

February 10, 2004

Mr. David R. Martin, President  
26<sup>th</sup> Board of Representatives  
City of Stamford  
P.O. Box 10152  
Stamford, CT 06904

Dear Mr. Martin:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter dated December 31, 2003, to Dr. William D. Travers, Executive Director for Operations, forwarding a resolution from the 26<sup>th</sup> Board of Representatives regarding the Indian Point Energy Center (Indian Point). In its resolution, the Board expressed concern that a terrorist attack or accident would affect a large number of people within 50 miles of Indian Point. The resolution also stated that the City of Stamford Board called for (1) the restoration of a no-fly zone over Indian Point, and (2) the suspension of power operation at Indian Point until the fuel in the spent fuel pools is moved to dry-cask storage.

The NRC's primary mission is to ensure adequate protection of public health and safety. In this regard, the NRC closely monitors nuclear power plants to ensure that they are maintained and operated in accordance with NRC regulations. In particular, NRC regulations set high standards for effective security programs at nuclear power plants and other sensitive nuclear facilities. The NRC has required significant protection of licensed facilities against sabotage or attack since the agency's inception. Security has been an important part of the NRC's regulatory activities, with defense-in-depth as the guiding design and operating principle. NRC regulations ensure that nuclear power plants are among the most hardened and secure industrial facilities in our nation. The many layers of protection offered by robust plant design features, sophisticated surveillance equipment, physical security protective features, professional security forces, access authorization requirements, and emergency planning provide an effective deterrence against potential safety or security problems related to terrorist activities that could target equipment vital to nuclear safety.

Immediately after the terrorist attacks on September 11, 2001, the NRC began a comprehensive review of the threat environment, as well as a review of our requirements for physical protection and security. We have coordinated our efforts with Federal, State and local authorities, and other intelligence and law enforcement agencies.

Although there have been no credible threats against the nation's nuclear power plants, the NRC has taken a number of steps to further improve the already high level of security, including more training for security guards and requiring additional guards at the plants. The effectiveness of these security program improvements has been verified by the NRC. In addition, the NRC conducted a force-on-force exercise at Indian Point designed to identify deficiencies in licensee security programs and to train personnel in the response to an assault. Force-on-force exercises will be conducted at all nuclear power plants on a triennial basis. The results from the Indian Point exercise show that the licensee has a strong defensive strategy

and capability that continues to give the NRC reasonable assurance that the facility can be adequately protected against terrorist attacks.

The NRC considers Indian Point to be operated safely and the current security posture to be strong. On the basis of the actions taken to date by the utility and the NRC's oversight, the NRC has concluded that the operation of the Indian Point facility does not need to be suspended. The NRC continues to actively monitor the situation at Indian Point, and all of our nations's nuclear power plants, and is prepared to take measures to ensure the continued safety of those nuclear facilities.

The NRC has been in regular communication with other Federal agencies, including the Federal Aviation Administration (FAA), the Transportation Security Administration (TSA), the Department of Defense (DOD), and the Department of Homeland Security (DHS), concerning the protection of air space over sensitive sites. Shortly after September 11, 2001, representatives of the FAA and DOD determined that a Notice To Airman (NOTAM), issued by the FAA, was the appropriate vehicle to control the air space above nuclear power plants. For approximately 1 week during November 2002, there was a no-fly zone enforced for areas around nuclear power reactors. This action has not been considered appropriate or necessary since that time. In March 2003, the NOTAM, which is still in effect, was updated and advises pilots to avoid airspace around nuclear power plants. Violators can be expected to be interviewed by law enforcement personnel which could result in the pilot's name being added to the TSA incident reporting system. Should additional restrictions be warranted as a result of a change in the environment or more specific threats, appropriate actions will be taken.

Regarding the disposition of spent nuclear fuel currently on site, the NRC recognizes your 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. The construction of the spent fuel pools is robust, and the pools are protected by the licensee's security program.

In a letter dated December 29, 2003, Entergy Nuclear Operations, Inc. notified the NRC of its intent to store spent nuclear fuel in dry casks on the Indian Point site in an Independent Spent Fuel Storage Installation, commencing July 2005. Entergy intends to use the General License granted under 10 CFR Part 72, Subpart K. The NRC will periodically inspect the design, fabrication, and use of the dry cask storage system to ensure that the radiation safety requirements, licensing and other NRC requirements are met. Additional information on dry spent fuel storage can be found on the NRC website at <http://www.nrc.gov/waste/spent-fuel-storage.html>.

D. R. Martin

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Thank you for your interest in these issues of importance to nuclear power plant safety and security. I hope you find the information in this letter useful.

Sincerely,

***/RA by RLaufer for/***

Cornelius F. Holden, Jr., Director  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

D. R. Martin

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Sincerely,

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