

March 26, 2004

The Honorable James Anzaldi  
Mayor of the City of Clifton  
900 Clifton Avenue  
Clifton, NJ 07013

Dear Mayor Anzaldi:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to the letter from your City Clerk dated February 6, 2004, to Chairman Nils Diaz, forwarding a resolution from you and the Municipal Council regarding the Indian Point Energy Center (Indian Point). In the resolution, you and the members of the Council expressed concerns about the possible effects of a terrorist attack or accident on the New York metropolitan area, as well as storage of spent fuel on the site. In your resolution, you and the Council called for answers to these questions regarding the safety of Indian Point and the tightening of regulations on spent fuel storage. You also asked for the closure of Indian Point if assurances could not be provided that Indian Point poses no threat to your community.

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. The NRC has issued orders to licensees requiring enhancements designed to raise the level of security at nuclear power reactors by upgrading security in the areas of physical protection, access authorization, security force training and qualification, and security force work hours. Many of these enhancements had already been put in place voluntarily by licensees; however, the orders provided the means to make them legally binding and to ensure consistent implementation.

Although there have been no specific 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 July 2003, 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 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 (ISFSI) under the general license provisions of 10 CFR Part 72. The dry cask storage design that Entergy plans to use at Indian Point has been reviewed and approved by the NRC. NRC approves spent fuel cask designs through a rulemaking process. The rulemaking process includes an opportunity for public review and comment. NRC's approval of a cask design is provided in a Certificate of Compliance. Entergy, as a general licensee, will be required to perform evaluations to ensure that the use of the specific dry cask storage system is bounded by the Part 72 Certificate of Compliance and the existing Part 50 license requirements for Indian Point. Entergy's evaluations will be subject to NRC inspection. Furthermore, NRC will perform inspections during construction, pre-operational testing, and operational activities to ensure that all safety requirements are met.

We understand that residents and local elected officials have questions and concerns regarding the planned ISFSI at Indian Point. During our Annual Assessment meeting with Entergy on April 27, 2004, we plan to discuss, at some level, the NRC's licensing and oversight of dry cask storage systems and ISFSIs. Subsequent to the April 27, 2004 meeting we plan to hold an additional public meeting in the vicinity of Indian Point to discuss the NRC's role in the Part 72 general licensing process, dry cask storage system technical reviews, and inspection of ISFSI activities. The intent of this meeting is to inform the public about the NRC's oversight, including a discussion of the technical requirements for dry cask storage, and the nature of site specific assessments to be completed by Entergy to demonstrate the dry cask storage system meets all requirements. We will also provide general information regarding actions taken and in progress to ensure the security of spent fuel storage and will respond to other questions and concerns that may be raised. In addition, we understand that Entergy plans to conduct an "open house" in mid-April 2004 to share the specific plans for construction and operation of the ISFSI. These meetings will provide the opportunity for citizens in the vicinity of the Indian Point site to learn more about the NRC's oversight of ISFSIs and Entergy's specific ISFSI construction and operating plans.

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 nation's nuclear power plants, and is prepared to take measures to ensure the continued safety of those nuclear facilities.

Additional information on spent fuel storage can be found on the NRC website at <http://www.nrc.gov/waste/spent-fuel-storage.html>. I hope this information has addressed your questions about Indian Point.

Sincerely,

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Brian E. Holian, Deputy Director  
Division of Reactor Projects

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