

March 29, 2002

Ms. Linda Peterson
Town Clerk
Town of New Castle
Chappaqua, NY 10514

Dear Ms. Peterson:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter dated January 23, 2002, forwarding three resolutions by the Town Board of the Town of New Castle regarding the Indian Point Nuclear Generating Units Nos. 2 and 3 (Indian Point). In the resolutions, the Town Board requested that: (1) the NRC order the closure of Indian Point Nuclear Station pending the preparation and completion of an evacuation plan which is adequate and sufficient to meet the needs of the Town of New Castle, (2) the New York State Public Service Commission (NYS PSC) and all other relevant parties immediately begin a detailed feasibility study on converting Indian Point Nuclear Station from nuclear to natural gas or other non-nuclear fuel, and (3) that the NRC take all necessary steps to secure the existing spent irradiated fuel at Indian Point Nuclear Station.

Regarding evacuation planning for Indian Point, NRC regulations require that comprehensive emergency plans be prepared and periodically exercised to assure that actions can and will be taken to notify and protect citizens in the vicinity of a nuclear facility. 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 utility, while FEMA is responsible for assessing the adequacy of offsite (State and local) 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. In late January 2002, the State of New York issued its annual letter of certification to 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. In the resolutions, the Town Board specifically expressed concerns that the evacuation plan does not (1) set forth sufficient explanation or detail in connection with the transportation of students from West Orchard Elementary to areas outside of the 10 mile Emergency Planning Zone (EPZ) and (2) address or call for response procedures for areas or facilities in the Town of New Castle which are outside of the 10 mile EPZ. By copy of this letter, the Board's concerns have been forwarded to FEMA for consideration.

Regarding the Board's resolution that the NYS PSC and all other relevant parties immediately begin a detailed feasibility study on converting Indian Point from nuclear to natural gas or other non-nuclear fuel, the NRC does not have jurisdiction over this matter. Conversion would be an economic decision made by the licensee with review by the NYS PSC. However, when a licensee informs the NRC that it will permanently cease operation of its facility, it must submit certain documentation to the NRC in accordance with 10 CFR 50.82, "Termination of license."

We 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 NYS 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 Station. As a result, OPS prepared a report that provided several recommendations to enhance security. Many of the measures suggested in the report have been implemented by the licensee and others are currently under advisement.

In addition, 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 nuclear sites we believe that these facilities including the spent fuel pool facilities can continue to operate safely. Nuclear power plants have inherent capability to protect public health and safety through such features as robust containment buildings, redundant safety systems, and highly trained operators. They are among the most hardened structures in the country and are designed to withstand extreme events, such as tornadoes and earthquakes. As described above, special security precautions have been taken to preclude the likely hood of a terrorist attack that could compromise the integrity of the spent fuel stored at these facilities. Therefore, given the heighten plant security measures in place, the inherent redundancy build into these facilities, and the highly trained reactor operators who are capable of responding to all sort of design basis events, we do not believe suspending operation at Indian Point.

Regarding the disposition of spent nuclear fuel currently on site, the NRC shares the Board's 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. The licensee has also indicated that an engineering evaluation is underway regarding the installation of a dry-cask storage system at Indian Point.

L. Peterson

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I appreciate your concerns and hope that you find this information useful. 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

I appreciate your concerns and hope that you find this information useful. 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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