April 25, 2002

Mrs. Elizabeth Conklin
108 Warren Knolls
Haverstraw, NY 10927

Dear Mrs. Conklin:

I am responding to your letter to the U.S. Nuclear Regulatory Commission (NRC) forwarding your endorsement of a request that the NRC shut down the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and 3). As your basis for this request, you indicate that the facility (1) is in close proximity to a population of 20 million people and that evacuation is not possible for everyone, (2) is a prime terrorist target and was not constructed to withstand a terrorist attack, (3) has an age of 30 years, and (4) was not built to today's standards when constructed.

On the basis of the concerns raised in your letter, the NRC staff found that the issues were similar to those stated in the petition from the Riverkeeper, Inc., et. al., dated November 8, 2001, filed with the NRC pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The petition is being reviewed by members of the NRC's Office of Nuclear Reactor Regulation. We will take action on the petition within a reasonable time and will periodically inform Riverkeeper, Inc., of the status of our review.

We understand that many of our fellow citizens are concerned that a U.S. nuclear facility could be a target of future terrorist attacks. In view of the recent unprecedented events, Chairman Meserve, with the full support of the Commission, has directed the staff to undertake a thorough review of our security regulations and procedures, including the basic assumptions of our current programs. This review involves coordination with U.S. national security organizations. The NRC recently issued Orders to all operating 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 already taken in response to advisories issued by the NRC, and others are security enhancements which have emerged from the Commission's ongoing security review. When the NRC staff completes its reevaluation of the physical security requirements, the Commission will be able to determine 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.

Although we cannot rule out the possibility of future terrorist activity directed at one of our licensees' sites, 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. Reinforced containment buildings and redundant safety systems would assist trained operators in preventing or limiting the release of radioactive material in the unlikely event of a terrorist attack. In light of the facility's defense-in-depth design, 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 IP2 and 3 to be necessary to provide adequate protection for the public's health and safety.

In your letter you state your concern about the age of the IP units. Plant aging is a subject of concern to the NRC staff as well, and is one to which we have devoted considerable resources. All commercial nuclear power plants in the U.S. are required to perform tests on and conduct inspections of various safety systems. They are also required to inspect and periodically leak-test the containment building itself. The inspections, tests, and preventive maintenance conducted at U.S. nuclear plants are required, in part, to ensure that structures and systems important to safety will, if called upon, do their jobs as designed. The licenses granted to IP2 and 3 expire 40 years after their dates of issuance. The NRC staff does not believe that the 30 year age of the plants poses any undue risk to the health and safety of the public.

You state in your letter that the IP units were not built to today's design standards. This is true; however, commercial nuclear power plants in the U.S. have always been built to high standards. Improved technology and operating experience constantly provide us with information that was not available when currently operating nuclear plants were designed. I would like to assure you that the NRC staff has procedures to ensure that such information is provided to nuclear plant licensees so that they can act on it. The NRC staff normally issues Information Notices, Generic Letters, or Bulletins to alert licensees to evolving issues. Information Notices simply provide licensees with information about issues that may be of interest to them. Generic Letters and Bulletins often require licensees to take specific actions; the implementation of Generic Letters and Bulletins is tracked and documented by the NRC staff. If an issue is considered important enough, the Director, Office of Nuclear Reactor Regulation, can issue an Order to a licensee directing that a certain action be taken; such was the case earlier this year when Orders on interim security measures were issued. The NRC staff believes, therefore, that it has adequate procedures in place to ensure that information not available during the design of currently operating plants is acted upon when appropriate.

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

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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