at the Indian Point site.

The NRC grants licenses to operate commercial nuclear power plants in the U.S. The NRC also has the authority to suspend such licenses, thereby forcing a licensed facility to cease operations. We appreciate your concern about the possible economic effects of closing the Indian Point plants; however, the NRC makes its decisions on the granting and suspension of operating licenses based on how such decisions impact the public health and safety and the common defense and security. The primary mission of the NRC is to ensure public health and safety; we do not consider local economic factors in our decisions regarding the issuance or suspension of operating licenses. While the NRC does consider the effects of nuclear facilities on the environment, we evaluate such effects from the perspective of determining the impact of the nuclear facility itself on the environment. If you have concerns regarding the potential environmental effects of plants that would supply replacement power in the event of a closure of the Indian Point units, you may wish to contact the New York State Public Utilities Commission or the New York State Department of the Environment.

In your letter you make references to plant security and the storage of spent fuel at the Indian Point site. I would like to inform you about recent actions that the NRC has taken regarding plant security and the onsite storage of spent fuel. 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 NRC'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 continued operation of the Indian Point units poses no undue risk to public health and safety and 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. As you note in your letter, there are various design features that enhance the safety of the spent fuel pools. 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.

When the NRC staff completes its reevaluation of the physical security requirements, the Commission will be able to judge 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 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 important area.

I trust that this letter addresses your concerns. Thank you for writing to us about this important matter. If you need further assistance, you may contact the Indian Point Project Manager, 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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