

July 18, 2002

Mr. Brian M. O'Hare
700 West End Avenue - 12A
New York, NY 10025

Dear Mr. O'Hare:

I am responding to your letter of June 6, 2002, to the Chairman of the U.S. Nuclear Regulatory Commission (NRC) in which you raised concerns about the security of the Indian Point Energy Center (IPEC). In your letter, you asked the NRC to adopt a resolution declaring no-confidence in the IPEC evacuation plan and calling for the plants to be shut down pending an independent review of the plants' safety. As a basis for your request, you state that (1) the NRC did not take into account the new kind of terrorist threat in its original licensing of IPEC, (2) the evacuation plans are limited to a 10-mile radius rather than a 50-mile radius, (3) there aren't enough school buses for evacuation and many bus drivers would not fulfill their responsibilities, (4) area hospitals are not prepared, and (5) traffic problems would make roads impassible. You also request that the NRC call for the immediate transfer of spent fuel from the current wet pool system to a more secure storage system.

On November 8, 2001, Riverkeeper, Inc., et al. (Riverkeeper), filed a petition with the NRC pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The concerns that you raise, including the safe storage of spent fuel, are included in this petition.

In accordance with the enclosed Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the NRC has reviewed and evaluated the issues raised by Riverkeeper. On May 15, 2002, the NRC sent Riverkeeper the results of its evaluation in a proposed Decision by the NRC's Director of Nuclear Reactor Regulation (Director's Decision) and requested Riverkeeper to provide comments on the proposed Director's Decision. The NRC made a similar request to Entergy Nuclear Operations, Inc., the licensee for IPEC. The NRC has extended the period for providing comments until August 10, 2002. A copy of the proposed Decision is enclosed for your information. Because of your request to adopt the actions in the petition, the NRC staff is adding you to the list of petitioners on the Riverkeeper's petition. If the NRC staff's action is not amenable to you, please inform me.

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 unprecedented events of September 11, 2001, the NRC staff has undertaken a comprehensive 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. In addition, on February 25, 2002, the NRC 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 taken in response to advisories issued by the NRC, and others are security enhancements which have emerged from the Commission's ongoing security review.

B. O'Hare

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

Sincerely,

/RA/

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

Enclosures: 1. Management Directive 8.11
2. Proposed Director's Decision

B. O'Hare

- 2 -

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

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
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